

# What Makes an Argument Strong? Contrastivism in the New Rhetoric

## Qu'est-ce qui fait la force d'un argument ? Le contrastivisme dans la nouvelle hétéorique

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### Résumé de l'article

Il est largement admis que la théorie de l'argumentation de Perelman et Olbrechts-Tyteca est vulnérable à l'accusation de relativisme. Cet article propose une interprétation plus charitable des vues normatives de Perelman et Olbrechts-Tyteca, une interprétation qui considère correctement la trajectoire historique de leur travail et un éventail de textes plus large que les interprétations existantes. On fait valoir que leurs opinions sont mieux caractérisées comme une forme de « contrastivisme sur les arguments » que comme n'importe quelle sorte de relativisme. Cette représentation plus précise contribue aux efforts en cours visant à raviver l'intérêt pour le travail de Perelman et Olbrechts-Tyteca ainsi qu'à établir des ponts avec les tendances de la théorie contemporaine de l'argumentation.

# What Makes an Argument Strong? Contrastivism in the New Rhetoric

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**Abstract:** It is widely believed that Perelman and Olbrechts-Tyteca's theory of argumentation is vulnerable to the charge of relativism. This paper provides a more charitable interpretation of Perelman and Olbrechts-Tyteca's normative views, one that properly considers the historical trajectory of their work and a wider range of texts than existing interpretations. It is argued that their views are better characterized as a form of "contrastivism about arguments" than any kind of relativism. This more accurate depiction contributes to ongoing efforts to revive interest in Perelman and Olbrechts-Tyteca's work as well as build bridges with trends in contemporary argumentation theory.

**Résumé:** Il est largement admis que la théorie de l'argumentation de Perelman et Olbrechts-Tyteca est vulnérable à l'accusation de relativisme. Cet article propose une interprétation plus charitable des vues normatives de Perelman et Olbrechts-Tyteca, une interprétation qui considère correctement la trajectoire historique de leur travail et un éventail de textes plus large que les interprétations existantes. On fait valoir que leurs opinions sont mieux caractérisées comme une forme de « contrastivisme sur les arguments » que comme n'importe quelle sorte de relativisme. Cette représentation plus précise contribue aux efforts en cours visant à raviver l'intérêt pour le travail de Perelman et Olbrechts-Tyteca ainsi qu'à établir des ponts avec les tendances de la théorie contemporaine de l'argumentation.

**Keywords:** rhetoric, audience, reasonable, pluralism, relativism

## 1. Introduction

It is widely believed by argumentation theorists and philosophers of argument that Chaïm Perelman and Lucie Olbrechts-Tyteca's theory of argumentation is vulnerable to the charge of argumentative

relativism.<sup>1</sup> Most often, this criticism is motivated by a discomfort with the importance they place on the *audience* in argumentation. By focusing on the audience, so this ancient philosophical worry goes, the objectivity of rational discourse is supplanted by the subjective preferences of the crowd.<sup>2</sup> While understandable, this fear of audiences has had an unfortunate consequence when it comes to the “new rhetoric project” in particular: this preoccupation has meant that less attention has been paid to those places, in *The New Rhetoric* and their other writings, where Perelman and Olbrechts-Tyteca actually do go into detail about what makes arguments stronger or weaker.

To draw due attention to these discussions, this paper provides a more charitable interpretation of Perelman and Olbrechts-Tyteca’s normative views, one that properly considers the historical trajectory of their work and a wider range of texts than existing interpretations.<sup>3</sup> As we will argue, their views are better characterized as a form of *contrastivism about arguments* than any kind of simple audience-based relativism. Our hope is that this more accurate depiction of their views will contribute to ongoing efforts to revive interest in Perelman and Olbrechts-Tyteca’s work,<sup>4</sup> as well as build

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<sup>1</sup> The most forceful expression of this criticism is that of Frans van Eemeren and Rob Grootendorst (1995, p. 124). For an overview of the critical reception of the “new rhetoric” in contemporary argumentation theory, see van Eemeren et al. (2014, pp. 289–293). Even among those sympathetic to Perelman’s views, it can be difficult to pin down exactly what his criteria for strong arguments are (e.g., Goltzberg 2013, pp. 88–93). Divergent strategies to address Perelman’s apparent relativism can be found in Wintgens (1993), Aikin (2008), Tindale (2015), and Scott (forthcoming) among others.

<sup>2</sup> This philosophical worry about rhetoric—and Perelman and Olbrechts-Tyteca’s new rhetoric in particular—is explored in more detail in Scott, *The Rhetoricity of Philosophy: Audience in Perelman and Ricoeur after the Badiou-Cassin Debate* (forthcoming).

<sup>3</sup> Among Perelman’s many critics in the philosophy of argument, the most charitable is undoubtedly J. Anthony Blair. Despite drawing only from a small sample of Perelman’s writings, Blair concludes that rereading Perelman “continues to turn up insights and evidence of remarkable prescience” (Blair 2012, p. 308). As we will see, this paper extends and deepens some of Blair’s insights through a more sustained reading of Perelman and Olbrechts-Tyteca’s texts.

<sup>4</sup> Recent notable examples include Tindale (2015), Angenot et al. (2016), Guerrini (2020), and Bolduc and Frank (2023).

bridges with trends in contemporary argumentation theory that have more in common with rhetorical theorizing than previously thought.

To set the stage for a close reading of the texts we will consider, we begin with a discussion of Perelman's "philosophical pluralism," which informs and motivates the theory of argumentation found in *The New Rhetoric* [hereafter *Treatise*]. Drawing support from several key texts, we consider the origins of this pluralism, specifically the influence of Belgian philosopher and sociologist Eugène Dupréel. We then turn to Perelman's key notion of the "reasonable," which we unpack by showing how a social sense of what is reasonable emerges from what he calls the "rule of justice" and the "principle of inertia." In a final step, we show that beyond the important but limited status of being reasonable Perelman and Olbrechts-Tyteca endorse a form of argumentative contrastivism in accounting for what makes an argument strong.

## **2. Perelman's philosophical pluralism**

From his earliest writings, it is clear that Perelman is motivated by a profound commitment to pluralism. In his 1933 article "On the Arbitrary in Knowledge," for example, written when he was only twenty-one, we already find Perelman arguing for the importance of "tolerance between groups" (Perelman 2023a, p. 62).<sup>5</sup> Although there were many good political reasons for this to be emphasized in 1930s Europe, Perelman's plea for pluralistic tolerance is here defended on strictly philosophical grounds, in the context of a philosophical examination of knowledge. Indeed, in this text tolerance is, for Perelman, "the most immediate practical consequence" of recognizing the *necessary role of the arbitrary* in the process of acquiring knowledge (Perelman 2023a, p. 62). In this context, the "arbitrary" refers to the set of contingent, historically transmitted meanings, values, and notions used by a particular social group. If all knowledge depends upon the mediating role of these arbitrary elements, there can be no absolute frame of reference that would encompass all truth claims. From this it follows that philosophers

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<sup>5</sup> In their introduction to this text, Bolduc and Frank trace the origins and influences of Perelman's pluralism (among other topics) back to his largely neglected pre-war writings (Bolduc and Frank 2023, pp. 19-33).

cannot do away entirely with the sphere of the arbitrary: it is not an obstacle to knowledge but a necessary gateway to it. On this view, there is no contradiction between the pursuit of knowledge and the recognition that knowledge may take various forms in relation to the “arbitrary” of a given social group. For Perelman, the tolerance of value differences is therefore a necessary philosophical virtue. As Bolduc and Frank argue, this aspiration for tolerance—as political as it is philosophical—is the “polar star of the [new rhetoric project] and of the [*Treatise*]” (Bolduc and Frank 2023, p. 33).

It is not until his later writings, however, well after his and Olbrechts-Tyteca’s “discovery” of rhetoric and the publication of the *Treatise*, that Perelman would begin to write more explicitly about the philosophical pluralism underlying his work. An exemplary text in this regard is his 1977 essay “The Philosophy of Pluralism and the New Rhetoric.” This essay opens by introducing the contrasting notions of “pluralism” and “monism,” both of which Perelman regards as “confused.” Rather than a term of abuse, a “confused notion” for Perelman is a term whose meaning and scope fluctuate in relation to different contexts of use (Perelman 1979d, p. 62).<sup>6</sup> Beginning with monism, Perelman briefly discusses four kinds—axiological, ontological, methodological, and sociological—which will later be understood as expressions of the same philosophical impulse. (1) Axiological monism, Perelman explains, is the view that conflicts of value can be reconciled by reducing the conflict to a single value, often the value of perfection, usefulness, or truth. (2) Similarly, the related position of ontological monism regards conflicting claims to reality as mere aspects or appearances of a more basic, unitary reality. (3) Methodological monism is the view that there is but one method to follow in pursuit of truth. (4) Sociological monism, finally, understands the individual’s relation to society as something like the individual’s relation to God (Perelman 1979d, p. 62).

Although this essay was written some forty years after “On the Arbitrary in Knowledge,” a clear line of continuity can be detected. Perelman remains fundamentally opposed to monism because it

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<sup>6</sup> For Perelman’s most developed treatment of confused notions, see Perelman (1980, pp. 95-106; 2012c, pp. 803-818).

attempts to bypass the *de facto* pluralism of modern societies rather than face the challenge of working through it. In this regard, Perelman draws inspiration from the work of his *maître*, Belgian philosopher and sociologist Eugène Dupréel (1879-1967), whose “sociological pluralism” forms the basis of Perelman’s discussion in this essay.<sup>7</sup> As Perelman explains, Dupréel’s general sociology is based on the idea of the “social relationship” [*rapport social*], which he defines in *Sociologie générale* (1948) as existing “between two individuals when the existence or activity of the one influences the acts or the psychological condition of the other” (Dupréel 1948, p. 64; Perelman 1979d, p. 64). In this way, Dupréel avoids giving primacy to either the individual or the group: since social relationships are always minimally dyadic, social phenomena can never be reduced to the individuals that constitute them. Similarly, because social relationships require the existence of some measurable influence between individuals, social phenomena cannot simply be attributed to a faceless and indeterminate group or supra-individual *Geist*.

Social relationships for Dupréel are essentially forms of interaction that vary in kind and duration and can be characterized as either “positive” or “negative.” As Perelman explains, social relationships are said to be “positive” when based on cooperation, consent, or agreement and “negative” when based on opposition, conflict, or competition (Perelman 1979d, p. 64). Moreover, social relationships can interpenetrate one another when they include a common term. When this is the case, social relationships are said to be “complementary” and serve as the basis for what Dupréel calls a “social group.” A social group is a collection of individuals who are united together and distinguished from other individuals through positive and complementary social relationships (Dupréel 1948, p. 20; Perelman 1979d, p. 64). Examples of social groups include families, nations, religions, sports teams, and professions (Perelman 1979d, p. 64).

In terms of Dupréel’s general sociology, then, Perelman’s insistence on the notion of pluralism is a consequence of the sociological

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<sup>7</sup> For a discussion of Dupréel’s influence on Perelman’s position in this essay, see Guerrini (2020, pp. 85-88).

fact that individuals are simultaneously part of many groups, some of which are complementary and some of which are in conflict. As a member of each group, at any given time individuals are beholden to a specific set of values, arranged in a more or less determinate hierarchy. In the course of modern social life, however, these distinct sets of values increasingly come into conflict.<sup>8</sup> According to Perelman, the greater frequency of such value conflicts in increasingly diverse societies is the origin of universalist ideals and values such as autonomy and freedom which presuppose, to some extent, that individuals no longer wholly identify with one of the groups of which they are a member (Perelman 1979d, p. 65).

For Perelman, Dupréel's general sociological framework helps to explain the rise of the modern state. Perelman describes the emergence of the "politically and legally structured state" as a "remarkable institution" which, after centuries of disorder and violence, serves to arbitrate the conflicts that inevitably arise between individuals and groups (Perelman 1979d, p. 66). From this perspective, an ideal state would be one that fulfils this function without identifying itself with any particular interest. Yet, throughout the 20<sup>th</sup> century it was precisely this task that many states failed to fulfil. The "totalitarian" state is thus a state that overidentifies with the interests and aspirations of a particular social group. Philosophically speaking, a totalitarian state is, for Perelman, a relapse into monism—a monism of power (Perelman 1979d, pp. 65-66). A pluralist state, by contrast, would be one in which there was a genuine respect for the differences of individuals and groups. Rather than identify with any group in particular, the function of the pluralist state would

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<sup>8</sup> Perelman provides the example of a "conscientious objector": "The typical case is that of an individual who is part of both a national group and a religious group which no longer blend in developed societies. What should he do if the national group drafts him in the army while the religious group forbids him to kill and even sometimes to carry arms? Faced with incompatible orders, the individual is forced to make a choice. If he behaves as a good citizen, he will violate his religious sect's prescriptions and vice-versa. It is with such conflict that a conscientious objector is faced. Rather than conforming to the requirements of one or other of the groups in which he participates, he is often led to take a position toward them. He will have to make comparisons, to make judgments on the rules of the groups from the vantage point of a value which transcends the conventions of one group or the other" (Perelman 1979d, p. 65).

be to moderate the excesses of particular interests by recognizing the existence of incompatible value sets among social groups, thus striving for reasonable compromises through permanent dialogue (Perelman 1979d, p. 67).

It is for this reason that Perelman places such a premium on the importance of law. In a democratic society, Perelman argues, it is “up to the lawmakers, to the courts and to the jurisprudence to establish and maintain a balance, always delicate between legitimate claims” (Perelman 1979d, p. 67). In Perelman’s later writings, law serves as something of a model for philosophy. Where the imitation of the methods of the mathematician led to a philosophical revolution in logic, Perelman believed that the imitation of the lawyer would lead to an analogous revolution in argumentation.<sup>9</sup> Argumentation is thus for Perelman the form of reason most appropriate to the resolution of conflicting values in pursuit of solutions that should aspire to be *reasonable*.

Perelman thus sought a philosophical vision capable of responding to the demands of the *de facto* pluralism of modern societies. Because the monist attempts to reduce the plurality of opposing views to one particular value, typically that of truth, they are incapable of giving due credence to opposing positions. Does this mean, however, that the pluralist must do away with truth and reason altogether?

Rather than commit to any kind of relativism, Perelman insists that a novel conception of truth and reason can be wrested from the hands of the monist. For the pluralist, Perelman argues that truth should no longer be conflated with self-evidence, as it is only from within a particular ideological vision that a given thesis can appear as self-evidently true. Instead, the name “truth” should be reserved only for theses that have survived extensive criticism from various perspectives and, for the time being, appear strongest in relation to competing theses.

As for the notion of reason, pluralism no longer wants to confuse this notion with an eternal and unchanging faculty shared by all, unaffected by other faculties and by history. Rather, Perelman

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<sup>9</sup> “The thesis which I have defended for thirty years is that law plays a role in regard to argumentation analogous to that of mathematics in regard to formal logic” (Perelman 1989, p. 250).



argues, the pluralist should instead understand reason as an ideal of universality peculiar to Western philosophy. Once this is recognized, reason can be recast as a philosophical construction, as an ideal audience that constrains the philosopher to only select premises they believe are likely to be accepted by everyone. This rhetorical conception of reason is of course what Perelman calls the “universal audience.” The universal audience is the audience to which every philosopher addresses themselves “*even in the absence of an objectivity which imposes itself on everyone*” (Perelman 1989, p. 244). Thus construed, it follows that reason—if it is to be *reasonable* and not merely rational—must prove its universality in the crucible of dialogue and criticism.

On this diagnosis, the monist for Perelman simply jumps the gun; they proceed from the consent of one to the consent of all, disqualifying those who do not recognize the same theses as self-evident. The pluralist philosopher, by contrast, is satisfied with presenting a view which they find reasonable and is likely to win the agreement of a universal audience. However imperfect in practice, built into this pluralistic vision is the necessity of keeping an open dialogue with broad participation. Moreover, it also refrains from granting any individual or group the privileged authority to set up any single or fundamental criterion for what is valid or appropriate—a privilege, Perelman warns, that can only lead to excess and totalitarianism.<sup>10</sup>

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<sup>10</sup> Philosophical pluralism, Perelman explains, “demands a search for moderate, and thus well-balanced solutions to all conflicts, which it considers nevertheless as unavoidable and recurring. Under the sign of reasonableness, pluralism does not claim to provide the perfect, unique and final solution, but simply human solutions – acceptable but capable of being changed and improved – to the ever-recurring problems created by the coexistence of men and groups, who prefer a fair compromise to the coercion imposed in the name of a unique value, irrespective of how important or even pre-eminent that value may be” (Perelman 1979d, p. 71).

### 3. The reasonable

The notion of the “reasonable” is central to Perelman’s later thought.<sup>11</sup> In his 1979 essay “The Rational and the Reasonable,” Perelman draws attention to the difference between the two adjectives, demonstrating his affinity with the methods of ordinary language philosophy.<sup>12</sup> While both deriving from the same root (*ratio*), he notes that the two terms cannot be used interchangeably and thus preserve an important semantic nuance.<sup>13</sup> Whereas one can speak of a “rational deduction,” for example, one would not speak of a “reasonable deduction.” Similarly, while it is unproblematic to speak of a “reasonable compromise,” it would be odd to speak of a “rational compromise.” According to Perelman, the use of the term “rational” typically corresponds to the ideal of mathematical reason, which, conforming to strict principles, permits the mind to move from precise meaning to precise meaning in a necessary and self-evident way. “Reasonable,” by contrast, is typically used in relation to matters of action, that is, to situations where values come into conflict, where a course of action must be chosen, and where the outcome of that choice holds consequences for others.

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<sup>11</sup> Although often read back into his earlier work, in a 1982 letter to Marcel Côté, Perelman explains that he had only begun to develop reasonableness as a distinct notion from around 1977 (Perelman 1982b). Perelman’s letters and correspondences can be accessed online via the PALLAS database, “Archives Perelman,” of the Université libre de Bruxelles: <https://perelman.ulb.be/>.

<sup>12</sup> This essay was first presented at a symposium entitled “Rationality To-day” organized by the Department of Philosophy at the University of Ottawa in the fall of 1977 (Geraets 1979). The symposium was dedicated to contemporary understandings of “rationality” and featured interventions from fifteen speakers, including Hans-Georg Gadamer, Carl Hempel, Jürgen Habermas, Paul Ricoeur, and Karl-Otto Apel, among others. It is noteworthy that the symposium consisted of an all-male lineup and no one from outside of Europe or North America.

<sup>13</sup> In response to a question by Kai Nielsen about whether this distinction might only be an accidental feature of English, Perelman helpfully clarifies his interest in language: “I am not a linguist, nor a grammarian, and I’m not interested in language as such. For me language is only a tool to give you insights. In every discipline, especially in the philosophical ones, we adapt language to all needs... For me, meanings are not sacrosanct, because language is not sacrosanct: language is a tool, I use it as suggestive, and I begin by that and see how we could use it and adapt it to all philosophical, legal and other needs. That’s all” (Geraets 1979, p. 222).

In broad strokes, then, the terms rational and reasonable map onto Perelman and Olbrechts-Tyteca's well-known distinction between demonstration and argumentation. Reasonableness therefore draws from a distinctive semantic network. It is related to notions such as choice, decision, criticism, and justification. As Perelman explains in "Reflections on Practical Reason" (1970), arguments are typically used in two kinds of contexts, contexts of criticism and contexts of justification, which are essentially two sides of the same coin. When criticized, we argue to justify our conduct to others (an audience). When the conduct of others seems to violate our normative expectations, we offer criticisms that are intended to bring to light an incompatibility of values. Justification, therefore, presupposes the criticism *of* an audience while criticism is a demand for justification *from* an audience. Thus, unlike demonstration, which strives to be "rational" in the strict sense, argumentation—whether used in a critical or justificatory way—strives to earn the adherence of an audience by offering reasons that support the reasonableness of the conclusion.

Yet, how exactly does Perelman understand this rather vague term? And how exactly can it be applied to particular cases? Although Perelman and Olbrechts-Tyteca tend to think that theories of argument should remain neutral on normative questions, their theory does not at all neglect the normative dimension of argumentative experience. The notion of the reasonable is a case in point. For Perelman, the reasonable is first and foremost a "social concept" and, in argumentation, serves as a constraint that is neither strictly necessary nor completely arbitrary.<sup>14</sup> In argumentation, interlocutors are never merely articulating their own private point of view; they are also always (even if tacitly) expressing the *reasonable opinion* of their social milieu. The reasonable is thus a social concept because any change in the opinions of the interlocutors may

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<sup>14</sup> In response to a second question by Kai Nielsen about the possible relativism lurking in his notion of the reasonable, Perelman responds by saying: "what is reasonable is, in more or less broad lines, accepted by common opinion in a given society. This is a social concept. It's not a subjective concept. You cannot just say to yourself: I find that unreasonable, the others don't find it unreasonable. There's something in this concept that doesn't permit you to use it in a completely arbitrary way" (Geraets 1979, p. 222).

“bring about an extension or modification of the field of the reasonable” (Perelman 1963, p. 167/2012b, p. 55).

There are two related ideas in Perelman and Olbrechts-Tyteca’s work that can help us further clarify this notion of the reasonable: (1) the rule of justice and (2) the principle of inertia.

(1) *The rule of justice*

At first glance, the “rule of justice” appears to be the only thing Perelman proposes that resembles an evaluative criterion.<sup>15</sup> When reading the *Treatise*, however, one must tread carefully to avoid misinterpreting the meaning and scope of this notion. In §97, where the strength of arguments is discussed, the rule of justice is presented as a “hypothesis” to explain the observation that in argumentative situations “a practical distinction is made between strong arguments and weak ones” (Perelman and Olbrechts-Tyteca 1969, p. 464/2008, p. 616). In other words, Perelman and Olbrechts-Tyteca are hypothesizing that the rule of justice is the technique by which persons *in situ* actually go about appraising or evaluating the relative strengths and weaknesses of arguments. When viewed in context, Perelman and Olbrechts-Tyteca are not so much prescribing the rule of justice to us here, but rather identifying it as a technique already at work in the way that we engage with one another in argument.

This interpretation is further supported by the way Perelman and Olbrechts-Tyteca discuss the rule of justice earlier on. In §52 of the *Treatise*, it is first introduced as but one argumentative technique among others under the category of “quasi-logical arguments.”<sup>16</sup> Here, the rule of justice is defined as “giving identical treatment to beings or situations of the same kind” (Perelman and Olbrechts-Tyteca 1969, p. 218/2008, p. 294). As an argumentative technique, the

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<sup>15</sup> As Blair rightly appreciates, “Perelman holds the surprising view that arguments are to be assessed by using the Rule of Justice” (Blair 2012, p. 301).

<sup>16</sup> For Perelman and Olbrechts-Tyteca, quasi-logical arguments are those that most closely resemble demonstrative reasoning. These argumentative techniques thus presuppose a relatively high degree of adherence to get off the ground. Unlike argumentation, demonstrative methods of reasoning presuppose full adherence to the axioms and rules of a given logical system. Argumentation enjoys no such guarantee.

rule of justice can be understood as a kind of appeal to consistency: since we did X in situation Y, we ought to do X again, given that situation Z is essentially similar to situation Y. Yet, as Perelman and Olbrechts-Tyteca point out, the shortcoming of this and other quasi-logical techniques is that they assume a sufficient degree of common adherence between parties. In this case, the rule of justice requires prior agreement about *when* it is the case that situations are essentially similar: “The rule, which is purely formal, requires, for its application, a foundation in the concrete, anchored to opinions and agreements which are rarely beyond argument” (Perelman and Olbrechts-Tyteca 1969, p. 220/2008, p. 297). Here the rule of justice is simply discussed as one argumentative technique among others and is given no special status.

By the time we get to §97, then, the rule of justice is no longer being discussed at the analytical level of particular argumentative techniques, but at a higher, more synthetic level. Here, the rule of justice is now understood to mean: “that which was capable of convincing in a specific situation will appear to be convincing in a similar or analogous situation” (Perelman and Olbrechts-Tyteca 1969, p. 464/2008, p. 616). When used in this sense, the rule of justice becomes a technique by which persons argue for or against (that is, assess or evaluate) the quality of an extended process of argumentation based on what has proved persuasive or convincing in the past. The rule of justice thus becomes an argument about an argument—or, in Perelman and Olbrechts-Tyteca’s terms, not an argument occurring *in* the discourse, but an argument *about* the discourse (Perelman and Olbrechts-Tyteca 1969, p. 460/2008, p. 610).<sup>17</sup> Here, the rule of justice is not so much a prescription about how arguments ought to be evaluated but an observation about the

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<sup>17</sup> In spite of this language, we would argue that argument criticism or evaluation should not be conceived as a separate kind of activity but as a re-opening of and a new contribution to the same argumentative situation. To evaluate an argument is thus to insert oneself into the situation from which it emerged. The view that argument evaluation should be modelled on the detached spectator or argument analyst rather than the engaged participant is a hangover from the demonstrative paradigm, where a clear separation can be made between a logical language and its metalanguage.

techniques by which the “practical distinction” between strong and weak arguments is expressed.

(2) *The principle of inertia*

Perelman and Olbrechts-Tyteca provide a rationale for this observation about the rule of justice in §52 of the *Treatise*. “The reasonableness of this rule and the validity that it is recognized as having,” they explain, “derive from the *principle of inertia*, from which originates in particular the importance that is given to precedent” (Perelman and Olbrechts-Tyteca 1969, pp. 218-219, our emphasis/2008, p. 294). The “principle of inertia” aims to capture what is “precedential” in experience, that is, the way in which what is normal, habitual, or customary comes to take on a certain value over and against what is not. As Perelman puts it in “Reflections on Practical Reason” (1970):

If we hold an opinion, it is reasonable to hold to it and it is not reasonable to give it up without a reason. This principle of inertia is the basis of the stability of our spiritual and social life and explains the constant recourse to precedent when we act. To say that we follow precedent is the same as saying that we adopt an attitude that needs no justification because it only applies the rule of justice which treats essentially similar situations in the same way (Perelman 1979c, p. 131/2012c, p. 421).

This principle thus seeks to capture a certain stability in argumentative experience and provides the experiential basis for what audiences consider reasonable. This idea is further developed in Perelman and Olbrechts-Tyteca’s 1958 essay “On Temporality as a Characteristic of Argumentation,” where they expand on the essentially temporal character of argumentation. Here, Perelman and Olbrechts-Tyteca describe how previously successful arguments sediment over time, becoming “types of precedents whose value has been recognized because of their success”; they become “examples and models that we can consider reliable” (Perelman 2023b, p. 192/Perelman 2012b, p. 387). It is thus with reference to the relative stability provided by this inertia that Perelman and Olbrechts-Tyteca explain “the application of the rule of justice to things that

succeed one another in time” and how we attempt to treat “new situations and those that we have already encountered in the same manner” (Perelman 2023b, p. 192, trans. modified/Perelman 2012b, p. 387).

What Perelman and Olbrechts-Tyteca are describing here is the social constitution of the reasonable. This becomes more evident in *The Realm of Rhetoric* (1977) where, discussing the same relationship between the rule of justice and the principle of inertia, Perelman explains that “Customs are born in this way and give a normative value to a habitual course of action” (Perelman 1982a, p. 66/2012a, p. 93). Moreover, in this later reiteration, the term “reasonable” now appears alongside the discussion of argument strength: “In evaluating [arguments] it is normal to call upon the rule of formal justice which considers as just and *reasonable* the treatment of essentially similar situations in the same manner” (Perelman 1982a, p. 140, our emphasis/2012a, p. 175). In this context, it is clear that the reasonable is understood as a constraining force that provides a sense of the space in which arguers can safely move without violating the normative expectations of their audience. When this threshold is crossed, arguers become vulnerable to criticism, in which case they become obliged, lest they appear unreasonable, to justify their deviation from what is normal, habitual, or customary.

For Perelman, the reasonable thus works something like the bouncer at a bar. It does not have the power to bestow an argument with any special status but only to let it in or turn it away. It is merely an argument’s ticket of entry for serious consideration—even if there is an inevitable degree of arbitrariness (in Perelman’s sense) to what is reasonable at any given time. For evidence of this, consider the following passages, one from “Authority, Ideology, and Violence” (1968) and the second from “The Use and Abuse of Confused Notions” (1978):

when we are concerned with action, knowing what is just or unjust, good or bad, what to encourage or forbid, are there objectively controllable criteria? Can we speak of objective truth when we are concerned with decisions, choices and preferable conduct?... Personally, I think there is a role for practical reason but that it is *purely*

*negative*: it allows us to discard unreasonable solutions (Perelman 1979b, p. 142, our emphasis/2012c, p. 405).

even if one does not always agree on the manner in which to act in a given situation, for several solutions can be equally reasonable, there normally exists, in a human community at any given moment, general agreement about what would be *unreasonable* and, in consequence, unacceptable or intolerable (Perelman 1980, pp. 103-104/2012c, p. 815).

Perelman's emphasis here is clearly on the *negative*. To say that an argument is reasonable is not to say anything positive about it other than that it is *not unreasonable*. Owing to the principle of inertia and social precedent established by repeated application of the rule of justice, we are typically in a better position to dismiss arguments and proposals as unreasonable than to positively identify which is best.

This emphasis on the negative is indicative of the way that Perelman and Olbrechts-Tyteca understand the task of theory in relation to the operative argumentative norms of a given society. Rather than first asking the abstract and ideal question of what all reasonable arguments should look like, they suggest that theorists return to their only reliable guide—argumentative experience. When arguments draw criticism from an audience, this means that the normative expectations of that audience, and the social milieu that they embody, have been transgressed in some way or to some degree. The fact that an argument appears unreasonable to a certain audience is always the expression of something *social*.<sup>18</sup> This means that if the notion of the (un)reasonable is to be given any substantive content, careful study of social conflict and controversy will be

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<sup>18</sup> This is why in the *Treatise*, Perelman and Olbrechts-Tyteca insist upon the close relationship of argumentation to the social sciences, specifically psychology and sociology: "Every social circle or milieu is distinguishable in terms of its dominant opinions and unquestioned beliefs, of the premises that it takes for granted without hesitation: these views form an integral part of its culture, and an orator wishing to persuade a particular audience must of necessity adapt himself to it. Thus the particular culture of a given audience shows so strongly through the speeches addressed to it that we feel we can rely on them to a considerable extent for our knowledge of the character of past civilizations" (Perelman and Olbrechts-Tyteca 1969, p. 21/ 2008, p. 27).



required. For it is only when arguments encounter resistance, criticism, and in extreme cases, violence, that the operative norms of a social group come to the surface.<sup>19</sup>

#### 4. What makes an argument strong?

If the reasonable is only a threshold that qualifies an argument for consideration, the question remains as to how we are to decide *in situ* which course of action or which proposal is the *most* reasonable, that is, the one we actually ought to choose. What do Perelman and Olbrechts-Tyteca offer us in terms of making judgments about the strengths and weaknesses of equally reasonable arguments? Without something more, it would seem that they might be guilty of relativism after all.

We have already seen that for Perelman and Olbrechts-Tyteca, the rule of justice is a formal notion and therefore cannot tell us *in advance* whether a particular argument will appear as strong or weak. Whether this is the case will ultimately depend on a number of empirical factors related to the audience.<sup>20</sup> Yet, when directly asked by Brice Parain about relativism and his criteria of strong arguments, notice that Perelman does not point to these empirical factors, throw up his hands, and say “it all depends on audience.” Instead, he appeals to the rule of justice.

In effect...a strong argument is not a correct or valid argument whose constraining force would impose itself on everyone. If one could formulate it as a deductive rule, we would reduce argumentation to demonstration [...]. To determine the strength of an argument, I believe that it is necessary to refer to the rule of justice: a

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<sup>19</sup> It is beyond the scope of this paper to address the important question of how these norms are to be identified and interpreted.

<sup>20</sup> The most exhaustive list of these factors can be found in *The Realm of Rhetoric*. They include (1) the audience’s adherence to the argument’s premises, (2) the pertinence or relevance of the premises, (3) the closeness or distance the audience may have with the argument’s conclusion, (4) opposing objections that the audience might have to the argument, and (5) the manner in which the premises might be refuted. Yet, in relation to each of these factors, the strength of an argument remains a “function of the audience, of its convictions, of its traditions, and of the methods of reasoning appropriate to them” (Perelman 1982a, p. 140/ 2012a, p. 175).

strong argument, *in a given domain*, is an argument which can prevail over its precedents (Perelman 2012c, p. 144, our trans., our emphasis).

Perelman's qualification is instructive. Beyond the rule of justice, he draws attention to the importance of a given argument's "domain." Since the rule of justice involves applying the same treatment to essentially similar cases, the problem rests entirely on what makes things "essentially similar." For Perelman, beyond the formalism of the rule of justice, it is the domain that supplies the content. As he explains in "Opinion and Truth" (1959):

The various cultures and the various disciplines determine what this treatment is and work out the categories which, in such or such a field, give precise meaning to the vague notion of 'essentially similar'. What matters and what does not, the differences that are irrelevant and those that are decisive – none of this is settled haphazard or by some intuition, but is defined in conformity with the existing requirements and criteria in each vocation and in each scientific discipline. The rule of justice furnishes the common, and purely formal, factor in rational activity. But the content to which the rule is applied, the manner of making specific what it leaves indeterminate – these are an affair of human opinions, opinions which bear the stamp of their holder's personality and, through it, of all his past, all his education and all the tradition which he continues and, in case of need, improves and renews (Perelman 1963, p. 132, trans. modified/2012b, pp. 370-371).

In this important passage, Perelman clarifies that the content to which the rule of justice is applied comes from *audiences themselves*; the content is comprised of the opinions that we hold in virtue of the various social groups, traditions, and disciplines to which we belong and out of which our individual identities are formed. "Opinion" here should thus not be understood pejoratively as something epistemically deficient, but the total set of adherences—the facts, presumptions, values, value hierarchies, and topics—that have been historically curated by a particular social group, to use Dupréel's terminology, or within a particular vocation, domain, or discipline as Perelman puts it here. Understood in this way, the criteria for determining whether something is "essentially similar" to

something else are to be found among the opinions of those who make up the domain in question. Opinions are thus not only the particular views of individuals or social groups; they are also social precedents, that is, the “existing requirements and criteria” expected by them.

This view brings Perelman very close to the position of Stephen Toulmin in *The Uses of Argument*.<sup>21</sup> Similarly, Toulmin argues against the view that there are universal rational standards by which to evaluate arguments, observing that there are both “field-dependent” and “field-independent” aspects to arguments.<sup>22</sup> Thus, for Toulmin, the arguments found in Euclid’s *Elements* would be said to belong to one field, while the those used in a courtroom would belong to another.

At first glance, Toulmin’s notion of “field” might appear quite similar to what Perelman calls a “domain.” There is, however, at least one important difference. For Perelman, Toulmin’s recognition that standards of argument evaluation are to a considerable degree field-dependent does not go far enough; it does not explain *who* makes up these fields. What exactly are these fields and how are they constituted? Do these fields not change over time and who decides when an argument belongs to one field rather than another? From Perelman’s rhetorical perspective, Toulmin’s position stops short of recognizing the essential role played by the audience. The notion of an argument field is too abstract, a stand-in for what are, in fact, different audiences. It is audiences and the individuals who comprise them that populate, inherit, and transform the various domains, disciplines, and social groups that enforce a certain standard of reasonableness and furnish more specific criteria for determining the strength of arguments. For Perelman, in short, the idea of a free-floating argument field results from an incomplete description.

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<sup>21</sup> Blair also recognizes that there are similarities between Perelman and Toulmin on this point (2012, pp. 302-303).

<sup>22</sup> “Two arguments will be said to belong to the same field when the data and conclusions in each of the two arguments are, respectively, of the same logical type: they will be said to come from different fields when the backing or the conclusions in each of the two arguments are not of the same logical type” (Toulmin [1958] 2003, p. 14).

When we dig a little deeper, we discover that what lies beneath a field are the standards and expectations of an audience.

Is there anything more that Perelman can offer us in relation to the actual evaluation of arguments? Beyond reasonableness, the rule of justice, and the domain specific criteria supplied by an audience, there is perhaps one further clue—although it is something that, regrettably, Perelman and Olbrechts-Tyteca do not develop in great detail. This clue begins from the idea in §97 of the *Treatise* that “the strength of an argument shows itself *as much by the difficulty there is in refuting it* as by its inherent qualities” (Perelman and Olbrechts-Tyteca 1969, p. 461, our emphasis/2008, p. 611). Rooted in Perelman’s pluralism, the idea here is that arguments cannot be said to be strong or weak in isolation, that is, by their “inherent qualities” alone. Beyond these qualities, arguments must also prove their strength by “resisting objections” (Perelman and Olbrechts-Tyteca 1969, p. 461/2008, p. 611).

But what does it mean to say that strong arguments are those that best “resist objections”? In our view, what Perelman and Olbrechts-Tyteca are saying here is that what makes an argument strong is its capacity for resisting objections *better than* competing arguments. This means that arguments can only be strong (or weak) *in relation to* other arguments, that is, *in contrast to* other arguments on the same question. As Perelman and Olbrechts-Tyteca are concerned with theorizing arguments as they actually occur in definite places and times, calling an argument strong requires looking beyond the argument itself and taking the broader argumentative situation into consideration.<sup>23</sup> Far from an empty appeal to “context,” this means that one must look to any and all audiences who have supplied, or could supply, objections or competing arguments. Whether actual or potential, objections and opposing arguments form the evaluative horizon of any single argument. Phenomenologically, this is why arguments always appear as “more or less strong, more or less relevant, more or less convincing” (Perelman 1979d, p. 69).

Although the term would not be coined for several decades, these passages suggest that Perelman and Olbrechts-Tyteca’s position on

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<sup>23</sup> The richest account of the “total argumentative situation” is that of Tindale. For him, the six elements that comprise this situation are: (1) the audience, (2) the arguer, (3) the argument, (4) time, (5) place, and (6) mode (Tindale 2021, p. 21).

argument strength is a form of what some philosophers call “contrastivism”<sup>24</sup> (or sometimes “comparativism”).<sup>25</sup> As Scott Aikin neatly summarizes it: “Contrastivism about reasons is the view that all reasons do the work they do indexed to a *contrast class*, so reasons function not just as reasons *for something*, but rather as reasons *for something as opposed to something else*” (Aikin 2021, p. 838). When it comes to evaluating arguments, contrastivism maintains that the strength of an argument can only be determined in relation to the “contrast class” of competing arguments.<sup>26</sup> In other words, before an argument can be declared the strongest, *all* the relevant alternatives must first be excluded.<sup>27</sup>

While many contrastivist philosophers and theorists would reject any association with rhetoric, it is hard not to see the striking similarities with Perelman and Olbrechts-Tyteca.<sup>28</sup> Consider one of the most interesting and theoretically promising developments of a contrastivist position in contemporary argumentation theory: Marcin Lewiński and Mark Aakhus’s “polylogical” framework for studying argumentation in complex communicative contexts (Lewiński and Aakhus 2023). In their view, argumentation theory has long been

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<sup>24</sup> On the use of this term, see Walter Sinnott-Armstrong (2008, pp. 257-270); Martijn Blaauw (2013); Justin Snedegar (2017).

<sup>25</sup> On the use of this term, see Ruth Chang (2016). It is worth noting that Harold Zyskind already uses the term “comparative” to describe Perelman’s position on justification in his 1979 introduction to *The New Rhetoric and the Humanities* (Perelman 1979a, p. xvi).

<sup>26</sup> Perelman and Olbrechts-Tyteca account for both synchronic and diachronic dimensions of the contrast class: synchronically, the contrast class includes relevant objections or competing arguments within a given domain. Synchronically, it includes existing argumentative precedent established through the repeated use of the rule of justice in combination with the principle of inertia.

<sup>27</sup> The difficulty here is of course determining *when* all of the relevant alternatives have been considered and *who* has the authority to say so. Here, Perelman emphasizes the importance of institutions in making these determinations (Perelman 1982a, p. 139/ 2012a, p. 174).

<sup>28</sup> Those familiar with the history of rhetoric might want to go further here, detecting beneath contrastivism traces of the ancient sophistic principle of *dissoi logoi* so prized by Dupréel and Perelman. For Aristotle, too, the very purpose of rhetoric is to come to decisions about things that admit of more than one possibility, thus requiring arguments from competing points of view to be heard (Aristotle 2007, p. 41, 1357a). This point is put particularly well by M. F. Burnyeat in his discussion of “Zeno’s challenge” (1966, pp. 88-91).

hostage to a “dyadic reduction,” the assumption that “a complete variety of a communicative events can be properly understood and assessed from the point of view of a one-on-one model of dialogue and its derivatives” (Lewiński and Aakhus 2023, p. 33). What this reduction covers over, they contend, is the *polylogical* nature of argumentation, whose complexity is irreducible to any simple dyad.<sup>29</sup> Once the dyadic view has been overcome, and argumentation is correctly understood as the polylogue that it is, argument evaluation can only be carried out contrastively. As Lewiński and Aakhus put it, “The normative exercise of argumentation amounts to exhaustively testing the merits of various cases in search for the best, that is least refutable, of them” (Lewiński and Aakhus 2023, p. 172).

Yet, do we not find here exactly the same two features as those we found in Perelman and Olbrechts-Tyteca? In both cases, (1) arguments cannot be evaluated in terms of their internal qualities alone. Argument strength is a *contrastive relation* between competing arguments. And, in both cases, (2) the relative merits of competing arguments are in some sense determined *negatively*. The best proposal is really only the one that is “least refutable” or best able to “resist objections.” Rather than take anything away from Lewiński and Aakhus’s important contribution, this striking convergence lends further support to their view, finding an unlikely but powerful ally in two of the most important pioneers in the field. And, on the side of the new rhetoricians, our findings thus reconfirm J. Anthony Blair’s observation, back in 2008, that Perelman’s views continue to “stand up remarkably well” (Blair 2012, p. 301).

## 5. Conclusion

By taking a longer view on Perelman and Olbrechts-Tyteca’s work and considering a wider range of their texts than existing

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<sup>29</sup> Here some might object that rhetoric is itself often guilty of committing the dyadic reduction. Let us take the two examples given above in note 28. While it is true that the sophistic principle of δισσοὶ λόγοι (*dissoi logoi*) is often translated as “double arguments,” (e.g., Waterfield 2000), it could be equally well translated as “contrasting arguments.” Similarly, not all translators of Aristotle render “ἀμφοτέρως” (*amphoteros*) as “two possibilities” like Kennedy. Reeve (2018), for example, translates it as “alternative possibilities” and Bartlett (2019) opts for “being more than one way”.

interpretations, we have argued that a more charitable interpretation of their normative views would render their position as a form of argumentative contrastivism rather than any form of relativism. While some may still contend that their account remains overly general, there are at least two reasons why this criticism is not entirely fair. First, it is important to recall that argumentation was by no means an established field of research when Perelman and Olbrechts-Tyteca were writing *The New Rhetoric* in the 1950s. Indeed, a great deal of Perelman's output after its publication in 1958 is clearly exhortative: rather than getting mired in the details, his primary concern was to help *establish* argumentation as a field of its own and invite his audiences to join him and Olbrechts-Tyteca in tilling its fertile soil. Second, given the nascent state of the field, Perelman and Olbrechts-Tyteca also wanted to avoid imposing a fixed set of argumentative norms on all times and places. On their view, argumentation norms—whether virtuous or vicious—are constituted by communities of arguers through the practice of arguing.<sup>30</sup> Determining which argumentative norms are operative within any given social group and which ought to be *normative* is not the task of the argumentation theorist alone. It is a collaborative effort among various disciplines and, importantly, social actors themselves. Perelman and Olbrechts-Tyteca's hesitancy to be overly prescriptive is thus not so much an oversight as it is a consequence of their appreciation that, in the final analysis, the criteria of argument strength are to be found in audiences themselves—the diverse, overlapping, conflicting, and ultimately nebulous collections of social groups that together constitute what we call, in abstraction, “society.” For Perelman and Olbrechts-Tyteca, then, the first question of the argumentation theorist in pursuit of the normative is not *which criteria* would or should convince all audiences, but *which audiences* find an argument compelling and why. For it is only after an exhaustive comparison of the views of all relevant audiences that an argument can be said to be stronger than another.

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<sup>30</sup>A more detailed account of how public norms are crafted through argumentation is provided by Villadsen (2020). For an overview of the literature on rhetorical approaches to argumentative norms, see Zenker et al. (2023).

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