

The Jewish Countermodel: Talmudic Argumentation, the New Rhetoric Project, and the Classical Tradition of Rhetoric

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Chaim Perelman and Lucie Olbrechts-Tyteca's New Rhetoric Project (NRP) helped revive the study of rhetoric in the twentieth century. Although some believe their work is largely a reiteration of Aristotle's rhetoric and that Perelman owes a significant debt to Aristotle, I present evidence in this paper that Perelman was quite critical of the Western tradition of philosophy and of Aristotle's logic and rhetoric. Perelman turned to Jewish thinking and Talmudic argumentation as a countermodel. Jewish metaphysics, ontology, epistemology, and argument are the central touchstones of the NRP. Keywords: Perelman, Judaism, Talmudic argumentation, Aristotle, rhetoric.

Chaim Perelman and Lucie Olbrechts-Tyteca are often credited for the revival of the classical tradition of rhetoric in the twentieth century. Between 1947 and 1984, Chaim Perelman, alone and in collaboration with Lucie Olbrechts-Tyteca, developed the New Rhetoric Project (NRP), which was expressed in a number of books, articles, and conference papers. The codification of the project was published in 1958 as *Traité de l'argumentation: la nouvelle rhétorique* (known in French speaking countries as *Traité*).¹ The *Traité* was translated into English in 1969 as *The New Rhetoric: A Treatise on Argumentation* and is known in English speaking countries as *The New Rhetoric*.² Perelman set the agenda for the collaboration, as his solitary writings on a host of subjects before and during his collaboration with Olbrechts-Tyteca identified the key problems addressed in the NRP.³

The NRP is among the most significant rhetorical theory of the twentieth century. Brian Vickers judges Perelman and Olbrechts-

Tyteca's work to be "one of the most influential modern formulations of rhetorical theory."⁴ James Crosswhite declares the NRP "the single most important event in contemporary rhetorical theory."⁵ Michael Leff writes that the 1970 English translation of *Traité* was a "bombshell" in American studies of argumentation and rhetoric.⁶

Some scholars, however, do not see much originality in the NRP. Goodrich, in his assessment of Perelman's work, discovers "little to be gleaned from [the NRP] by way of theoretical novelty; its contribution in this respect is no greater than that of reiterating, with certain reformulations, the familiar problematic and categories of classical Aristotelian rhetoric."⁷ George Kennedy finds novel thinking in the NRP, but agrees with Goodrich's historical placement: "Perelman's greatest debt is to Aristotle . . ."⁸ I disagree with Goodrich on the value of the NRP's value and with both writers when they trace its origins to the Aristotelian rhetoric and the classical tradition.

My central claim in this article is that Perelman, in collaboration with Olbrechts-Tyteca, brought Jewish principles of reasoning and a Talmudic framework of argumentation into the Western tradition of rhetoric. The novelty and power of the NRP is a function of Perelman's attempt to assimilate the Jewish and classical traditions. In previous work, I have identified a Jewish voice in the NRP, and have argued that Perelman sought a "rapprochement" between Jewish and classical thought.⁹ In retrospect, I believe the case is much stronger that Perelman rejected the metaphysical, epistemological, and axiological assumptions of classical thought, Aristotle's first philosophy, and the Enlightenment. In their place, he set forth a Jewish countermodel, one that offered a different expression of philosophy, reason, and argumentation. In short, I believe Goodrich misreads Perelman's NRP as it was far more than a mere reiteration of classical Aristotelian thought, and Kennedy has it backwards, as Aristotle owes a debt to Perelman for broadening the domain of reason and redeeming his rhetoric, doing so with Jewish thought.

Perelman and Judaism

Religion has played an important role in the major philosophies of the twentieth century. Catholicism influenced Martin Heidegger's

philosophy of being and Protestantism affected Hans J. Gadamer's hermeneutics.¹⁰ Chaim Perelman's new rhetoric was, in part, a result of the fact he was a Jew, a fact that he celebrated. He was an assimilated Jew who supported Zionism and the creation of the state of Israel, while remaining a loyal citizen of Belgium. He argued that Jews could maintain their identity as Jews and remain loyal citizens of Europe. Perelman is still known in Belgium for his notion of "double fidelity," the belief that Jews could and should have the capacity for a dual commitment to Judaism and the nation states in which they resided. This adage was designed to upend the "dual loyalty" slur, an anti-Semitic slogan meant to suggest that Jews would betray their home country in favor of their religion or Israel. His devotion to Judaism was to its humane values and its use of argument to adjudicate differences of opinion.

As an assimilated Jew writing to a Gentile audience steeped in the classical tradition, his use of Judaism as a countermodel was enacted with subtlety. His experience as a Jew in twentieth-century Europe taught him that he would need to navigate the perils of assimilation. These included the dual threats of the destruction of the Jewish identity and the danger that anti-Semitism might transform Jewish identity into an exclusive and inward looking sense of self and community. The NRP was an effort to assimilate and adapt the more humane impulses of Jewish thought and argument to European classical and Enlightenment philosophy.

Perelman was born in Warsaw, Poland in 1912. Poland was the site of a vibrant Jewish community before its destruction during World War II. His immediate family was not religious, but did embrace Jewish concerns and Zionism. Perelman's family immigrated to Belgium in 1925 where he resided until his death in 1984.¹¹

That Perelman was a Jew was a fact he could not ignore. The disease of anti-Semitism, a constant in Europe, broke out into an epidemic when Hitler and the Nazis seized control of Germany. Perelman did not see anti-Semitism as free floating or rooted in the European psyche, rather, he argued that Jews as an "out group" gave rise to intergroup struggle, which in turn, produced what scholars now term competitive rather than metaphysical anti-Semitism.¹² The

Germans invaded Belgium on May 10, 1940. Perelman, because he was a Jew, was forced by the Nazis to resign his teaching post at the Free University of Brussels. The Nazis sought to "purify" Europe, and created a system designed to rid Europe and Belgium of the Jewish presence. In response, Perelman helped to form the Committee for the Defense of Jews (CDJ), was arrested and then released by the currency police, and engaged in actions designed to save Jewish children and adults.¹³ After the liberation of Belgium on September 3, 1944, Perelman returned to the Free University.

The Holocaust, the destruction of Europe, and the failure of reason in the face of totalitarian thought were key issues facing Perelman and other thinkers in the post war setting.¹⁴ Belgium, which had a pre-war Jewish population of 66,000, lost 25,000 to the Holocaust.¹⁵ In the aftermath of the war, Europeans sought to develop systems of governance that would prevent war, and philosophers, under the auspices of UNESCO, gathered to consider the role played by reason in the totalitarian movements that destroyed Europe and the deaths of seven million Jews. Perelman played a major role in this effort as vice-chair of a committee that sought to establish the philosophical bases of the United Nations position on human rights.

In the wake of the War, Perelman and his wife supported Zionism and the founding of Israel. They made significant efforts to find homes for Jews in Palestine and South America, but chose to remain in Belgium. Perelman found a warm welcome in Israel. He was active in voicing support for Israel during the 1967 war between Israel and the surrounding Arab states, made several visits to Israel, knew many prominent Israelis, and was at home at Hebrew University, where he served as a distinguished visiting lecturer. Hebrew University awarded him an honorary doctorate in 1980. In his speech at the ceremony in which he accepted this award, he traced his intellectual trajectory from logical positivism to rhetoric.¹⁶ The penultimate sentence of this address captured the objective of his scholarly career. A robust view of logic Perelman declared,

ought to be completed by a theory of argumentation
that draws from the dialectical reasoning and rhetoric from

Greco-roman antiquity, but also with Talmudic methods of reasoning. It is to the study of this theory, and its extensions in all domains that I have dedicated, for more than twenty years, the majority of my works.¹⁷

Perelman drew this connection looking back on his scholarship.

I doubt he described his theory of argumentation in this manner when he introduced the NRP in a 1949 lecture at the Institut des Hautes Etudes de Belgique.¹⁸ Indeed, my reading of Perelman's writings leads me to concur with Schrieber that Perelman, in the latter years of his life, engaged in a kind of secular *teshuvah*, or an explicit return to Judaic values and principles.¹⁹ One does not see many explicit references to Jewish thought in Perelman's writings on rhetoric until the 1970s. This "return" may be due to Perelman's association with Israeli Supreme Court justice Chaim Cohn and Nathan Rotenstreich, a professor of philosophy at Hebrew University.²⁰

In tracing Perelman's *teshuvah*, it is important to note the trajectory of his thought. Perelman marked 1929 as the beginning of his intellectual life. From 1929 to 1947-1948, he was an admitted logical positivist. He found this intellectual framework troubling as it could not provide insight into questions of value and justice. Between 1940 and August 1944, Perelman wrote *On Justice*, which is a careful study of six standpoints on justice.²¹ He was not satisfied with the conclusions he had reached as he did not discover how justice could be justified. In the post-war period, he embarked on a search, which Lucie Olbrechts-Tyteca joined in 1947, for the grounds of justice. In particular, he sought for an expression of reason that could join the *vita contemplativa* with the *vita activa*.²² He believed that reason had been, in the classical tradition, restricted to the former.

Judaic patterns of reasoning, I believe, served as a counter model for Perelman in this period, but were submerged. In adapting to his audience, he made use of classical thought and Aristotle's texts on logic and rhetoric. Yet, even in this period, Judaism served as a site from which a critique of classical thought could proceed. In later years, Perelman, as I will illustrate, was much more explicit in his use of the Jewish countermodel. A close reading of the NRP reveals that it was founded

on Perelman's interpretation of Jewish reasoning and argumentation. I temper this claim with two reservations.

First, Perelman was a free thinker, and an atheist. He drew from Judaism the values of pluralism, tolerance, community, and the importance of argument. God or a divine presence did not inform his definition of Judaism. There is little question that a belief in the divine motivated the formation of Judaic thought.²³ In addition, there are intolerant strains of thought in Judaism, evident, I would argue, in such movements as Gush Emunim in Israel that do not value pluralism and tolerance.²⁴ Second, those who knew him well did not accuse him of commanding a deep understanding of the Talmud, and he was selective in his choice and deployment of Jewish thought. In light of these two reservations, the evidence I will present supports the conclusion that the NRP rests on Jewish touchstones. Indeed, in the years before his *teshuvah*, his implicit rejection of the classical tradition, Enlightenment thinking, and the critique of Aristotle's rhetoric in the *New Rhetoric* are based on the alternative offered by Judaism.

The Critique of the Classical Tradition in the *New Rhetoric*

In the aftermath of World War II, many philosophers saw that reason had been misused by the totalitarians.²⁵ Logical positivism and existentialism, the two prevailing philosophical movements in the post-war setting, were not equipped to prevent the misuse of reason. In search of an answer to the crises of reason, Perelman and Olbrechts-Tyteca rediscovered Cicero's rhetoric.²⁶ Cicero's emphasis on rhetoric's role of ensuring justice caught Perelman's attention. However, to persuade their audience, which consisted of European philosophers well versed in Continental philosophical writings, an appeal to Cicero or Jewish writings would have been far less persuasive than to the authority of Aristotle. Perelman and Olbrechts-Tyteca and the audience of the *New Rhetoric* shared a commitment to classical thought, and Aristotle served as a locus because he was, Perelman writes, "considered by everyone the father of modern logic."²⁷ To achieve their persuasive goal of redeeming and broadening the realm of reason, Perelman and Olbrechts-Tyteca

begin with the ancient Greek philosophical tradition and Aristotle's *Topics* and *Rhetoric*. The authors begin here because their audience could be expected to see the classical tradition as a *loci communes* and Aristotle's writings as a locus of agreement.

The first sentence and the exordium of the *New Rhetoric* invoke the classical tradition, the ancient Greek rhetoricians, and the Renaissance against the Enlightenment: "The publication of a treatise devoted to argumentation and this subject's connection with the ancient tradition of Greek rhetoric and dialectic constitutes a *break with a concept of reason and reasoning due to Descartes* which has set its mark on Western philosophy for the last three centuries."²⁸ As an act of rhetoric, the exordium of the *New Rhetoric* roots Perelman and Olbrecht-Tyteca's argument in sources of authority accepted by their audience. Indeed, the exordium the *New Rhetoric* performs their theory of the argumentative introduction, in which the rhetorician is to create an "allusion" to a "common culture" and create the sense that the speaker and audience have common values."²⁹ To achieve this sense of communion with their audience, Perelman and Olbrechts-Tyteca call on the authority of Plato, Aristotle, Quintillion, Augustine, Vico, Whately and other well-respected thinkers in the classical tradition.

Seeking a foothold for a new and expanded sense of reason in values and sources shared by the authors and the audience, Perelman and Olbrechts-Tyteca remind their readers that in antiquity "dialectical reasoning [was] considered running parallel with analytic reasoning, but treating of that which is probable instead of dealing with proposition which are necessary."³⁰ The *NRP* is an attempt to reformulate the relationship between analytic and dialectical reasoning in the classical mode. The invocation of Aristotle as a source of authority on matters related to logic allows Perelman and Olbrechts-Tyteca to suggest that their work is in agreement with the classical tradition. As the collaborators point out, Aristotle's *Rhetoric* and *Topics* define and outline a form of reasoning from probability and from general opinions, and Perelman and Olbrechts-Tyteca seize them as a sites of agreement with their audience. If Aristotle, as the "father" of apodictic logic inflated

reason to include the probable, then other attempts to do the same must be justified.

However, the authors were also highly critical of the classical tradition and of Aristotle's treatment of rhetoric and dialectic. In his response to Stanley Rosen, which was written a year after the publication of *Traite*, Perelman noted that what he called "the classical tradition, starting with Plato and Aristotle, continues with St. Augustine, St. Thomas, Duns Scotus, Descartes, Leibniz, and Spinoza and is carried on by empiricism and logical positivism, as it is represented by early Wittgenstein of the *Tractatus Logico-Philosophicus*."³¹ Perelman continued:

the tradition I call classical assigns but little importance, as far as achieving science and contemplation goes, either to practice or to the historical and situated aspects of knowledge. . . . This viewpoint is held in common by Plato and Aristotle, as well as by thinkers such as Descartes . . . The tradition I call classical includes all those who believe that by means of self-evidence, intuitions – either rational or empirical – or supernatural revelation, the human being is capable of acquiring knowledge of immutable and eternal truths, which are the perfect . . . reflection of an objective reality . . .³²

The classical tradition, Perelman noted, was not open to truths that were fluid, partial, and in contradiction.

Perelman would later trace the classical traditions impulses to the metaphysics of Parmenides. Perelman and Olbrechts-Tyteca saw their work as a "break" from the metaphysics of Parmenides and the classical tradition. Perelman writes that the birth of Western metaphysics is to be traced to the great poem of Parmenides, who sets against this multiplicity of appearances "an eternal and uniform reality conforming to the demands of reason. Parmenides' philosophy takes the form of an ontological monism . . ."³³ Parmenides, according to Perelman, "started the centuries-old debate . . . which has set philosophy against rhetoric. . . ."³⁴ Under the influence of Parmenides, philosophy and philosophers in the Western tradition have sought impersonal truth

condemning rhetoricians for their concern with the vagaries of human opinion.

Parmenides, Perelman argued, established the metaphysics of classical thought and the first philosophy of Aristotle and other Greek thinkers. This metaphysics privileged the *vita contemplativa* over the *vita activa*, a theme developed by Hannah Arendt in the first section of her *The Human Condition*.³⁵ Arendt notes that classical thought did not value noise and speech. Authentic truth and knowledge were timeless and motionless, discovered in silence and through contemplation. Until his turn to rhetoric, Perelman adhered to the belief that only the *vita contemplativa* could produce true understanding.

Perelman also takes Descartes to task his constricted view of knowledge. Descartes states: "Whenever two men come to the opposite decision about the same matter one of them is at least must certainly be in the wrong, and apparently there is not even one of them who knows; for if the reasoning of the second was sound and clear he would be able so to lay it before the other as finally to succeed in convincing his understanding also."³⁶ In his critique of Descartes, Perelman argues that it is possible for two people to disagree and both hold reasonable positions. This critique evolved from Perelman's belief in the irreducible pluralism of human existence. He did not extend this belief into the realm of relativism as he saw values as stronger or weaker in a given context. Humans would use argument as tool of reason to judge which values were strongest.

Similarly, the appropriation of Aristotelian thought is attenuated by a series of criticisms. Perelman and Olbrechts-Tyteca set forth the need for a rapprochement between dialectic and rhetoric because rhetoric had devolved to the study of figures and tropes, and was equated with sophistry. Dialectic (reason) had become conflated with apodictic reasoning and elevated as the means of acquiring "immutable and eternal truths." Although Perelman blamed Ramus for rhetoric's modern demise, Aristotle shared responsibility for treating rhetoric as "a technique for use by the common man impatient to arrive rapidly at conclusions, or to form an opinion, without first of all taking the trouble of a preliminary serious investigation . . ."³⁷ The authors read

Aristotle as suggesting that rhetoric is but a technique designed for the ignorant. Accordingly, Perelman and Olbrechts-Tyteca cite Aristotle's *On Rhetoric* at 1357a and distinguish their effort from Aristotle's by declaring, "we have no wish to limit the study of argumentation to a public of ignoramuses."³⁸ Perelman, in another essay, states more bluntly: "the contempt habitually shown by philosophers in regard to rhetoric results from what Aristotle, and those who followed him, elaborated as a technique to persuade primarily an audience of ignorant people."³⁹ In sharp contrast, Perelman and Olbrechts-Tyteca rescue rhetoric and the notion of the audience from Aristotle and identify several problems in his treatment of dialectic.

Perelman and Olbrechts-Tyteca argue that the ancients and Aristotle failed to develop dialectical premises and reasoning, treated dialectical premises as "impersonal," neglected to identify a different form of reasoning for dialectical premises, confined reason to induction and deduction, and that Aristotle's *loci* assumed the properties of formal logic not the values of situated audiences. When Perelman and Olbrechts-Tyteca turned to Aristotle and the classical rhetoricians, they discovered that the Ancients had failed to "exploit" dialectical reasoning.⁴⁰ Instead, Aristotle and the ancients held that the "status of that which is subject to opinion" to be "impersonal and that opinions are not relative to the minds which adhere to them."⁴¹ Moreover Aristotle was "content to locate the difference [between demonstrative and dialectical] in the kind of premises used" and that the "nature of reasoning in both cases was held to be the same, consisting in drawing conclusions from propositions posited as premises."⁴² The dialectic of the New Rhetoric develops and exploits an approach to reason that was at best, latent in Aristotelian thought.

Perelman and Olbrechts-Tyteca believed Aristotle based his dialectic in predicative logic, which gave the procedure of his dialectic its form.⁴³ This logic, according to Perelman, was based on three laws of thought: identity (A is A); contradiction (A cannot be both B and not-B), and the excluded middle (either A is B or A is not-B). Propositional logic was designed to elicit general and universal truth guided by induction, deduction, and the syllogism.⁴⁴ These laws and

expressions of logic, which ruled Aristotelian and Western reason, were, according to Perelman, unduly restricted:

[S]ince the time of Aristotle, logic has confined its study to deduction and inductive reasoning, as though any argument differing from these was due to the variety of its content and not to its form. As a result, an argument that cannot be reduced to canonical form is regarded as logically valueless. What then about reasoning from analogy? What about the *a fortioris* argument? Must we, in using such arguments, always be able to introduce a fictive unexpressed major premise, so as to make them conform to the syllogism?⁴⁵

G.E.R. Lloyd agrees and notes that Aristotle was "chiefly interested in propositions that express relations of class-inclusion and class-exclusion between two terms. But he only rarely mentions, and certainly never deals systematically with, propositions expressing such transitive relations as, for example, 'greater than', 'equal too' or 'simultaneous with'. . . ." ⁴⁶ As I will note later, comparative or reasoning from analogy, prominent in Jewish thought, was the defining logic in the NRP.

Perelman and Olbrechts-Tyteca also observed that Aristotle's logic features the relationship between the subject and the predicate and positions the premises of dialectical syllogisms as the properties of predicates: accident, species, property, definition, and sameness.⁴⁷ This logic provides a powerful tool for the evaluation of subjects and predicates, but failed to account for the differences between the analysis of predicates and probable opinions. More important, it did not include human values and the full range of human reason.

Perelman and Olbrechts-Tyteca reoriented Aristotle's dialectic and shifted the premises of situated reasoning from the propositional to the axiological. They identified two reasons for this shift. First, they insisted that they "did not wish to be bound to any particular metaphysical system," which acceptance of Aristotle's dialectical premises implied.⁴⁸ Second, they wished to exploit the topic of dialectical reasoning by focusing on the values and the value hierarchies of the audience rather than on the relationships between subjects and predicates.

Yet, the criticism of Aristotle's dialectical system was presented as an elaboration of his *loci*, for Perelman and Olbrechts-Tyteca fold the dialectical premises they identify under Aristotle's category of accident, illustrating both their tie to and distance from Aristotelian thought and the influence of the Jewish countermodel.

The *loci* offered by Perelman and Olbrechts-Tyteca is critical to my position that they did far more than reiterate the categories of classical Aristotelian rhetoric. Although these *loci* find some hospitality in classical thought, they embody the New Rhetoric's attempt to free itself from Aristotelian metaphysics. Two *loci*, forming a philosophical pair, serve as the anchors of the NRP: *loci* of quantity and *loci* of quality. In turn, this pair "correspond [s] to two human fundamental tendencies, i.e., the classical and the romantic spirit."⁴⁹ Classical tendencies and the *loci* of quantity celebrate the True, beautiful, good, durable, greater in amount, the whole, objectivity, etc. Romantic tendencies and the *loci* of quality value the unique, rare, precarious, difficult, original, the irreparable, etc. Perelman and Olbrechts-Tyteca explain the difference between the two *loci* in this manner:

Classical authors tend to utilize a discursive form of communication. In contrast, Romantics prefer discourses which seem most fitting to suggestion. Poetry rather than prose; metaphor which brings together domains rather than comparison or allegory; word games which throw limits into disorder; better symbolic participation than causal relation; rather than the strategic, hypotactic, Greco-Latin phrase they prefer the paratactic Biblical phrase. Rather than naïve realism which satisfies reason, their preference is the supernatural that evokes mystery; rather the banal which reassures, their preference is for the strange which alone has value; rather than the construct the improvised, rather than the definite, the vague rather than the stylized, the disordered, rather than the precision of the present and the approachable, the vaporourness of distance and the fluidity of memories.⁵⁰

Perelman and Olbrechts-Tyteca reveal here a striking conceptualization of human nature, one that nests antithetical values in the same cosmology. The NRP was built around an acknowledgement of both the benefits and dangers of classical and romantic tendencies.

When facing classical tendencies and *loci*, the NRP was highly critical of the metaphysical assumptions made by Classic and Enlightenment philosophers, their definitions of reason and logic, and their depiction of dialectic and rhetoric. Similarly, when facing Romantic tendencies and *loci*, the NRP sounded notes of caution. If classical metaphysics could be traced to Parmenides and his poem, Perelman and Olbrechts-Tyteca tie the Romantic to the "Nietzscheian superman and of the existentialist personality."⁵¹ The "unique individual" in the form of the "Byronic hero" are vivid expressions of the Romantic spirit. If the purely "rational man would only be an inhuman monster" then the purely romantic, rejecting discursive rational action and unconstrained by any version of reason, "often envisions favorably recourse to force."⁵²

Classical and Romantic *loci* help ground the NRP's cosmology. They coexist, and the temptation to extort a reconciliation is resisted with contextually based argument. Perelman and Olbrechts-Tyteca note, "*Loci* of quality and *loci* of quantity propose choices to us. They do not destroy totally what they reject. To whoever admits a locus, the antithetical locus is not necessary unattractive; one of the values in discussion can be deprecated but it continues to exist. Its subordinate place must be justified. . . ."⁵³ The argumentation situation, a fluid reality in which the two human tendencies of classicism and romanticism are intertwined, asks the speaker to make a choice between and among *loci*.

Indeed, as Perelman and Olbrechts-Tyteca note, among the "pioneers of romanticism we find abundant classical *loci*," and those who defend classical values must, paradoxically, make use of romantic *loci*.⁵⁴ Both are needed by arguers to address situated audiences. Again, in extorted reconciliation of the two *loci* is not required, for the arguer can and will rank the issues under discussion using values drawn from classical and romantic *loci*.

With classic and Romantic impulses and *loci* in place, Perelman and Olbrechts-Tyteca set forth four additional *loci*, which are located

between the *loci* of quantity and quality: order, existing, essence, and person. These *loci* are framed and defined by the speaker's choice to follow a classic or romantic impulse. Thus, the order of a message, if it emanates from classic values, would reflect the structure of classical thought. Similarly, the *loci* of quality paired with the *loci* of existing and essence would help an orator define human nature. Here, Perelman and Olbrechts-Tyteca refer to existentialist philosophy, in which the *loci* of quality and existence are paired.

Perelman and Olbrechts-Tyteca locate argument in the space between the *loci* of classical and romantic *loci*, helping us to map and position the NRP's cosmology in relation to other rhetorical systems. Although Perelman and Olbrechts-Tyteca do pay tribute to the classical tradition and "exploit" what was latent in Aristotelian thought, the NRP rejects much of classical metaphysics and of Aristotle's treatment of rhetoric and dialectic. Consequently, the NRP should not be classified as a neo-classical system or as Aristotelian as Goodhart and others do.

Because the NRP shares the Enlightenment's faith in human reason, some to conclude the project is a reprise of Enlightenment thought. However, the NRP is a partial repudiation of Enlightenment thinking and of its conflation of formal logic with reason. Perelman and Olbrechts-Tyteca expand the definition of reason and logic far beyond that offered by Descartes, making their project related to but separate from that of the Enlightenment.

Finally, there is a temptation to take seriously Perelman and Olbrechts-Tyteca's favorable allusion to the Renaissance and to conclude that the NRP's lineage can be traced to the writings of Bruno Latini, Lorenzo Valla, Gianozzo Manetti, Leonardo Bruni, Marsilio Ficino, Pico della Mirandola, and Coluccio Salutati. Yet, Perelman saw that in a revolt against scholastic formalism, the Italian Renaissance, and in particular, Lorenzo Valla, "gave definite primacy to rhetoric" over action.⁵⁵ In turn, rhetoric during this period was seen "essentially as an art of expression and, more especially, of literary conventionalized expression; it is the art of style."⁵⁶ Where classical philosophy gave primacy to dialectic, and Renaissance thinkers privileged a stylized rhetoric, the NRP brought the two into a state of rapprochement.

What, then, is the lineage of the NRP and where is it located among other rhetorics? The answer is that Perelman turned to Judaism as a countermodel to classical thought and Talmudic argumentation as a remedy to the deficiencies in Aristotle's *Rhetoric*.

The Jewish Countermodel

As I have noted, the deployment of Judaism and Talmudic argumentation was implicit during the early years of the NRP and became more explicit as Perelman entered a period of *teshuvah*. There is no mention of Jews or of the Hebrew culture in the *New Rhetoric* until pages 157-158. Nested in the middle of the section titled "modalities in the expression of thought," Perelman and Olbrechts-Tyteca illustrate the use of subordination with several examples, and feature this quotation from Julian the Apostate, a Roman Emperor who hoped the Jews would rebuild Jerusalem:

The benevolently forbearing attitude of Julian the Apostate vis-à-vis the Jews is expressed in these peculiar terms: "They agree with the Gentiles with the exception of their belief in one God. That is special to them and foreign to us. Everything else is common to us both."⁵⁷

They follow this illustration of subordination with a discussion detailing how the elements of argument are joined. Drawing from Auerbach's *Mimesis*, Perelman and Olbrechts-Tyteca juxtapose hypotactic and paratactic relationships.⁵⁸ Hypotactic relationships are characterized by subordination and precision; paratactic connections are those that do not subordinate, are less precise, and are loose rather than tight. Perelman and Olbrechts-Tyteca write:

The hypotactic construction is the argumentative constructive par excellence. Auerbach considers it to be characteristic of Greco-Roman literature in contradistinction to the paratactic construction favored in Hebrew culture. Hypotaxis . . . controls the reader, forces him to see particular relationships, restricts interpretations he may consider

. . . . Parataxis leaves greater freedom, and does not appear to wish to impose a particular viewpoint.⁵⁹

Given the quest of the NRP to develop a non-compelling system of reason, it is apparent that Perelman and Olbrechts-Tyteca here view, at least indirectly, the Hebrew culture's sense of argument construction to be closer to their sense of how the elements in an argument ought to be joined than the model offered by the Greco-Roman tradition.

Twelve years after the publication of the *Traite*, Perelman explicitly juxtaposes the Western philosophical tradition with Talmudic thought.⁶⁰ Perelman writes: "For the new rhetoric, however, argumentation has a wider scope of nonformal reasoning that aims at obtaining or reinforcing the adherence of an audience."⁶¹ Accordingly "the idea of the unicity of truth . . . has disqualified rhetoric in the Western philosophical tradition."⁶² Yet, there is a countermodel: "Things are very different within a tradition that follows a juridical rather than a mathematical model. Thus in the tradition of the Talmud, for example, it is accepted that opposed positions can be equally reasonable; one of them does not have to be right."⁶³ Here Perelman illustrates the Jewish countermodel with the famous story of the clash between the two school of biblical thought, Hillel and Shammai. These two schools were antagonists. One of the Rabbi asked heaven which school speaks the truth. A voice answered him saying that both schools expressed the "words of the living God."⁶⁴ The arguments of both Hillel and Shammai were viewed as just, even though they were seemingly incompatible.

This is a keystone narrative in the Talmud as it reflects a metaphysics, epistemology, axiology, and set of assumptions about argument quite different from those of the Western philosophical tradition. Unlike classical metaphysics or first philosophies, which Perelman argued, used the *vita contemplativa* to achieve "immutable and eternal truths, which are the perfect reflection of an objective reality,"⁶⁵ Jewish metaphysics could host multiple and contracting truths. The Hebrew Bible, the "primary source for Jewish philosophical reflection and metaphysics, sets forth a vision of first principles and foundations unlike those Perelman detected in the great poem of Parmenides."⁶⁶ Th

Hebrew Bible outlines a metaphysics that celebrates freedom, seeks justice, defies clarity, resists deductive logic and declarative propositions, embraces contradiction, and uses a paratactic pattern of expression (the placement of the elements of argument in association rather than in a direct hierarchy) rather than hypotactic structures (subordination of one value to another). These touchstones meant that Judaism reversed the priority given to the *vita contemplativa*. The human world, "like the world of God, is one of action."⁶⁷ Jewish metaphysics is intended for the *vita activa*, and a life lived in human time, or what Henri Bergson, another Jewish philosopher who influenced Perelman's philosophy, termed the "durée" or lived time.

Time, in the Hebrew Bible and in Jewish thought, was in process. Perelman and other Jewish thinkers saw that the Greeks and the Western philosophical tradition sought knowledge unaffected by time and experience.⁶⁸ For Jews, "time was all important. The world of the [human], like the world of God, is a world of will, and will involves process, i.e. time."⁶⁹ As time unfolds, humans are faced with a world with mysteries and a God that cannot be fully comprehended. Here, the search for clarity yields to confusion, one that is built into the nature of being.

In Jewish metaphysics, the tendency is to place ethics before ontology, classical metaphysicians reverse the order. The work of Emmanuel Levinas is often cited as an example of a Jewish inflected philosophy designed, in part, in opposition to classical thought.⁷⁰ Levinas, who developed a philosophical perspective that is emerging as one of the most important post-Holocaust systems of thought, argues that the face of the other and the sacredness of alterity must come before the concerns of ontology and epistemology. Similarly, the need to articulate a vision of reason that would hold people accountable for their positions and to others was a critical exigence for Perelman. In the wake of the Holocaust, Levinas and Perelman searched within the Western philosophical tradition for the conceptual resources they could use to build a philosophy of action and ethics. Their search led them to a dead end, and ultimately, both returned to Judaism for metaphysical touchstones.

Reason and logic, located in time, could not be confined to three laws of thought (identity, non-contradiction, and the excluded middle) or to propositional logic and the syllogism. Aristotle insisted on the use of univocal terms and enforced the laws of contradiction and the excluded middle.⁷¹ In contrast, Handelman writes that "one of the major accomplishments of the Rabbis was the creation of another system of relational inference independent of the syllogistic model, and hence branded as illogical by those schooled only in Greek thought."⁷² Talmudic argumentation developed a system of logic and inference that could tolerate ambiguous or multiple identities, contradictions, and allowed for the possibility of bivalent and multivalent values or entities. This logic was fully revealed in Talmudic argumentation.

Argument in the Talmud moves readily from classical to romantic *loci* and back. Twersky noted that Jewish thinking and discourse is a "coincidence of opposites: prophecy and law, charisma and institution, mood and medium, image and reality, the thought of eternity and the life of temporality."⁷³ Stone concurs and observes that Jewish thinking is characterized by "paradoxical interdependencies."⁷⁴ If the Western philosophical tradition falls prey to what Foucault calls Enlightenment blackmail (the belief that the Enlightenment's definition of reason is absolute, and if reason is not absolute, then there can be no reason), then Judaic philosophy and Talmudic argumentation offer an alternative that can host more than one definition of reason.

A Jewish reading of the classical tradition suggests the former is more hospitable to rhetoric than the latter. Susan Handelman writes "The struggle between philosophy and Greece ended in philosophy's conquest."⁷⁵ In contrast, the Rabbis did not face this struggle as they bridged rhetoric and philosophy with language and argument in contact with lived reality. Of course, Handelman may be overstating the case as there has been and continues to be a struggle between philosophy and rhetoric in the Western tradition.⁷⁶ Regardless, the consensus of scholarship does suggest that the Western philosophical tradition has been and remains dubious of rhetoric's worth.

In the early stages of the NRP, Perelman developed a metaphysics designed to sponsor his turn to rhetoric that is strikingly similar to

the characteristics of Jewish metaphysics. Perelman's metaphysics is developed in elegant detail in a 1949 article published in the Swiss journal *Dialectica*.⁷⁷ He titled this article "First Philosophies and Regressive Philosophies." He does not cite Jewish sources, but his notion of "regressive philosophies" has all the features of Jewish metaphysics. Perelman traces the emergence of metaphysics to the works of Aristotle: "The first metaphysicians set forth a particular philosophy of being [être]; those opposed advocated a different philosophy of being. By expanding its meaning, Aristotle gave metaphysics its first dialectical movement and identified it as the study of being as being and ontology."⁷⁸ According to Perelman,

First philosophies refer to any metaphysics that purports to determine first principles such as the fundamentals of being (ontology), of knowledge (epistemology), or of action (axiology). First philosophies position first principles as absolute and that they underlie all philosophical questions. The word first informs the argumentation used to establish the primacy of first philosophies. A principle is first when it comes before all others in a temporal, logical, epistemological or ontological order; the insistence on this point serves to emphasize its primacy or axiologic preeminence. That which is first or basic, that which precedes or presupposes all the rest, is also first in order of importance.⁷⁹

The first principles in first philosophies are absolute and timeless, and when two systems of first philosophies clash, one must emerge victorious:

The course taken by first philosophies is determined by a starting point constituted by a necessary reality, a self-evident concept, or an absolute value before which one can only yield. Hence, this type of metaphysics relies on irreducible criteria as the legitimating authority, which in turn provides the foundation on which we can construct a progressive philosophy. The history of thought shows us that first philosophies struggle constantly against each other, each setting forth its

own principles, its own criteria that it considers as necessary or evident, without regard to the possible legitimacy of principles established by other first philosophies. Each first philosophy constitutes a threat for the others. What results is a merciless struggle of these doctrines of first philosophy; all are incapable of finding a common language or common criteria.⁸⁰

The notion of a regressive philosophy begins with a different set of assumptions. First philosophies consider first principles as criteria of necessity and "justifies in absolute terms the first truth that one establishes as the basis of the system. Regressive philosophy considers its axioms, its criteria, and its rules as resulting from a factual situation and it gives them a validity measured by verifiable facts."⁸¹

In contrast to first philosophies, regressive philosophy considers the consequences of facts and experience thereby moving metaphysics into the domain of action. This is the domain of will and choice. A regressive philosophy relies on experience, experiment, and mistake for verification of principles. As such, principles are only as strong as the evidence that supports them. Regressive philosophy assumes change and rectification. First philosophy seeks to achieve a static, motionless univocal, and silent truth.

Perelman's outline of a regressive philosophy was designed to address the post-war crises of reason. Reason in the time period in which Perelman was writing had been misused by the totalitarian movements constricted by logical positivism to dealing with empirical questions and reduced to an expression of solipsism by the existentialists.⁸² Under the compelling deductive structure of First philosophy, the individual is absolved of choice and responsibility. Perelman writes:

In formal logic, a demonstration is either convincing or it is not, and the liberty of the thinker is outside of it. However, the arguments that one employs in rhetoric influence thought, but never obligate his agreement. The thinker commits himself by making a decision. His competence, sincerity, integrity, in a word, his responsibility are at stake.⁸³

Rhetoric, which Perelman rediscovered after reading Paulhan's *Les fleurs de tarbes* and its appendix containing Latini's rendition of Cicero's *De Oratore*, redeemed reason for Perelman.⁸⁴ At this point, Perelman had rediscovered the Western rhetorical situation, and saw the need for a regressive philosophy that could rectify the troubling patterns in first philosophy. The characteristics of regressive philosophy are shared by Jewish thought and Perelman's turn to rhetoric and argument may have been easier to take given the Jewish preference for argument.

Talmudic Argumentation and the NRP

David Kraemer's *The Mind of the Talmud* illustrates the correspondence between Talmudic argumentation and the analysis of argument in *The New Rhetoric*.⁸⁵ Indeed, Kraemer uses *The New Rhetoric* to display the characteristics of argument in the Talmud. If the claim I make here is strong, that Perelman was influenced by Judaism and argument in the Talmud, then there is an irony in Kraemer's use of *The New Rhetoric* to reveal the features of argumentative discourse in the Talmud. Regardless, in contrast to the aspirations of Greek rhetoric and argumentation, Kraemer explains how Talmudic argumentation assumes the ambiguity of truth, and the freedom of the audience to judge or adhere to a claim.

Talmudic argumentation considers ambiguous truths that may be at the center of dispute and makes use of a common language, a tradition of textual interpretation, and a system of authority. As Kraemer notes, these preconditions encouraged what Perelman and Olbrechts-Tyteca termed a "contact of minds" between and among those who argued. Perelman and Olbrechts-Tyteca would completely transform Aristotle's concept of epideictic to capture these attributes of Talmudic argumentation, doing so with a stinging critique of Aristotle's failure to recognize the need for discourse that gives the ground for reasoned action.⁸⁶ The Talmudic tradition assumed some agreement was needed before genuine argument could take place.

The markings of Talmudic logic can be seen on the system of reason developed by Perelman and Olbrechts-Tyteca. The inferential form

and the most important argumentative technique in the *New Rhetoric*, I believe, are drawn from the Jewish tradition. As Handelman notes, the Rabbis were fully aware of the syllogism and rational thought, but their definition of reason was expansive and included a system of logic that featured juxtaposition and analogic thinking. The Rabbis make use of juxtaposition, refusing to fuse the relations between the components of argument. Handelman explains that the type of inference

based on juxtaposition is quite obviously different from the predications of Greek thought. It is relational rather than ontological, dealing with propositions rather than predicates. In juxtaposition, two entities are related and applicable to one another, but not identical. There is similarity within difference, each retaining its own independent identity.⁸⁷

The NRP uses juxtaposition or comparative reasoning as its logical form and signaling its importance in their work, Perelman and Olbrechts-Tyteca develop a 27 page rationale for analogic thinking in the *New Rhetoric*.⁸⁸ In particular, they praise analogic thinking for its ability to promote innovative argument.

In classical thought and logic, the syllogism dictated the manner in which a clash between opposites should be resolved. As I have noted above, the syllogism, Aristotle's template of logic, was based on deductive logic and forced the elements of argument into a major premise and minor premise. The three laws of thought also proscribed a particular form of reasoning on those engaged in disputes. Identity had to be univocal, the law of contradiction ruled, and opposites could not share ground. In contrast, Talmudic argumentation placed the elements of argument in relationship and in attenuated hierarchy. In this system, all the elements and values in an argument might be valued but temporarily placed in a rank order given the context and issue facing the community. The argumentative technique used to determine hierarchies in the Talmud is known as the *kal ve-chomer*.

Kal ve-chomer deploys juxtaposition, seeking to tease out similarities and differences. Handelman, in her comparison of *kal ve-chomer* and the syllogism, notes that they are significantly different

form of reasoning.⁸⁹ The syllogism, with its deductive format, seeks to abolish difference, and fold reality into a major premise. In contrast, *kal ve-chomer* seeks out "resemblance despite difference (not a collapse of difference) and leads not to statements of predication, where the copula is *is*, but to inclusion without identity."⁹⁰ The key difference between the syllogism and *kal ve-chomer* is that in the latter there is "no cancellation or substitution of one by the other, nor a postulation of a relation of identity where the copula is *is*; the copula copula just as well be *and* . . ."⁹¹ When Jewish and classical thought are compared, many would argue that this distinction, traced back to the syllogism and *kal ve-chomer* is the key. Classical metaphysics and logic seek a univocal expression; in Jewish metaphysics and reason, there is a regressive spirit in which multiple truths are acknowledged and juxtaposed. I believe Perelman transplanted this spirit into the NRP's most prominent expression of reason, the dissociation of concepts.

The use of dissociation as an argumentative technique is at the center of what Perelman and Olbrechts-Tyteca believe is the most original section of the *New Rhetoric*.⁹² Dissociation imports the spirit of *kal ve-chomer* and avoids the tyranny of the syllogism by placing the incompatible elements of an argument in human time. In so doing, dissociation "preserves, at least partially, the incompatible elements."⁹³ Argument becomes necessary on the plane of action (the site of rhetoric) because incompatibilities can be postponed in time, diluted, or subjected to compromise. Dissociation can involve "profound change" and "remodel our conception of reality" by subjecting antinomies to a reordering.⁹⁴ For our purposes, it is instructive to see how Perelman used the dissociation of concepts to answer a question Prime Minister Ben Gurion posed to him in a letter dated July 1958. Ben Gurion had selected 25 prominent Jews in the Diaspora and 20 in Israel to answer the question: what is a Jew? Perelman's answer, which is explained in a 10 July 1959 answer to Ben Gurion, was based on the dissociation of concepts. Perelman wrote

As a non-religious Jew, I find it easier, and more consistent with other civilized people, to dissociate the two rubrics of "nationality" and "religion." It logically

follows that this dissociation ought to lead to the progressive secularization of the State of Israel, in a manner in which its inhabitants can, if they desire, see all that concerns their personal status as uniquely controlled by the laws of the State and by the secular authorities.⁹⁵

Perelman did, however, recognize the value and importance of the religious expression of Judaism:

If one wants the national and religious points of view to be unified if not coordinated, one must only wait for conflicting interpretations to arise. To avoid conflicts that could be prejudicial to the State of Israel, it would be desirable to create a mixed tribunal, composed of judges designated, for example, by the Israeli parliament, the Jewish agency and the Jewish religious influences. This tribunal would decide issues of jurisdiction. This tribunal would be under the jurisdiction of the Supreme Court of the State of Israel, which would rule on matters related to the interpretation Israeli law; these rulings would not have religious implications.⁹⁶

Here, Perelman enacts his view of the dissociation of concepts as the antinomies of secularism and religion remain in a relationship that is carefully regulated to account for inevitable conflict. The ultimate judgment, Perelman argued, belonged to the legal system and the supreme court of Israel, reflecting his commitment to a legal means of managing value conflicts. Perelman's letter illustrates the close relationship between his system of thought and Judaism in that he applied dissociation of concepts to a problem defying clear resolution. In the next section, I conclude by identifying some of the implications of this study.

Conclusion

I have offered a reading of Perelman's life as an assimilated and secular Jew and suggest how the fact he was a Jew significantly influenced the NRP. One implication of this reading is that scholars of rhetoric will need to reconsider describing the NRP as Aristotelian or

as a reprisal of Greek thought. Perelman did adapt to his audience, one schooled in the Western philosophical tradition, by referring to Aristotle and other prominent European thinkers in his readings. However, I believe he imported a Jewish inflected metaphysics, epistemology, axiology, and system of argument into a rhetoric with a thin veneer of classical thought. Perelman was highly critical of the classical tradition and Aristotle's rhetoric, and could not fully address the crises of reason with the resources available in the Western philosophical tradition.

At the same time, I offer this implication with some trepidation. Perelman was called to task by Stanley Rosen for conflating Christian and Greek reason, and for failing to account for the diverse philosophical movements in the Western tradition.⁹⁷ Handelman, in her Jewish reading of the Western tradition of philosophy, may also overstate the difference between classic and Jewish philosophies. Perelman and Handelman insist that we see the tolerant and expansive sense of reason in the Jewish tradition, but may miss these traits in the Western cannon. As post-Shoah scholars of Jewish and Western thought, I can understand why they would have a negative view of the European expression of reason.

Although there may be more diversity in the Western tradition than either Perelman or Handelman are ready to admit, it is clear that their critique of the Western philosophical and rhetorical is largely sound. Jewish thought does stand as a countermodel to Greek and Western patterns of reason. Rhetorical scholars would do well in continuing to juxtapose the Western and Jewish traditions in search of what each can learn from the other. The NRP is a quest to accomplish this task. A careful reading of Perelman's work suggests that Jewish metaphysics, ontology, epistemology, and argument are the central touchstones of the NRP and that Perelman believed that the Western tradition needed the Jewish countermodel to develop a rhetoric necessary for justice in a world of irreducible pluralism.

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Notes

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⁹⁴Perelman and Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* 411-50.

⁹⁵Perelman and Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* 413.

⁹⁶Perelman and Olbrechts-Tyteca, *The New Rhetoric: A Treatise on Argumentation* 413.

⁹⁷For Perelman's letter to Ben Gurion, see Schreiber, Chaïm Perelman and Double Fidelity, 47. (English translation in author's possession).

⁹⁸Schreiber, Chaïm Perelman and Double Fidelity, 47.

⁹⁹Stanley H. Rosen, "Thought and Action," *Inquiry* 2 (1959): 65-84.

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