
Part I

Rhetoric in Its Place and Time

Part One of *A Companion to Rhetoric and Rhetorical Criticism* introduces readers to the history of some of the most important rhetorical problems, strategies, and contexts for understanding rhetorical deliberation. Dilip Gaonkar's general introduction formulates Plato's famous critique in the *Gorgias* of demagogic oratory as aimed at pleasure, showing how Plato's Socrates attacks this oratory because it cannot teach necessary knowledge. Gaonkar argues that Aristotle's *Rhetoric*, the first treatment of rhetoric as practical reasoning, responds to the Platonic critique by identifying rhetoric as a distinct type of knowledge focused on the realm of the contingent. This distinct knowledge, variously called prudence or deliberative wisdom, uses probable not necessary arguments to inform decisions about human actions.

David Cohen's essay explores the tensions between the exercise of reason and emotion in the deliberative speeches of radically democratic Athenian assemblies. It shows how Aristotle's *Rhetoric*, the "first comprehensive treatise on oratory in the Western tradition," articulates this tension between the wise lawgiver and the popular assembly, where anger, hatred, and personal interest dominate, and where the people's judgment becomes clouded by pleasure and pain. Cohen traces this tension through Homer, who juxtaposes the reasoned and persuasive speech of Nestor with the deceptive speech of Odysseus, and Thucydides' *Peloponnesian War*, the latter inquiring into the conflicting ways political communities settle policy, some by arguing in terms of what is advantageous in the face of the emerging conflict with Sparta, others by appealing to emotion, moral character, and abiding values. Cohen's essay demonstrates that rhetoric and democracy were linked in classical Athens and traces the conflicting rhetorical strategies employed in the assemblies and between Athens and polities like Mytilene.

The essays that follow argue that deliberative rhetoric became central to the political, educational, and poetic activities of historically specific periods, using formulations of such rhetorical concepts as ethos, pathos, topics, style, conversation, and decorum to illuminate the social practice of using rhetorical strategies to influence attitudes,

beliefs, and actions. Brian Krostenko demonstrates that late Roman republican political culture organized itself around a set of core values typically represented as simple transparent inheritances from a partly idealized past. Yet these values could not simply be invoked. Roman rhetorical practice depended upon the aesthetic judgments of a small political elite, and orators needed to elaborate and shape these values through details of style by practicing decorum. Cicero, the best source concerning late republican Roman rhetoric, argues that particular styles become “appropriate to a topic in view of some objective.” He understands topics, ethos, and style to be dynamic and interpenetrating, and he solves problems of formulating his topic in the *First Catilinarian* by recourse to style (as Eden and Morson do in Part Two). Thus, style cannot be regarded as merely ancillary to argument. Krostenko shows in detail how the choice of style, and its elaboration by the management of tone and the use of figures of speech and other rhetorical techniques and tactics, allows Cicero to overcome the rhetorical and political difficulties he faced in the *First Catilinarian*.

Next comes a provocative essay by Marjorie Boyle, who shows how Erasmus used rhetorical, philological, and hermeneutic tools of his time to rethink the opening of the Gospel of John 1:1, “In the beginning was the Word.” Not so fast, Boyle suggests; Erasmus undertook a sustained persuasive argument about the translation of the Greek *logos* (word, reason) as Latin *sermo* (speech, conversation), in that way opening up a line of inquiry about God, religion, and theology as fresh and challenging at the present time as it was in the time of the great Renaissance humanists.

After showing how Christian humanist writers debated biblical and theological problems, Arthur F. Kinney accounts for the Renaissance discovery of rhetoric as the basis of poetics, beginning with Petrarch’s unearthing of Cicero’s *Pro Archia poeta* in Liege in 1333. Kinney shows how ancient texts became living presences and models to be imitated by Renaissance writers. These writers found moral philosophy and rhetoric to be inseparable, not only because both are concerned with the practical realm of human affairs, as Victoria Kahn later states the matter, but also because (in Cicero’s view) language raises man above the animals and enables him to create a consensus and community. In the Quattrocento authors wrote in such a manner as to teach readers to exercise judgment and discrimination in reading. Kinney shows how Renaissance literary and rhetorical texts were written to educate readers by providing examples of human action.

Wayne A. Rebhorn, taking a quite different tack, analyzes George Puttenham’s seemingly modern sensibility, displayed in criticisms of carnivalesque rituals and the popular poetry of the Middle Ages, only to show the extent to which Puttenham’s treatment of *elocutio* displays carnivalesque qualities of its own. Like Bialostosky in Part Four, Rebhorn draws on Bakhtin’s notion of the grotesque body of carnival, which emerged from the depths of folk culture and fructified the high culture of the Renaissance in the works of Boccaccio, Rabelais, Cervantes, and Shakespeare. Bakhtin sets in opposition the grotesque body of carnival to the classical body associated with high culture. Rebhorn uses this distinction to show how Puttenham, though he teaches his readers how to avoid deformities and disproportions, is also deeply

invested in carnival. In this way Puttenham's *The Arte of English Poetry* differs from one of its most important subtexts, Joannes Susenbrotus' handbook of rhetorical figures, *Epitome troporum ac schematum (An Epitome of Tropes and Schemes)*. In contrast to the latter, the *Arte* "degrades the high . . . and embraces the carnivalesque figure of the rogue and the clown."

In the early modern, modern, and contemporary periods, rhetoric came to provide an alternative to and sometimes a crucial dimension of philosophy for investigating and making cogent arguments about particular matters. Victoria Kahn demonstrates that Hugo Grotius in the seventeenth century "draws not only on Roman law (the usual view), but also on Roman rhetoric to articulate a theory of social relations that is deeply informed by a rhetorical worldview." More specifically, older conceptions of natural rights that were believed to derive from God or nature were transformed by Ciceronian views of the natural sociability of man as a primary motive for the founding of communities, and of language as a condition of and opportunity for speech acts enacting the consensus of the governed (for example in the taking of oaths). In turn, Grotius' minimalist account of natural rights afforded considerable position "to what we might call the social and linguistic mechanisms of obligation, including verbal and written promises, oaths, contracts, vows, treaties, professions of political allegiance and obedience."

In his examination of George Campbell's *Philosophy of Rhetoric*, Joel Weinsheimer performs a similar rhetorical revisionism, demonstrating that Campbell's reliance in the eighteenth century on Hume's empiricist philosophy is belied by the room Campbell allows himself for the non-rule-governed nature of language. Arguing "with Campbell against Campbell," Weinsheimer's nuanced hermeneutic approach argues:

If the art of rhetoric cannot be understood in a technological way, in terms of rules and their application, a philosophy of rhetoric devoted to first-level knowledge stands [empiricist] epistemology on its head by refusing to reduce rhetorical practice to theory. It refuses to admit the primacy of *epistēmē* and thus consign rhetoric to the secondary place of communicating what is already known. Moreover, if rhetoric cannot be explained in instrumental way as the "art by which the discourse is adapted to its end," then philosophy of rhetoric will need to explain rhetoric as something other than the mongrel creature painted by epistemology.

Finally, the essay by Herbert Simons on Kenneth Burke features Burke's role in the "globalization" of rhetoric and provides a useful guide to what Burke liked to call "Boik's woiks," themselves as insightful and provocative as any speeches or writings in any time or place. Simons concludes that as a field whose scope has been greatly expanded, rhetoric needs to clarify its terms and to provide critical case studies from across the human sciences (much as the present volume seeks to do), studies that are at once theory-guided and capable of yielding further theoretical development. A systematic comparison and contrast of the stories these studies tell us would allow us to use the rhetorical legacy Burke has left us more effectively.

1

Introduction: Contingency and Probability

Dilip Parmeshwar Gaonkar

For Aristotle (384–332 BCE), the contingent is the unproblematic scene of rhetoric. This Aristotelian connection between the scene and agency (or practice), originally put into play to blunt Plato’s charge that rhetoric is a nomadic, hence unspecifiable discipline, persists to this day as a key, but largely unnoticed, assumption in contemporary rhetorical theory. In *Gorgias*, Plato (ca. 428–ca. 347 BCE) sets the “specifying” game in motion by demanding that rhetoric identify itself. He puts the identity question bluntly to Gorgias: “Who are you?” (447). “With what class of objects is rhetoric concerned?” (449). As the dialogue unfolds, Socrates poses a series of interrogatories regarding rhetoric’s identity and domicile, and predictably, neither Gorgias nor Polus and Callicles who successively undertake to respond, gives a satisfactory answer. It is not so much the amorality of rhetoric, but rather the inability of its teachers and practitioners to give a coherent account of it that finally delegitimizes rhetoric. Beneath Plato’s ethical critique, which (in both *Gorgias* and *Protagoras*) functions more as a dramatic parody of sophistic pedagogic pretensions than as a determined scourging of evil, there is a more severe critique of rhetoric’s lack of substance. In fact, one could read Plato as saying that rhetoric’s moral deficiency springs from its nomadic quality, a quality accentuated by the itinerant character of its teachers. Rhetoric is amoral precisely because it is rootless.

Thus, on the manifest argumentative plane, Plato rejects rhetoric as a defective and incomplete art for the following reasons. First, rhetoric is rooted in a false ontology. It is content to deal with what appears to be true and good rather than inquire into what it is in reality. Second, rhetoric is epistemically deficient because it seeks to impart a mastery of common opinion rather than knowledge. Third, as an instrument of practical politics it exploits the resources of language to make the “weaker cause appear stronger” and to promote the acquisition of power as an end in itself without consideration for the well-being of the soul. Each of the three reasons for rejecting rhetoric – its reliance on appearance, its entanglement with opinion, and its linguistic opportunism – are marked, in Plato’s imagination, by instability and danger. An art

that engages such entities cannot possibly give a rational account of itself. However, at no point does Plato deny the sheer materiality or the “felt quality” of rhetoric and its objects, but he doubts that they constitute a specifiable domain. He recognizes that people are constantly involved in persuasive transactions that require them to negotiate a wide range of appearances and opinions, especially those sanctioned by common sense. But those persuasive negotiations are carried out not in accordance with the strictures of an art, but according to one’s knack, a hit or miss procedure based on experience. Hence, the paradox of unspecifiability. On the one hand, rhetoric is very tangible, or as McGee (1982) puts it, it impinges on our consciousness as a “brute daily reality.” On the other hand, that reality is made up of appearances and opinions that cannot withstand critical scrutiny. No sooner does a dialectician try to seize upon that “brute daily reality” than it melts into thin air. One could theorize, as some contemporary rhetorical theorists have done (Hariman 1986), about an epistemology of appearances and opinions that would anchor rhetoric, but Plato was too old fashioned to do it. He was content to dismiss rhetoric as unspecifiable.

Plato further elaborates on the unspecifiability thesis in *Phaedrus*, where rhetoric is partially rehabilitated as a supplement to philosophical understanding. In the concluding sections of this dialogue, Plato states precisely the conditions rhetoric must meet to be regarded as a genuine art. Michael Cahn (1989) refers to Plato’s specifications as the “dream of rhetoric,” where the figure (linguistic strategy or utterance), soul (psychological state/disposition of audience), function (effect sought by the rhetor, convictions he seeks to implant) are perfectly coordinated. In short, rhetoric must supply a “gapless” causal model of persuasion, whose validity is to be established on the basis of its predictive capacity. But if rhetoric is unable to meet this demand, then it must be held under the supervision of philosophy. Thus in *Phaedrus*, Plato specifies conditions for the freeing of rhetoric from philosophical tutelage, but these conditions cannot be met. And insofar as these conditions cannot be met, rhetoric must remain in the margins of philosophy, held hostage in an eternal minority. At this point, rhetoric would have neither autonomy nor specificity. It would be parasitic on the prior philosophical achievement. Thus, Plato sets up an extraordinary problematic. His challenge to the future champions of rhetoric is straightforward: “Unpack the riddle of rhetoric and it can go free.” To free rhetoric, one must first give it a name, a domicile, and some specificity.

Aristotle and the “Contingency” Thesis

It is generally agreed that Aristotle’s lectures on rhetoric were partly a response to Plato’s critique. But Aristotle’s text, by foregrounding the tripartite scheme, especially the tripartite theory of genre, obscures his response to Plato’s charge of unspecifiability. Propelled by the tripartite scheme, the text moves swiftly into the pragmatics of oratory. Aristotle appears to be functioning in a different key from Plato. His initial claim that “it is possible to inquire the reason why some speakers

succeed through practice and others spontaneously” and “that such an inquiry is a function of the art” (1354.10), and his fourfold statement about the usefulness of rhetoric (1355a20–1355b5), pretty much ignore Plato’s threefold critique about appearance, opinion, and linguistic opportunism.

However, if we foreground the contingency thesis, which tends to recede into the background in the glare of the tripartite scheme, we get a different reading of Aristotle. What is Aristotle’s “contingency thesis”? To begin with, it involves a substitution. In order to specify the realm of rhetoric, Aristotle replaces Plato’s binary opposition between reality and appearance with his own binary opposition between the necessary and the contingent. Once this seemingly unproblematic distinction is accepted, that is, once rhetoric is safely located in the realm of the contingent, Plato’s charge of unspecifiability dissolves. By placing rhetoric (along with the dialectic) in the realm of the contingent, Aristotle gives it a domicile, a space within which it can manifest and contain itself. This is an extraordinarily cunning response to Plato’s critique that rhetoric is homeless. This maneuver also takes the bite out of Plato’s other two charges: rhetoric is epistemically deficient and linguistically opportunistic. Once rhetoric is placed in the realm of the contingent, it can be viewed not as epistemically deficient but as a medium/repository of a distinct type of knowledge – identified variously in contemporary rhetorical studies as “public knowledge” (Bitzer 1978), or as “social knowledge” (Farrell 1976), or as “prudential wisdom” (Leff 1999) – in short, some sort of practical knowledge in use. Similarly, the charge of linguistic opportunism can be revalorized *à la* Kenneth Burke as a form of bricolage, an equipment for living in an inexact world.

The Aristotelian reading of the contingent has two main characteristics. First, the contingent is posited simultaneously as the opposite of the necessary (or necessarily true) and in conjunction with the “probable” or that about which one can generate probable proof. While the opposition to the necessary hugely expands the realm of rhetoric, the association with the probable makes it manageable. When the contingent is defined strictly in opposition to the necessary, it opens up a vast space of what is uncertain and indeterminate. But Aristotle and those who follow him do not allow us to peer too deeply into the abyss of the uncertain and the indeterminate. The contingent is immediately domesticated by its association with the probable. The probable here is not one derived from mathematical or statistical probability but one associated with the everyday (thus “ideological” in Barthes’ (1972) sense of “anonymous ideology”) notion of the “usual” or “things that normally or commonly happen.” For Aristotle, at any rate, the idea of the contingent does not connote a Kafkaesque world of sheer uncertainty and terror, but rather a world made familiar by Emily Post – of gamesmanship and good manners displayed by those adept at ideological bricolage.

Second, the contingent is a mark of human actions because in any given situation human beings can conceivably act in ways other than they do. According to Aristotle: “Most of the things about which we make decisions, and into which we therefore inquire, present us with alternative possibilities. For it is about our actions we

deliberate and inquire, and all our actions have a contingent character; hardly any of them are determined by necessity (1357, 23–7).” (The term “contingent” appears in W. Rhys Roberts’ translation. Grimaldi in his commentaries also uses that word. However, George Kennedy (1991: 42) uses the phrase “things that are for the most part capable of being other than they are.”) Thus, the contingent is the horizon within which human actions unfold and “deliberation,” whose telos is judgment and choice, is the reflective mode of engaging in that unfolding. If human beings can act in more than one way (and if the outcome of their actions is uncertain, capable of unanticipated consequences), then it makes sense to deliberate and choose. Rhetoric is the discursive medium of deliberating and choosing, especially in the public sphere. Thus, the focus shifts imperceptibly from the scene of contingency to the agency of deliberation and decision-making. That shift is made possible by a certain conception of the probable, the usual, and the normal – a generalized social epistemology – which domesticates and stabilizes the contingent. “A Probability,” according to Aristotle, “is a thing that usually happens; not . . . anything whatever that usually happens, but only if it belongs to the class of the ‘contingent’ or ‘variable’” (1357a35–1357b). In his commentary on that passage, Grimaldi, drawing on the other works of Aristotle, stresses that “stability” and “regularity” govern the relationship between contingency and probability:

Eikos is not that which simply happens, for that equates it with sheer chance. *Eikos* possesses a note of stability and regularity which is intrinsic to the nature of the thing which is the ground for the *eikos* proposition derived from that nature. A stabilized, but contingent (i.e., not necessary), fact can be known (*Metaphysics*, 1027a20–1), and it can even be used in a demonstrative syllogism (*Analytica priora* 32b20ff.). Obviously *eikos* is something relatively stabilized and knowable (*Analytica priora* 70a4ff.) and, as such, offers ground for reasonable inference to further knowledge. (Grimaldi 1980: 62)

Thus, one begins to read the celebrated formulation regarding “the contingent and the probable” from the axis of the probable. Aristotle promotes such a reading by providing an elaborate account of probable reasoning based on enthymeme and *paradeigma* (example) and by calling enthymeme “the substance of rhetorical persuasion” (1354a12–14). In this way, the contingent as the horizon of rhetoric recedes to the background and the probable as a mode of negotiating the contingent commands the center of attention.

The connection between rhetoric and contingency is rarely thematized as a theoretical issue in Aristotelian scholarship. To be sure, Grimaldi in his commentary explicates in detail the numerous ways in which the contingent is invoked and deployed in Aristotle’s *Rhetoric* and in his other works. For Grimaldi, the contingent, however philologically complex, is not theoretically intriguing or problematic. It is part of the conceptual background that underwrites the rhetorical project.

The concept of contingency also gets some attention from scholars interested in Aristotle’s logical works, especially in his pioneering account of the modal terms. In

that account, the contingent is defined in terms of its difference from the two other modal operators – the “necessary” and the “possible.” There is also a further distinction between the contingent as an event and the contingent as a property of propositions.

A contingent event is one that might or might not occur. Neither its occurrence nor its non-occurrence is necessary. While a contingent event is possible, every possible event is not contingent because a necessary event is possible without being contingent. To put it simply, a contingent event is neither necessary nor impossible. From the standpoint of voluntary human agency, an event is necessary if it is not within anyone’s power to prevent its occurrence and an event is impossible if it is not within anyone’s power to bring about its occurrence. Hence, an event is contingent if it is within someone’s power to bring about its occurrence and in someone’s power to prevent its occurrence (see Cahn 1967: 24–47; Waterlow 1982).

The distinction between necessary and contingent statements or truths is more complicated. There is no easy correspondence between events and statements. Moreover, Aristotle distinguishes between two types of necessary statements, relative and absolute, based on his metaphysical view; namely, that things have real essences. In an argument, when one claims that “something must be true,” one is expected, if asked, to provide relevant reasons for that claim. In such a case, the truth of that claim is in an important sense necessitated by the reasons adduced in its support. Here the “necessarily true” is not a property of a given statement but obtains only in relation to supporting reasons. The force of that relation can be variable. A claim and its supporting reasons (or a conclusion and its premises) might be so connected that one could only assert that “something is probably true or possibly true.” Aristotle also regarded certain statements, such as the axioms of special sciences and general principles – say, the principles of contradiction – as absolutely necessary or true in themselves. An axiom expresses the essences of objects that constitute the province/field of a special science. Axioms are not derived from other propositions, but are intuited. We see the truth of axioms in particular instances. According to such a theory of essences, a contingent statement would be one “whose truth is not determined by the essence of the thing about which it is asserted.” The necessary statement is concerned with “that which cannot be otherwise than it is” and the contingent statement is concerned with “that which can be otherwise and is so for the most part, only or sometime, or as it happens” (Hamlyn 1967: 199, 198–205).

The logical explication of the contingent, as applied to events and statements, is carried out strictly in terms of its difference from the necessary. Since the concept of necessary statements/truths is a foundational topic in epistemology, there is a large and technically complex literature on it from Aristotle to the present. In that literature, the contingent stands in the shadow of the necessary, the explication of the former is a by-product of the inquiry into the latter. It is difficult to connect what one has gleaned from a philosophical analysis of the contingent to its deployment as a generalized background assumption in rhetoric, except in the most obvious sense. The philosophical clarification of the contingent as an event (what might or might not happen) and of the contingent as a property of statements (what might or might not be

true) has an obvious affinity to the sense in which the contingent (“things/matters that can be otherwise”) is taken as the privileged object of rhetorical deliberation.

Aristotle states emphatically and repeatedly that no one wastes his time deliberating about things that are necessary or impossible (1357a1–8). But the characterization of the contingent as the scene of rhetoric is a much thicker notion, something more than the object and content of deliberative rationality. In my view, it signals the prefiguration of a certain vision of the human condition in general, and of political life in particular, which motivates and propels rhetoric. One of the pressing challenges of rhetorical theory today is to unpack that thicker notion of contingency.

One way to attend to that challenge is to track the career of the contingency thesis in rhetorical theory from Aristotle to the present. This would not be easy because that thesis functions as an implicit background assumption rather than as an explicit theoretical issue. One could surmount that difficulty by taking the indirect route of tracking the concept of “probable reasoning” after its initial formulation by Aristotle. Fortunately, Douglas Lane Patey provides such an account, which is brief but insightful, in the first two chapters of his *Probability and Literary Form* (1984). In that book, Patey is partly engaged in a polemic against what is known as the Foucault–Hacking Hypothesis regarding the sudden emergence of the modern concept of probability in the West around 1660. According to Hacking (1975: 1):

Probability has two aspects. It is connected with the degree of belief warranted by evidence, and it is connected with the tendency, displayed by some chance devices, to produce stable relative frequencies. Neither of these aspects was self-consciously and deliberately apprehended by any substantial body of thinkers before the time of Pascal.

Hacking refers to the two aspects as epistemic and aleatory. There is not much dispute about the aleatory aspect. However, Patey contests Hacking’s claim that the epistemic aspect – “the degree of belief warranted by evidence” – was generally absent prior to 1660. Hacking’s claim is based on the assumption that until the Renaissance, probability simply meant opinion supported by authority; and no notion of non-demonstrative evidence existed. Patey questions that assumption by noting that there are two ways to read the history of probability from Aristotle to Locke. In the first version, based on a selective reading of Aristotle common during the Middle Ages, probability is equated with opinion supported by authority. In the *Prior Analytics* (11.26.70a), Aristotle states that “A probability is a generally approved proposition”; and further, he states in the *Topics* (1.1.100b), that “opinions are ‘generally accepted’ which are accepted . . . by all, or by the majority, or by the most notable and illustrious of them” (Patey 1984: 4). In such an equation of probability and “approved opinion,” evidence is extrinsic to the claim. It is not what Hacking calls “inductive evidence” or “the evidence of things” in the modern sense. In the second version, which draws its orientation from the skeptics, especially Carneades (ca. 214–ca.129 BCE) and Cicero (106–43 BCE), probability, still linked to opinion, is assessed on the basis of intrinsic as well as extrinsic criteria. According to Patey, Carneades’ three tests for assessing

“impressions” (of the external world on the mind) – “that they be credible, consistent, and proven in experience” – are three criteria of probability and constitute a putative “doctrine of evidence” (Patey 1984: 15). Carneades also devised a practical method for establishing probabilities, the method of argument in *utramque partem*, which received its full articulation in Ciceronian theory and practice. Moreover, the canons of probability employed in the “topical” system (especially in Cicero’s revision of Aristotle) draw on both extrinsic and intrinsic grounds of proof (*loci*); and the latter are the seats of arguments grounded not in testimony but, in the words of Richard Sherry (1550), in “the thyng it selfe that is in question” (Patey 1984: 21). To challenge Hacking’s thesis, Patey adduces a wide range of additional historical and textual references that attest to the existence of the notion of non-demonstrative evidence prior to 1660. These references range from Cicero’s notion of verisimilitude, through the strictures of literary “decorum” in the Renaissance, to Locke’s claim that “probable and certain knowledge arise from the same kind of mental operation, and hence are epistemologically continuous.”

Patey’s account of the two versions of probability from Aristotle to Locke is interesting in itself. But it also gives some indication of the connection between the contingent and the probable during that period. In both versions, the contingent appears as the companion of opinion. In the first version, which draws heavily on the Aristotelian distinction between demonstrable knowledge and probable opinion (*endoxa*), opinion is denigrated precisely because it is contingent – sometimes true and sometimes false. Opinion is also associated with particular, perishable, and “changeable things” of which, being contingent, there can be no science. In the Christian imagination, man’s exile from Eden reduces him to opinion. According to Aquinas, “in Eden Adam had nearly no opinion (*penitus nulla opinio*); the Fall altered his mind, so that what once he could know, he could later only form opinions about” (Patey 1984: 12). And yet the practically minded Aquinas finds in rhetoric a postlapsarian crutch: “In human affairs it is not possible to have demonstration and infallible proof; but it suffers to have some conjectural probability such as the rhetor uses to persuade” (Patey 1984: 9–10). One can detect a similar ambivalence among the secular thinkers who simultaneously denigrate opinion as contingent and promote rhetoric as a mode of managing contingent opinion.

In the second version (what Patey calls an alternative history of probability), that ambivalence becomes more reflexive and productive. One no longer bemoans the fact that by the standards of *epistēmē* (demonstration and infallible proof) very little of what human beings know can count as true knowledge. One simply takes it, as with the Renaissance humanists, as an unavoidable feature of the human condition that demands an intelligent and practical response. Questions are now raised about privileging those “infallible” measures of knowledge that are so utterly irrelevant and inapplicable in practical affairs. Opinion, once derided as contingent, finally comes into its own as the inescapable scene and substance of human deliberation, judgment, and action. Treatises are composed as to how one might acquire, ascertain, and communicate “opinion” and what degrees of certitude and what modes of assent

would accompany it. This attitude and sensibility, which can only be described as rhetorical, originates in the recognition of the contingency not only of opinion, but also of politics, of morals, and of history. This is a thick notion of contingency that motivates and propels rhetoric. Faced with such a notion of contingency, one is no longer content to formulate the canons of probable reasoning, although that task remains important. On Patey's account, the career of probability prior to 1660, even as it moves through multiple tracks, remains legible and palpable. One such track develops into a highly elaborated and influential system known as casuistry (a form of moral reasoning based on the "case" method) between the fourteenth and the mid-seventeenth centuries. Interestingly, according to Hacking, one of the enabling moments in the emergence of the modern notion of probability is Pascal's (1656–7) polemic against casuistry (or its abuses), which decimated it. In recent years, there has been something of a revival of casuistry, especially among those interested in ethical questions in the practice of law, medicine, and public policy. It is equally interesting that Jonsen and Toulmin, in their provocative book *The Abuse of Casuistry* (1988), trace its intellectual roots back to Aristotle's notion of *phronēsis* and its embodiment in Cicero's oratorical practice, and thus realign casuistry with rhetoric.

Tracking the career of probable reasoning alerts one to, but does not fully disclose, the various strands that are interwoven in the thick notion of contingency. Those strands link and place it in a web of concepts, of which "necessary" is only one. I will briefly identify two main strands that negotiate differently the encounter with those aspects of existence which elude human control. Each strand views contingency, to borrow John Kekes' (1995) phrase, as a "permanent adversity."

In the first strand, contingency is "external," something precipitated by chance, fate, or fortune, which eludes human comprehension and control. A contingent event in this sense has no definite cause. It is an effect, according to Aristotle, of an accidental or incidental cause. Take the famous example of the chance meeting of old friends, say at a theater, after a separation of many years. Here, two lines of action coincide and produce a specific result, which cannot be explained in terms of causes or purposes that triggered those actions. William James describes the world saturated with such events as a "concatenated universe" as opposed to a "block universe," which is fully determined. Contingency in this sense has a considerable hold on the rhetorical imagination (see *Great Ideas: A Syntopicon*, 1952: 179–92). It casts a shadow over the human capacity to deliberate and to act on the basis of probable reasoning. To some it is an encounter with the absurd, as in Sartre's short story *The Wall* (1956), where a revolutionary facing imminent execution reveals to the police the whereabouts of his comrade by sheer coincidence and thus obtains a temporary reprieve. In a classic essay, Bernard Williams (1981) has revived this theme under the idea of "moral luck."

The second strand gives an "internal" anthropological view of contingency as something rooted in human nature and social life. Here contingency is linked, on the one hand, to concepts such as human "fallibility," and "incompleteness," which point to our epistemic deficiencies and moral shortcomings; and, on the other hand,

to the phenomena of social conflict, competition, and ethical plurality. In this view, both the possibility and need for rhetoric are derived from the contingency of human nature and social life.

Contingency Thesis in Contemporary Rhetorical Theory

In this section, I will try to trace the career of the “contingency thesis” in contemporary rhetorical theory that generally adheres to Aristotle’s reading of the contingent. This is not surprising, since Aristotle dominated rhetorical studies in the twentieth century, especially within the disciplinary matrix of communication studies. A careful reading of a series of key “field defining” essays from the time in communication studies, which became a distinct discipline in the United States from around 1914 to the present, shows Aristotle’s formulation regarding “the contingent and the probable” functions as a taken-for-granted background assumption. It is always presupposed, but rarely thematized.

There are, however, some notable exceptions, especially among those who view Aristotle’s *Rhetoric* as the basic template for developing a contemporary rhetorical theory. Bryant, Bitzer, and Farrell are the three prominent Aristotelians in whose work the contingency thesis is explicit and thematized to varying degrees. Their work, which taken collectively spans the last half-century, represents a distinct and influential line of thinking. Moreover, one can chart the evolution of the contingency thesis from Bryant through Bitzer to Farrell as marking a significant shift from a “functionalist” to a “constitutive” view of rhetoric.

Bryant, Bitzer, and Farrell reiterate Aristotle’s original formulation with the usual references to the contingent as something distinct from the necessary and the impossible, and as the domain of human affairs where one deliberates and decides about alternative possibilities of belief and action on the basis of informed opinion and probable reasoning. After rehearsing such Aristotelian notions, Bryant (1953: 408) concludes: “In summary, rhetoric is the rationale of informative and suasive discourse, it operates chiefly in the area of the contingent, its aim is the attainment of maximum probability as a basis of public decision.”

One can locate similar passages in Bitzer and Farrell. The purpose of these reiterations is not to paraphrase but to modernize Aristotle’s rhetoric. They show how the contingency thesis does not stand alone; rather, it undergirds a cluster of concepts and propositions. First, rhetoric is a method for inquiring into and communicating about the realm of the contingent. Inquiry and communication are two facets of a single practice of managing contingency. Second, the inquiry into the contingent yields opinions of variable validity and utility, but not certain knowledge. Hence, opinion is the material with which rhetoric must work in the world of contingency. Third, the proper mode of working with opinion is deliberation (involving dialogue and debate) that relies primarily on probable reasoning to make decisions and to form judgments. Fourth, rhetorical deliberation and decision-making is audience centered. It seeks to

persuade or to gain adherence of an audience that is neither “universal” (as in philosophy) nor “imaginary” (as in poetry), but historically concrete and specific. Fifth, the deliberative engagement with the audience is temporally bound. The contingent world of human affairs is marked at every stage by the irreversible passing of time, whether one elects to discursively engage an audience or not, and if engaged whether one succeeds in persuading or not, and if successful whether it leads to intended consequences or not. Deliberation, enunciation, judgment, and action are continually held hostage by time.

These five propositions are not distinctive to rhetoric alone. Rhetoric shares some of them with its counterpart, dialectic. “For Aristotle,” as Natanson (1955: 133) notes, “*both* rhetoric and dialectic are concerned with the world of probability, both begin with the commonsense reality of contingency”; but they proceed differently. Without getting into the technical details of the two procedures as to how each finds and ascertains its premises and how each discursively moves from premises to conclusions with what degree of probability, one might note the obvious difference between dialectic and rhetoric in terms of the latter’s inescapable entanglement with opinion, audience, and time. In a Socratic dialectic, opinion is not binding. One might begin with opinion, but only to cleanse it of error and prejudice and elevate it to the status, if not of truth, at least to one of critical and reflexive opinion. Nor is the audience sovereign in dialectic. The social profile of the interlocutors can be bracketed and interlocutors can be addressed as if they were susceptible to reason, and reason alone. Nor is time of the essence. Faced with an *aporia*, the interlocutors can blithely defer judgment. One can reverse oneself and start afresh without damaging one’s argument or one’s character. Dialectic engages contingency reflectively and leisurely. Dialectic is detached. In rhetoric, on the other hand, opinion is binding, audience is sovereign, time is of the essence, and judgment is inescapable. This renders rhetoric’s grasp of the contingent tenuous and fragile. There are too many variables thrown together that generate further contingencies. Rhetoric can never catch up with the unfolding chain of contingencies. The latter maintain an irreparable lead.

Such at least is the implication of a sheerly “functional” view of rhetoric as it negotiates the world of contingency. One might be tempted to recommend grounding rhetoric in dialectic, as Weaver (1953) and Natanson (1955) do. Neither Bitzer nor Farrell takes that Platonic option of relegating rhetoric to a supplementary status. Instead, they seek to fashion a constitutive view of rhetoric that engages contingency differently.

A subtle but recognizable terminological change occurs from Bryant to Bitzer. Rhetoric is still considered a method, but a greater stress is placed on “inquiry”:

We regard rhetoric as a method of inquiry and communication which functions to establish judgments, primarily in areas of practical and human affairs, for ourselves and for the audience addressed . . . It is obvious that we need to judge and persuade . . . on the basis of purposeful deliberation which employs as much truth as the subject admits and proceeds systematically through methods of investigation, evaluation and communi-

cation suited to the subject, the audience, and the purpose . . . rhetoric insists on rational justification. (Bitzer 1981: 228)

Under Bitzer's version, opinion becomes "informed" by going through the process of critical deliberation and rational justification. The word *judgment* replaces *decision*, suggesting reflective rather than technical engagement. Audience is posited normatively as capable of rational persuasion and empowered to judge. Time, now subsumed under the term *exigence*, is radically particularized as a contingent set of constraints and opportunities. "Exigence" elicits reflection, both technical and normative, as to what is proper and fitting. Thus, a series of norms and strategies is generated, which attempts to stabilize one's rhetorical response to a given set of contingencies and their constituents – opinion, audience, and time. Bitzer's move toward a "constitutive" view of rhetoric is tentative. While he does not view the opinion/decision/audience string instrumentally, neither does he think of it dialogically. Bitzer places greater stress on the rational–critical aspect of the deliberative process than on the constitutive engagement with the audience. The focus is on the normativity and systemacity of rhetorical transaction among autonomous agents.

The shift to a "constitutive" view of rhetoric is relatively complete in Farrell. In his essay, "Knowledge, Consensus, and Rhetorical Theory," Farrell regards rhetoric as a practical art that employs "the common knowledge of a particular audience to inform and guide reasoned judgments about matters of public interest" (Farrell 1976: 1). The key term here is *knowledge* – the type of knowledge pertinent to rhetorical practice. Farrell calls it "social knowledge," which now replaces Bryant's "opinion" and Bitzer's "informed opinion" in the conceptual set under review. "Social knowledge" is not exclusively agent centered, it requires the "collaboration of others" to materialize. According to Farrell, it is "a kind of knowledge which must be assumed if rhetorical discourse is to function effectively. . . it is assumed to be shared by *knowers* in their unique capacity as audience. . . social knowledge is actualized through the decisions and actions of an audience" (Farrell 1976: 4). Further, Farrell adds an inventional dimension to social knowledge when he claims that it "rests upon a peculiar kind of consensus . . . which is attributed to an audience rather than concretely shared" (Farrell 1976: 6). Thus, Farrell repositions the audience as the co-producers at both ends of a rhetorical transaction, invention and judgment.

Given Farrell's characterization of "social knowledge" – as attributed consensus, audience centered, and generative – one might think that it would, unlike Bitzer's "informed opinion," elevate rather than attenuate the uncertainty and instability associated with the contingency of opinion. However, that possibility is obviated by emphasizing the rule-governed character of both rhetoric and its substance, social knowledge. As a mode of coordinating social conduct, rhetoric presupposes the existence of regularities:

When we say, for instance, that, *as a rule*, politicians are not to be trusted, or that, *as a rule*, people do not act against their own perceived interests . . . each utterance points to

an important similarity or regularity in the way human beings understand and act in their social world . . . [T]his rule-like structure of social knowledge assumes that persons will regularly respond to problems in similar ways. (Farrell 1976: 5)

Thus, for Farrell, “social knowledge . . . is probable knowledge” and it is “confirmed through recurrent action” (Farrell 1976: 9).

In this essay, Farrell uses the word *contingent* only once to characterize a type of shared knowledge “consisting in signs, probabilities, and example” that forms the substance of rhetoric. However, it is explicitly thematized in his book *Norms of Rhetorical Culture* (1993), where he calls for a “broader understanding of contingency,” as something more than an event or a property of propositions. Here contingency refers to situations marked by social conflict and ethical choice where alternative construals are unavoidable. A rhetor must confront such a situation in the midst of “perishable circumstance, incomplete knowledge, and fallible human action” and render her judgment in the collaborative presence of an audience. That judgment and subsequent action, in all its contingency and irreversibility, will disclose and form the public character of the rhetor as well as her audience. A contingent situation sets in motion a constitutive rhetoric between character (rhetor) and community (audience) that can give rise, under favorable conditions, to a collective moral agency, hence, to solidarity.

An examination of the theoretical trajectory moving from Bryant through Bitzer to Farrell shows that despite a significant shift from a “functional” to a “constitutive” view of rhetoric, the contingent remains the invariable scene of rhetoric. In these three writers, as in Aristotle, the abstract instability of the contingent is marvelously balanced by the substantive predictability of opinion and social action. And rhetoric is seen as a discursive medium *par excellence* for managing the contingent.

Among scholars in communication studies who resist the Aristotelian domination (no one is fully immune from his overweening influence), which they do by invoking other theorists, both classical and modern, such as the Sophists (Poulakos 1983), Plato (Natanson 1955), Cicero (Leff 1999), Kenneth Burke (Campbell 1970), Stephen Toulmin (Scott 1967), the contingency thesis is mostly implicit and rarely thematized. Nevertheless, it is possible to locate traces of contingency thesis when they try to characterize the specificity of rhetoric. For instance, Leff (1999) presupposes the contingent as the operative horizon when he characterizes rhetoric as a situated “local” practice that finds stability and intelligibility by meeting the standards of decorum such as “appropriateness” (*decorum*) and “timeliness” (*kairos*). That presupposition is also operative in the substantial body of literature that we have on “rhetoric as epistemic.” In fact, Scott’s inaugural essay on that topic briefly thematizes contingency by claiming that truth in human affairs is “not prior and immutable” but contingent (Scott 1967: 13). However, in those implicit references to the contingent as the scene of rhetoric it is no longer strictly yoked to the probable. That unyoking of the contingent from the probable, if rendered explicit and thematized in future studies, might produce new and challenging possibilities in our understanding of rhetoric.

Contingency in Post-Foundationalist Discourse

A version of such an unyoking of the contingent and the probable does occur in contemporary post-foundationalist discourse that merits some attention. The story of the collapse of foundationalism in philosophy and its after-effects in the humanities is well known. Scholars in various disciplines have meticulously mapped and documented how various intellectual movements (from poststructuralism through deconstruction to postmodernism and cultural studies) – consisting of a distinctive set of theoretical formulations, conceptual innovations, critical practices, and political positions – have emerged in the space created by that collapse. Some terms, *contingency*, *performance*, *rhetorical*, *articulation*, and *imaginary* among them, have become highly visible across many of those new intellectual formations. These are key terms with complex genealogies and contested meanings that are deployed in multiple contexts with such frequency and promiscuity that it is difficult to stabilize their range of meanings. This is particularly true in the case of *contingency*, which is rarely thematized by those who deploy it and whose Aristotelian/rhetorical genealogy is largely forgotten. Judith Butler (1992) titled her introductory essay to an edited volume on feminist political theory “Contingent Foundations.” This is only one of many instances of perplexing and paradoxical uses of the term, which is ubiquitous in virtually any post-foundationalist or postmodernist discourse/disciplinary formation. While the post-foundationalists are rarely aware of the rhetorical genealogy of *contingency*, that term is gradually being pulled into the gravitational field of rhetoric. This should not be surprising, since the renewed interdisciplinary interest in rhetoric since the 1950s is also ignited by the collapse of foundationalism. Both rhetoric and contingency are finding nourishment and renewal from the same intellectual soil. In fact, the interarticulation of the two terms could be beneficial for both: contingency could become more legible and readable (not just a suture or a floating signifier) by locating a genealogy within the rhetorical tradition, and rhetoric could become more reflexive about its “conditions of possibility” by thematizing contingency.

A detailed analysis of how contingency and rhetoric are linked in post-foundationalist thought would require a reading of the relevant works of several figures, such as Judith Butler, Stanley Fish, Richard Rorty, Jean-François Lyotard, and Barbara Herrnstein Smith. Since it is not possible within the confines of this essay to undertake such an explication, I will confine my observations to the works of a single author, Stanley Fish.

Fish, unlike so many other post-foundationalist thinkers, is fluent in the rhetorical tradition and embraces rhetoric without reservation. In his major collection of essays, *Doing What Comes Naturally* (1989), *rhetorical* serves, by his own account, as a masterword, and the conclusion the volume draws is that “we live in a rhetorical world” (Fish 1989: 25). Fish also describes himself as “a card-carrying anti-foundationalist” and that partly explains his attraction to rhetoric. “Indeed,” writes Fish, “another word for anti-foundationalism *is* rhetoric, and one could say without much

exaggeration that modern anti-foundationalism is old sophism writ analytic” (Fish 1989: 347).

Fish regards human beings as situated selves always and already tethered to an “interpretive community.” According to Fish:

Anti-foundationalism teaches that questions of fact, truth, correctness, validity, and clarity can neither be posed nor answered in reference to some extracontextual, ahistorical, nonsituated reality, or rule, or law, or value; rather, anti-foundationalism asserts, all these matters are intelligible and debatable only within the precincts of the contexts or situations or paradigms or communities that give them their local and changeable shape. (Fish 1989: 344)

All practice is situated practice. Regardless of what we are doing – whether interpreting a literary text, making a legal argument, rendering a moral judgment, or opting for a political strategy – we cannot escape our situatedness.

What is provocative about Fish is the inferences he draws from the fact of our situatedness regarding the relationship between theory and practice, especially in interpretation. According to Fish, both friends and foes of anti-foundationalism misunderstand its implications. Fish maintains that anti-foundationalism has no consequences. The critics fear that an absence of any independent ground or neutral observation-language from which to assess and possibly modify our present beliefs and practices would lead to a world without controls – where unmoored subjects would act as though “anything goes” and where rational inquiry and communication would be impossible. For Fish, these dark forebodings are unwarranted. A situated self is not radically free and unencumbered, as the critics fear. Instead, it is massively bound and everything it does is a “function of the conventional possibilities built into this or that context.” “Rather than unmooring the subject,” Fish argues, “anti-foundationalism reveals the subject to be always and already tethered by the local community norms and standards that constitute it and enable its rational actions” (Fish 1989: 346).

On the other hand, the proponents hope that once we recognize that we are always and already situated, this recognition would enable us to “become more self-consciously situated and inhabit our situatedness in a more effective way” (Fish 1989: 347). Fish rejects that possibility because the recognition “that we are situated does not make us more situated,” and it does not alter the way we know and act (Fish 1989: 348). Besides, the act of recognition itself is situated, and therefore cannot become the object of reflexive attention. For Fish, the attempt to privilege the act of recognition is simply a symptom of the irrepressible longing to escape our situatedness; a sly maneuver to smuggle back foundationalism under the liberal disguise of reflexivity.

Fish believes that the fundamental assumptions that structure our belief and behavior are contingent. They cannot be justified as necessary on transcendental or transhistorical grounds. This is one of the basic tenets of anti-foundationalism. Here, once again, Fish insists that the recognition of the contingency of our fundamental

beliefs and assumptions does not impair their hold over us. It is a mistake, says Fish, to turn

the recognition of contingency into a way of avoiding contingency, as if contingency acknowledged were contingency transcended. You may know *in general* that the structure of your convictions is an historical artifact, but that knowledge does not transport you to a place where those convictions are no longer in force. We remain embedded in history even when we know that it is history we are embedded in. (Fish 1989: 523–4)

It seems that Fish, in a manner reminiscent of Aristotle, domesticates the contingent by linking it to our situatedness and to our embedding in history. Contingency becomes a distant horizon, which is powerless “in relation to particular convictions . . . by which we are now grasped and constituted” (Fish 1989: 523–4). Contingency so conceived is also not susceptible to rhetorical engagement.

But there is a catch. The contingent cannot be stabilized by our embedding in history, because the latter is also contingent and susceptible to rhetorical engagement. This is evident in Fish’s account of the relationship between theory and practice. According to Fish, theory *qua* theory (that is, theory as a metadiscourse) has no consequences, it does not affect practice. However, theory can be, and usually is, a certain type of practice. But what is practice? Practice is an embedded activity, it is “doing what comes naturally” to situated selves. Fish, unlike Pierre Bourdieu or the ethnomethodologists, does not offer a generalized account of everyday practice. He is specifically concerned with interpretive practice in law and literature. In this context, he describes himself as an anti-formalist, an approach implicit in his anti-foundationalism. The anti-formalist begins by rejecting “literal meaning” as a constraint on interpretation. According to Fish, once that first step down the anti-formalist road is taken, one inevitably runs into rhetoric and contingency. He schematically states the six subsequent steps as follows:

(1) relocating interpretive constraint in intention; (2) the realization that intention must itself be interpretively established, and that it can be established only through persuasion . . . (3) the characterization of persuasion as a matter entirely contingent, rational only in relation to reasons that have themselves become reasons through the mechanism of persuasion; (4) the insight that contingency, if taken seriously, precludes the claims for theory as they are usually made; (5) the demoting of theory to a practice no different from any other; (6) the elevation of practice to a new, if ever-changing, universal in relation to which there is nothing higher . . . that can be invoked. (Fish 1989: 25–6)

Thus, the anti-formalist road brings you to a point of *chiasmus* where the rhetoric of contingency (step 2) and the contingency of rhetoric (step 3) cross. In step 2, the contingency of alternative interpretations (as in Aristotle’s deliberation) is closed for the moment by the force of rhetoric. In step 3, the achievement of rhetoric is contingently linked to what is always and already there (say, assumptions and

vocabularies), the contingent products of prior persuasions. As for step 5, in another context Fish asserts that “theory is essentially a rhetorical and political phenomenon whose effects are purely contingent.” And yet, Fish assures us, “these truths are the occasion neither of cynicism nor of despair” (Fish 1989: 380). Here, as elsewhere, we are simply “doing what comes naturally.” Thus contingency, once a sign of historical flux, becomes naturalized. We are back in the world of Emily Post.

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