

ABSTRACT

Who Am I to Judge?
Rhetoric, Passion, and Rule of Law in Aristotle's Political Thought

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This dissertation is an attempt to articulate a response to what seems to be the greatest political crisis of our time: a politics divorced from reasoned speech (*logos*) and its most significant political function, judgment. Aristotle's *Rhetoric*, I propose, provides not only a framework that allows us to see and articulate this contemporary dilemma, but also a necessary and illuminating alternative to the understanding of human reason that arose with the Enlightenment and is inextricably linked to this crisis.

Modern political thought has largely attempted to limit the scope and importance of reasoned speech in political life. The result of this attempt has been the exile of reasoned judgment about political and moral matters from the public square; and the result of this in turn has been a crisis of confidence in reason itself and its capacity to help human beings navigate the complex situations and choices they must face in everyday life. All of this culminates in a crippling political and spiritual paralysis that contributes to political passions and actions set adrift, ungoverned by reason and apparently incapable of being gentled by its guidance.

In the face of this, turning to Aristotle's political thought provides a robust alternative understanding of reason and its role in political life. The *Rhetoric*, in short, is an elaboration of Aristotle's claim in the *Politics* that it is precisely the faculty of reasoned speech that distinguishes human beings from other animals, and, further, that the cultivation of this faculty allows for the highest human possibilities, both as individuals and also in communities. Speech allows us to consider not only what is advantageous and harmful, but also what is just and unjust, and noble and base. The rare prospect of "complete community" is made possible only to the extent that human beings share speech about what *is* good, what *is* just, and what *is* noble (see *Pol.* 1252b27). Shared speeches about such matters, the likes of which Aristotle treats in the *Rhetoric*, are necessary as much to complete community as it is to man's highest possibilities. The rediscovery of reasoned speech and its potential role in political life is the necessary and noble choice Aristotle lays before his modern audience in the *Rhetoric*.

Who Am I to Judge? Rhetoric, Passion, and Rule of Law in Aristotle's Political Thought

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ABBREVIATIONS

NE *Nicomachean Ethics*

Pol. *Politics*

Rh. *Rhetoric*

Top. *Topics*

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CHAPTER ONE

Aristotle's Rhetoric: What's at Stake?

Forging Community in Speech: Defining the Indefinite

Modern political life suffers from a crisis of confidence in the possibility of reasoned discourse about what constitutes the good for a political community. In a pluralistic era, the very existence of a knowable common good at which a just polity might aim is a matter of dispute. Increased partisan division, polarizing rhetoric, and futile bi-partisan efforts substantiate the sense that speeches about what is good are no more than empty words, and that politics is driven only by power, money, and influence rather than the capacity to consider “what is advantageous and harmful and hence just and unjust” (*Pol.* 1253a12).¹ This dissertation argues that Aristotle’s conception of rhetoric provides a firmer basis for public life, precisely because rhetoric is able to direct individual need and self-interest toward goods that citizens can share at the same time that it grounds general speech in a community’s particular needs. This possibility of forging community depends on and presupposes human beings’ capacity to exercise reasonable and shared judgments about justice—a potential both educated by and fulfilled through the art of rhetoric (see *Pol.* 1253a1-19).

¹ Citations of the *Politics* are from, *The Politics*, trans. by Peter L. Phillips Simpson (Chapel Hill: UNC Press, 1997). Citations of the *Ethics* are from *Nicomachean Ethics*, trans., by Robert C. Bartlett and Susan D. Collins (Chicago: University of Chicago Press, 2011), and those of the *Rhetoric* from Joe Sachs’ translation, *Plato’s Gorgias and Aristotle’s Rhetoric* (Newburyport, MA: Focus Publishing, 2009) with emendations.

Yet encountering Aristotle’s political thought in the early twenty-first century presents a particular challenge, as there is little confidence that someone writing prior to the Enlightenment could illuminate contemporary concerns. With the Enlightenment came to preeminence a new mode of investigating natural phenomena, the scientific method, which proved successful in putting nature “under constraint,” and “vexing” her for her secrets.² This method lent (and continues to lend) itself to turning knowledge into power in the form of technology.

The question now arises whether anything that has not first been subjected to the scrutiny of the scientific method can be known, and whether matters that defy scientific exactitude can be grasped in any profitable way. Further, we might ask whether someone writing prior to the age of technology and scientific exactitude—much less one prior to modern political thought and the liberal regimes it instituted—could speak to an age that boasts of and seems to flourish because of these things. Claims to knowledge of the good, the just, and the noble—that is, of the political and moral matters that we navigate and make judgments about on a daily basis—seem naïve. Knowledge of these is, like knowledge of anything else, apparently limited to what can be measured, predicted, and controlled by virtue of modern social science. Yet even contemporary social sciences, while they may be able to predict general trends, are unable to speak universally. Instead these inquiries deliver conclusions that hold only for the most part. Any robust claim about justice would, we suppose, be an imposition of personal opinion or “values” on another, and, after all, who could claim to know anything about these things absent experimental certainty?

² Francis Bacon, *Selected Philosophical Works*, ed. Rose-Mary Sargent (Indianapolis, IN: Hackett, 1999). *Great Instauration*, Aphorism 98.

Accordingly, modern life is marked by a certain fear of making judgments, for to make a judgment concerning what serves the common good is an implicit assertion of one's certainty about apparently uncertain matters. At the same time, judgment is necessary to good action, for neither a community nor an individual can live—much less live well—without acting, and action presupposes making a judgment about how to act, perhaps even the best way to act. The question thus remains whether these indefinite matters that admit of variation and uncertainty—that is, the moral and political concerns inseparable from the life of any community—can be known and whether judgments concerning these same things can be made and communicated.

A relevant question explored throughout Aristotle's *Rhetoric* is the extent to which contingent political and moral matters can be known and taught and by what means. This dissertation undertakes to investigate Aristotle's *Rhetoric* as a work that illuminates his understanding of the manner in which political matters can be understood and communicated to one's audience or "judge." Aristotle, I argue, lends credibility to the judgment that political matters can indeed be known and understood, that the capacity to apprehend the truth about matters that "hold for the most part" is inherent to rhetoric, and that reputable opinions (*endoxa*) about the good, the just, and the noble serve as an appropriate and trustworthy starting point for rhetorical speech and investigation. Rhetoric is both a capacity that all human beings possess in common and an art that can be exercised well by Aristotle's students. Aristotle's is an investigation that acknowledges the intelligibility and stability of political reality that is accessible to human reason and communicable through the art of rhetoric. The rare prospect of "complete community" is made possible only on this basis (see *Pol.* 1252b27).

While rhetoric aims at judgment concerning common goods, the advantageous, the noble, and the just, Aristotle explains, those goods admit of variation and uncertainty (see *NE* 1094b15-19). Speech about such matters necessarily involves common opinion as well as reasoned argument. Moreover, the passions of individuals, which both inform and impede judgment, have a major role in rhetorical persuasion. The very limitations that these factors impose on reason in political life, however, allow Aristotle to forge a link between common goals and individual difference or diversity, both of which for Aristotle are necessary to a political community.³ The role of speech in building and supporting a community that aims not simply at “living” but at “living well,” as Aristotle describes the city at the outset of his *Politics*, is also the theme of Aristotle’s *Rhetoric*, a work that, in acknowledging the limits of reason in political community, reveals its possibilities even in the 21st century (*Pol.* 1252b29-30).

Rhetoric, Aristotle maintains, “is not about any one definite class of things,” but is a “certain part and likeness of dialectic” because neither rhetoric nor dialectic is concerned with a definite (*hōrismenou*) subject and both are “certain capacities of furnishing arguments” (*Rh.* 1355b8-9; 1356a30-34). The word Aristotle uses for “definite” is *horismenos*, which is from *horos*, a boundary, a limit, or a definition.⁴ Something that is “indefinite” is not bounded or defined. It is because rhetoric concerns indefinite subjects that “could be otherwise” (*echein allōs*) that it is the art that most corresponds to deliberating about political and moral matters—matters in which human

³ For example, Aristotle suggests that for a political community to exist some things must be held in common, others must not, implying that some things ought to be held in private (see *Pol.* 1261a1-4).

⁴ See Liddell and Scott, *An Intermediate Greek-English Lexicon*, 7th ed. (Oxford: Clarendon Press, 1889), 568. Hereafter, LSJ.

choice and freedom have a role to play and hence that “could be otherwise.” Even Aristotle’s choice of words signifies his intention to communicate the indefinite subject matter and knowledge of political things. He conveys his subject matter by speaking in general, indefinite terms. His commonly used idioms, “generally speaking” (*holōs*), and “generally” or “for the most part” (*epi to polu, ta pleista*), are sprinkled across nearly every page. His frequent usage of these reveals his profound awareness that the subject that rhetoric investigates and makes known admits of being otherwise and therefore not only allows for but requires deliberation. The indefinite admits of investigation and definition by means of rhetoric, the art of addressing the indefinite in speech.

Aristotle’s statements about rhetoric’s indefinite subject matter permeate the first book of the *Rhetoric*. In speaking of rhetoric as a capacity of furnishing arguments about indefinite matters, Aristotle indicates that the political and the practical acts and choices that occur every day do not lend themselves to strictly scientific inquiry but rather require another method: rhetoric and its counterpart (*antistrophē*), dialectic (*Rh.* 1254a1). Rhetoric involves not only investigation of the rhetorical syllogisms, or “enthymemes,” but also inquiry into the passions and character of an audience and a speaker, for these too contribute to and hinder persuasion. Further, the enthymeme as it emerges in Aristotle’s account is the syllogism that channels the three “causes of trust” or “causes of persuasion (*pisteis*)” that belong to the art (*entechnoi*). These causes of trust, each of which is essential to rhetorical persuasion, consist in the speech (*logos*), the character (*ēthos*) of the speaker, and the passions (*pathē*) that the combination of these evokes from his audience. By naming speech or reason (*logos*), character, and passion as the essential components of rhetoric, Aristotle reveals that the rational and the non-rational elements

of political life meet in rhetoric, which navigates the complex interplay of these components. In so doing it allows us to arrive at trustworthy judgments about how we ought to live and act even amid uncertainty about what is good, just, or noble. To this end Aristotle names three kinds of rhetorical speeches, each of which aims primarily at one of these things: deliberative rhetoric at the good, forensic at the just, and epideictic at the noble. Aristotle identifies the first with speech that occurs in the assembly, and the second with speech that occurs in law courts. Epideictic, which means literally “showing forth” or “displaying,” involves praise or blame. Pericles’ famous funeral oration in Thucydides’ work could serve as an example of it.⁵ Aristotle’s observations about the role each kind plays in political life, as well as the ways in which all three have been abused or overlooked, contribute to understanding not only the natural limits to reason’s ability to improve political life but also the sober possibilities of improving the political community.

All of this serves to propose that Aristotle’s understanding of man’s political nature—that is, of man’s possession of speech or reason and consequent capacity for judgment—allows for a more robust and realistic understanding of political life than do certain strains of contemporary theory. Further, it proposes that investigation of this alternative might provide a basis for greater confidence in making political judgments about what is good, just, and noble in the political life of contemporary regimes. The *Rhetoric* takes as its subject the indefinite matters that admit of variation and uncertainty, matters that we deliberate about because they appear to “admit of holding in one or another way (*amphoterōs*)” and yet in the midst of which we must act (*Rh.* 1357a6). My

⁵See Thucydides History of the Peloponnesian War: 2.35-46. From *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War*. Ed. Robert B. Strassler (New York: Touchstone, 1996).

investigation of Aristotle's *Rhetoric* attempts to shed light on his political teaching and to address the distrust of rhetoric characteristic of contemporary political life.

Addressing the Scholars (Chapter Two)

The second chapter of my dissertation considers the work of others who have recently turned to Aristotle as a corrective or supplement to the deficiencies of modern political life. A survey of contemporary scholarship on Aristotle yields two relevant strains of thought that serve as the point of departure for my dissertation. The first of these is marked by reservations about the artificial constraint on speech, and consequently on community, imposed by advocates of “public reasoning” such as John Rawls. These scholars turn to Aristotle to counter the deleterious effects Rawlsian reasoning imposes on political life as a result of its adherence to a pusillanimously limited conception of justice. This false standard of justice, they argue, requires that justice and what is good for a community be judged only by norms that hold universally and admit of no particular exceptions, and hence do not allow for the flourishing of particular communities that deviate from these norms. Their common concern is that the kind of political speech that Rawls would permit bears no relationship to particular communities. Moreover, this limited conception of justice, a justice of the least common denominator, they argue, cripples any robust civic and political activity and meaningful engagement with the community. It does not allow citizens to discuss the fundamental political question “what is justice?” and thereby stifles the flourishing of political animals. As examples of this line of scholarship I examine the work of Michael Sandel, Bernard Yack, and Bryan Garsten, each of whom turns to Aristotle in order to supplement the deficient standard of judgment inherent to Rawlsian liberalism. While

each importantly emphasizes the need to preserve differences in judgment—even those held in very partial visions of justice—over and against the universal, categorical standards of judgment found in Rawlsian liberalism, each misses to some extent the unified vision of justice, inconceivable without rhetoric, that Aristotle maintains is required for complete community (see *Pol.* 1253a15-19).

The second strand of scholarship relevant to this dissertation takes Aristotle’s own rhetoric to be central to his “philosophy of human affairs” (*NE* 1181b15). In particular, Aristide Tessitore, Thomas Pangle, and Thomas Smith have persuasively argued that Aristotle’s political teaching is inseparable from the manner in which he writes, carefully guiding his audience from partial opinions about justice to a more comprehensive political vision. While Aristotle’s engagement in the art of rhetoric is central to each scholar’s interpretation of one or another of his political works, they explicitly give little more than a nod to Aristotle’s work devoted to rhetoric. This second strand of scholarship, for which understanding Aristotle’s own rhetoric is central to interpreting Aristotle, therefore requires a detailed study of Aristotle *Rhetoric* of the sort undertaken in this dissertation.

Rhetoric’s Defense of Justice (Chapter Three)

The third chapter explores Aristotle’s presentation of rhetoric’s dual nature as both an art (*technē*) and a capacity (*dunamis*), and its purpose or use: the defense of truth and justice and the noble. Aristotle’s *Rhetoric* emphasizes the unique nature of that art as one in which “all people participate in some manner” and which consists in “a power of seeing what is capable of being persuasive on each subject” (*Rh.* 1354a1, 1355b26). Rhetoric gradually comes to light both as a capacity for judgment shared by all human

beings and as a highly specialized art practiced well only with difficulty. It is a capacity that provides a common basis for deliberation about the good, the just, and the noble; on the other hand, it is an art exercised well by few. Nonetheless, all people engage in rhetoric to some extent, and, further, each person has an interest in developing that art insofar as “everyone to some extent makes an attempt to test and to support an argument, and to make a defense and an accusation” (*Rh.* 1354a2-5). To the extent that each individual has an interest in better making and supporting arguments, defending himself, or accusing opponents, each has an interest in developing his capacity according to art rather than by habituation or chance (*Rh.* 1354a10).

While our interest in the art comes into being out of necessity—that is, self-defense—Aristotle suggests that rhetoric continues to exist for the sake of living well, and this requires that a common understanding of truth and justice be preserved in the political community (*Pol.* I.2, 1252b29-30). Aristotle lists several reasons why rhetoric is useful, and first among those he names is its ability to defend truth and justice (see *Rh.* 1355a21-24).⁶ Examining this claim as well as the way in which Aristotle distinguishes rhetoric from sophistry, I argue that Aristotle’s understanding of both rhetoric’s political and also its philosophic purpose becomes clear: not mere persuasion, victory, but contemplation or sight (*theōrein*) (see *Rh.* 1355b26-27). To articulate clearly the obstacles to right judgment and learn how to navigate them is for Aristotle inherent to the usefulness and task of rhetoric, a task that is as contemplative as it is political.

⁶ The three other reasons why rhetoric is useful that Aristotle names all follow from his assertion that rhetoric’s task is to protect truth and justice. First, rhetoric is useful in that it allows for persuasive speech amongst audiences that are necessarily limited (for example, in speaking with “the many”). Second, by allowing us to see both sides of an argument, it protects us from being swept away by sophistry. Finally, rhetoric provides us with the means to develop completely humanity’s most distinctive (*idion*) capacity, reasoned speech (*logos*), which Aristotle also ties to self-defense (see *Rh.* 1355a25; a30; 1355b1).

The Art of the Indefinite (Chapter Four)

The fourth chapter considers how the art of rhetoric navigates the indefinite political circumstances that it investigates and judges. Aristotle significantly postpones the bulk of his discussion of rhetoric's artful elements (the enthymeme, the causes of trust, and rhetoric's source material, signs and likelihoods) until after he clarifies rhetoric's overall usefulness: the defense of truth and justice. Yet, each element of rhetorical practice illuminates some aspect of learning how to see and judge correctly the indefinite matters that hold only "for the most part" which rhetoric investigates. Exploring the way he presents these rhetorical techniques and devices, particularly the enthymeme, reveals Aristotle's complex understanding of human affairs, the obstacles to judgment individuals and communities face, and the possibilities as well as the dangers speech poses for human life.

By naming the "rhetorical syllogism," the enthymeme, the central and distinguishing feature of his understanding of rhetoric, Aristotle provides a means by which one might understand and communicate the reasonable and the not-so-reasonable aspects of political life to more and less reasonable human beings (see *Rh.* 1354a14-15). Not only reasoned speech (*logos*) but also character (*ēthos*) and the passions (*pathē*) are causes of trust or proofs (*pisteis*) from which the enthymeme reasons. By grounding speech in particular experience (character and passion) and by ennobling these particulars through reasoned investigation, Aristotle's enthymeme supplies a foundation for trustworthy public speech and also a means of seeing and judging rightly in the midst of the uncertainty and variety that characterizes human affairs.

Rhetoric and the Passions (Chapters Five through Eight)

The passions (*pathē*), along with character (*ēthos*) and speech itself (*logos*), constitute one of the three causes of trust or persuasion (*pisteis*) that belongs to the art of rhetoric. “Rhetoric,” Aristotle claims in introducing his discussion of the passions in Book II, “is for the sake of judgment” concerning the political and moral matters that admit of variation and uncertainty: the good, the just, and the noble (*Rh.* 1377b21; *Rh.* 1357a1-8; *NE* 1094b15-19). The passions, then, play a role inseparable from political speech and the judgments that follow from it, whether made by individuals or communities. Indeed, judgments about what justice and the common advantage require are inseparable from the passions.⁷ Thus, rhetoric and the possibility of shared judgment about what justice requires is inseparable from the study of politics, for “a community in these things (sc. in what is good and bad and hence in what is just and unjust) constitutes a household and a city” (*Pol.* 1253a14-19). Without rhetoric, the possibility of “complete community,” “living well,” and perhaps human happiness in any meaningful sense, comes to naught (*Pol.* 1252b28-30). Insofar as the passions play an essential part in the formation of judgments concerning the good, the just, and the noble, this subject matter of Aristotle’s treatment of them is inherently political.

Aristotle’s treatment of the passions divides roughly into three, based upon three kinds of love that inform the passions and the actions of a community: love of one’s own, love of the noble, and the love of order or cosmic justice. Moreover, each of these loves poses a problem for political life that is best addressed by one of the three forms of

⁷ While Aristotle dismisses other teachers of rhetoric who focus on the passions to the exclusion of other parts of rhetoric (thereby making a part the whole), for Aristotle the passions come to light as essential components of correct judgments involving indefinite matters. Even while they can obscure judgment, the passions might also come to its aid.

speech Aristotle proposes as inherent to rhetoric. Accordingly, the subsequent chapters of my dissertation treat one of the passions that Aristotle connects with one of the three kinds of rhetorical speech. Thus after broadly introducing the passions and Aristotle's treatment of them in my fifth chapter, I turn in the sixth chapter to deliberative rhetoric and the passion of anger (matters of advantage and justice that affect one's own), in the seventh to epideictic rhetoric and shame (love of the noble), and in the eighth to forensic rhetoric and the passion of nemesis (longing for order and cosmic justice). While any simple division of rhetoric or the passions does not correspond precisely to the complexity of the passions and of speech that addresses them, these divisions provide initial definition and direction that Aristotle himself employs in the *Rhetoric* and thus serve as a standard for my own work (see *Rh.* 1358b22-1359a6).

Chapter Six: Anger, Deliberation, and the Problem of One's Own

Anger, as Aristotle initially defines it, consists of a painful longing for manifest revenge on the part of someone who perceives that he or his own has been undeservedly belittled (*Rh.* 1378a30-32). Anger then involves an implicit, even if unarticulated, understanding of what is just in relation to oneself and one's own, and arises when that expectation of just treatment—treatment that accords with one's supposed worth—is thwarted by another's words or deeds. An appreciation for the way Homer's poetry has shaped the passions, and with it the understanding of justice, that belong to his immediate audience, I argue, marks Aristotle's treatment of anger in *Rhetoric* Book II, chapter two. This chapter contains no fewer than five passages from the *Iliad*, three of which are spoken by or about swift-footed Achilles, hero of those who came to be known as Greeks, and two that concern Agamemnon, king of the Argives at the time of the Trojan

War. Through his use of the *Iliad*, which I examine in this chapter, Aristotle complements his general definition and account of anger with particular examples—knowledge of which his immediate audience will share and can be used as a basis of establishing a common understanding of both anger and justice.

Deliberative rhetoric, like anger, involves what concerns oneself and one's own. Aristotle suggests that concern for one's own can in fact serve as a safeguard against poor judgment, particularly in the midst of the deliberations held in public assembly (*Rh.* 1354b23-55a1). In treating both deliberative rhetoric and anger, I argue, Aristotle models a way of educating both reason and the passions in a manner that directs them towards a rightly ordered concern for one's own. Bringing together anger's demand for just treatment of oneself and one's own and the deliberative rhetoric that seeks the good for oneself and one's own sheds light on the way speech about "advantage and harm" lends itself to forming the understanding of "just and unjust" that underlies the phenomenon of anger and the way in which rhetoric educates a community's understanding and sense of justice (*Pol* 1253a15-19).

Chapter Seven: Shame's Speech: Defending the Beautiful (kalon)

Shame is the most paradoxical passion that Aristotle considers, for it is as deeply personal as it is political. As he initially defines it, shame is "a certain pain or agitation over bad deeds, present, past, or future, that appear to bring one into disrepute" and is felt if these bad deeds are one's own or belong to those whom one esteems (*hōn phrontizei*) (*Rh.* 1383b13-15). Shame is a political passion in that it is inseparably bound to what is praised or blamed, and that which merits praise or blame is at least partially determined by what the political community honors and censures. Yet Aristotle distinguishes shame

felt in conventional circumstances around strangers and that felt in relation to friends and those one loves. Shame in the latter sense is experienced “on true grounds” (*pros alētheian*) while in the former according to convention (*pros ton nomon*) (*Rh.* 1384b23-27). While shame initially appears to be concerned with what is merely conventionally base or ugly, through Aristotle’s tutelage it gradually comes to light as ordered towards the defense of what is truly noble or beautiful (*kalon*), and, further, the defense of this same thing within one’s community.

In distinguishing the shame of convention from that of friendship and truth, Aristotle cites Sappho’s verses about that passion, employing her poetry in a similar manner to the way he employed Homer’s *Iliad*. Just as the *Iliad* serves as foundation of establishing a common understanding of anger, Sappho’s verses allow for shared understanding of shame. Like anger, shame is a passion directed towards the defense of oneself and one’s own. Yet unlike anger, shame also concerns those one holds in esteem—that is, those who appear noble, honorable, and worthy of emulation in one’s community. In the same way that anger arises in relation to the desire for just treatment of oneself and one’s own, shame is aroused in relation to the desire for rightly ordered actions that are noble and worthy of honor.

Essentially, shame is the passion that motivates virtue and defends one’s desire not only to seem but also to be noble. Shame both separates individuals from the community (for that praise or honor that attends noble deeds cannot simply be held in common) and simultaneously draws them back into the community through love. As Aristotle presents it, the shame that accompanies love is ordered towards the protection and hence the possibility of nobility that we strive for both as individuals and as a

community. What is honored or censured by a community molds the shame of its citizens. Yet even conventional shame, shaped as it is through what is esteemed by the city, is ordered to the protection of what is noble. Thus “in all cases one needs to draw what is held in honor toward what is noble,” and what is noble in Aristotle’s account is preserved through shame, the passion that defends the soul of a city (*Rh.* 1367b12-13). This defense of the city’s soul occurs through epideictic rhetoric, the kind of speech that stirs our hearts and moves us towards what is noble and the kinds of virtuous actions that are beyond political reward.

Chapter Eight: Justice Speaks: Nemesis, Forensic Rhetoric, and Common Law

Nemesis or “righteous indignation” is characterized by pain that accompanies seeing evil men prosper. As Aristotle treats it, the pain of nemesis signifies an underlying hope in divine justice; a longing that right conduct be rewarded and evil conduct punished. Like anger, nemesis is concerned with justice, yet unlike anger, nemesis bears no immediate relation to oneself or one’s own. Instead, it concerns the hopeful expectation that divine rewards and punishment be distributed in accord with desert and is aroused when this anticipation is frustrated. Whereas Aristotle suggests that the way to curb anger is by redirecting its focus away from oneself and one’s own, he would educate nemesis by directing it away from attention to divine reward and punishment allotted by Homeric gods and towards investigating a standard of justice according to nature, as is evident in his subtle revision of Antigone’s appeals to a transpolitical standard of justice in Sophocles’ play. Aristotle’s consideration of nemesis points his readers to his earlier treatment of common law that occurs in conjunction with his consideration of forensic rhetoric. The very existence of law courts and forensic speeches in most cities are signs

of the underlying desire for justice characteristic of nemesis. Aristotle's treatment of common law, which, unlike contemporary usage of the term associated with British common law, comes not from history and tradition but "from nature" (*ton kata phusin*), especially in his references to Sophocles' *Antigone*, points not only to the necessary limitations of human law and institutions but also to a standard of judging these laws and institutions that exists outside of the very conventions by which we live (*Rh.* 1373b7). Nemesis, I argue, is the passion that provides the context for Aristotle's treatment of common law and equity. To understand the hopes and expectations that inform this passion is not only to grasp the "lawmakers' intention" and thus human institutions directed at justice, but also to open the way to understanding how human attempts to establish justice through law point beyond convention to nature.

Epilogue: Aristotle and Modern Political Discourse (Chapter Nine)

By way of a conclusion to my dissertation, I turn to the closing chapter of Aristotle's *Nicomachean Ethics*, in which he comments on the potential and potential limitations of speech to educate and inform political life. Aristotle argues there that laws must supplement and, more often than not, supplant speech about the noble and the just. His reflections not only serve as an introduction to his *Politics*, but also shed light on the issues I discuss in this dissertation.

Specifically, the laws, and the justice embodied in them, are like rhetoric in aiming at persuasion, yet they do so by commanding and forbidding. Having defined virtues as dispositions toward the passions, and presented them as constituents of human happiness, Aristotle claims that the laws command every virtue and forbid every vice (*NE* 1129b25). Laws are therefore simultaneously a substitute for speech and the expression

of speech in a manner appropriate for a political community, with its dual ends of securing life and fostering the good life. My conclusion therefore explores how the political art, which Aristotle describes in the *Ethics*, is intrinsically related to Aristotle's analysis of the art of rhetoric, which involves not only deliberation about laws but also the preserving and promotion of just, noble, and good action through the different kinds of rhetoric Aristotle describes.

What's At Stake?

Aristotle famously concludes the *Rhetoric* with an exhortation borrowed from another rhetorician, Lysias: "I have spoken; you have listened; you have it; now judge" (*Rh.* 1420a10-11). He emphatically exhorts his audience to *judge* the work they have read. In this way, he draws our attention to the theme that pervades his work on rhetoric and that he repeatedly claims is the object of rhetoric: judgment.

Yet in contemporary times "judgment" has taken on a decisively pejorative connotation. To judge might suggest a sense of moral superiority; to judge might imply that some actions are unworthy of the human beings that choose to perform them. Judgment seems an undemocratic claim to moral superiority, apostasy in the age of liberal democracy come to its full flourishing. Moreover, many in the modern world are subject to a crippling fear of making a "judgment" or any claim with decisive moral implications. Should they come close to making such a moral claim they are sure quickly to add an apologetic "but that's just my opinion" or the self-deprecating question "but who am I to judge?"—as if the exercise of reason ought to be something foreign to a human being. If this understanding of judgment is correct, why should we waste our time studying the work of one apparently insensitive to our modern sensibilities about

judgment? Would the *Rhetoric*'s importance not simply consist in its historical value, the expression of a philosophic Neanderthal's "viewpoint" that human beings on the right side of history have long passed by? Why study Aristotle's *Rhetoric*?

The most compelling answer to this question might be found in the work of one of the greatest American rhetoricians: Frederick Douglass. Born a slave prior to the Civil War and the abolition of slavery in the United States, Douglass learned to read and to write and, hence, to think even while the teaching of these activities to slaves was forbidden by law. Indeed, the exercise of his reason through these activities fueled a discontent and sense of the profound degradation and injustice of slavery that eventually led him to escape and, after this, to work tirelessly on behalf of the abolition movement. As a part of these efforts, Douglass crafted his renowned *Narrative of the Life of Frederick Douglass*, a work that in its very eloquence and beauty demolishes any claims about the racial inferiority popular at the time. Indeed, Douglass' masterful exercise of reasoned speech pervades his personal and compelling account of the absolute evil of slavery and its corrosive effects on the souls of those, both masters and slaves, subjected to the institution.

Yet Douglass's fundamental critique of slavery is not concerned so much with the material conditions of those enslaved as it is with the moral condition to which slavery must reduce human beings in order to keep them in bondage. He puts it thus:

I have found that, to make a contented slave, it is necessary to make a thoughtless one. It is necessary to darken his moral and mental vision, and, as far as possible, to annihilate the power of reason. He must be able to detect no inconsistencies in slavery; he must be made to feel that slavery is right; and he can be brought to that only when he ceases to be a man.⁸

⁸ Frederick Douglass. *Narrative of the Life of Frederick Douglass*. Ed. Philip Smith. (New York: Dover Publications, Inc., 1995) 58-59. Emphasis mine.

Slavery, according to one intimately familiar it, reaches its fullest expression not in the *material* but in the *moral* subjection of human beings—in an enslavement that culminates in the annihilation of reason and an corresponding inability to make a moral judgment about good and evil, noble and base, just and unjust. Slavery results when reason and with it reasoned judgment have been abandoned. It exists wherever one’s confidence in one’s ability as a rational animal to make a judgment has been shaken and even crushed. In turning to Aristotle’s *Rhetoric* it is not the enslaving ideas of the past that we seek to discover, but rather our own freedom: a freedom from the enslaving fear of making moral judgments, a freedom for the sake of making a reasoned judgments about the best way to live.

Aristotle’s *Rhetoric* consciously seeks to navigate the murky waters of political life that have led some to despair of the possibility of attaining any kind of knowledge of the good, the noble, and the just at which a particular community aims. How many contemporary students have not preferred mathematics to the humanities precisely because mathematical answers are “certain,” while those of the humanities are apparently subjective and admit of variation or uncertainty? It is the desire for certainty that has steered so many away from the study of rhetoric as a means of knowing and communicating the good, the noble, and the just, and perhaps for the same reason the study of the natural sciences, technology, engineering, and applied mathematics expands while investigation of the humanities declines. Yet to the extent that questions about the goodness, nobility, and justness of human actions cannot be entirely avoided—indeed, cannot be avoided at all—it is necessary to seek to re-learn the art of navigating the political and moral matters that admit of variation and uncertainty. I argue that it is

through his investigation of rhetoric that Aristotle provides a theoretical basis for the quest to grasp and share knowledge of political things. This has implications not only for our understanding of Aristotle's political writings as a whole, but also for our contemporary understanding of the possibility of navigating the contentious political and moral matters that continue to exist in spite of the attempts of modern political science (particularly by proponents of Rawlsian public reasoning) to eliminate them.

Rhetoric is the art and capacity of dealing with indefinite matters about which we deliberate. We do not deliberate about things that are impossible, Aristotle claims, but rather about things that seem possible and for which we are capable of being responsible. The task of investigating political and moral matters amidst which we live every day is unavoidable, and therefore coming to do so "in a methodical way" rather than by habituation or chance is not only noble, but also necessary (*Rh.* 1354a8-10). Moral action for the good, the noble, and the just as an individual and as a community requires fostering the capacity to see, deliberate, and make judgments about such matters.

The educating of our political and moral sight is arguably the *Rhetoric's* aim. To look to Aristotle's political thought for pre-modern guidance in a modern world is not to close our eyes to the challenges unique to our times, but rather to seek the wisdom of the past for direction in the perennial task of piloting the waves of uncertainty and for guidance in making the political and moral judgments that are unavoidable in any time. The task is inescapable, but the guide is a matter of election

CHAPTER TWO

Addressing the Scholars

Two Dialogs with Aristotle

Two strands of scholarship that concern Aristotle's understanding of rhetoric are particularly relevant to this dissertation. The first is part of a turn to Aristotle for help in addressing some of the deficiencies of contemporary liberalism, such as the decline of community, friendship, devotion to wisdom, and substantive political discourse. The work of Michael Sandel, Bernard Yack, and Bryan Garsten is marked by a common concern with the artificial constraints and limits placed on public discourse by advocates of "public reasoning" such as John Rawls, limits which, they argue, are detrimental to our common life, to good judgment, and to prudent action.¹ All three of these critics of Rawls are more or less optimistic about integrating Aristotle's understanding of political discourse with the concerns of modern liberal democracy.

Other scholars, such as Richard Ruderman, Aristide Tessitore, Thomas Pangle, and Thomas Smith, have, like Yack and Garsten, turned to Aristotle as an alternative to the deficiencies of modern political theories.² While these also emphasize the public

¹ Michael J. Sandel: *Democracy's Discontent*. (Cambridge, MA: Harvard University Press, 1998). Bernard Yack, "Rhetoric and Public Reasoning: An Aristotelian Understanding of Political Deliberation." *Political Theory*, Vol.34 No. 4 (August 2006), 417-438 and *The Problems of a Political Animal: Community, Justice, and Conflict in Aristotelian Political Thought*. (Berkeley, CA: University of California Press, 1993). Bryan Garsten. *Saving Persuasion: A Defense of Rhetoric and Judgment*. (Cambridge: Harvard University Press, 2006).

² Richard S. Ruderman, "Aristotle and the Recovery of Political Judgment," *The American Political Science Review*, 91, no. 2 (1997): 409-420. Aristide Tessitore. *Reading Aristotle's Ethics: Virtue, Rhetoric, and Political Philosophy*. (Albany, NY: State University of New York Press, 1996). Thomas L. Pangle. *Aristotle's Teaching in the Politics*. (Chicago: University of Chicago Press, 2013) and "The

character of rhetoric, they propose a different understanding of the relationship between speech or reason (*logos*) and politics in Aristotle's political thought than do the first set of scholars. These scholars emphasize Aristotle's view of the limits of rhetoric and the distance between the philosopher and the community in which he happens to live and act. Central to their interpretations of Aristotle's political works is their understanding of Aristotle's own rhetoric, although they give little more than a nod to Aristotle's explicit treatment of that art in his *Rhetoric*.³

Both lines of scholarship share as their common point of departure an appreciation for the depth and lasting significance of Aristotle's work and a concern for making prudent judgments about how to live well even in the midst of contemporary liberal regimes. Yet, generally speaking, the former strand of scholarship is less concerned with Aristotle than it is with critiquing and bettering modern liberal regimes, while the latter is more concerned with philosophy and the limits of philosophic engagement within any community, liberal or otherwise. While each strand of scholarship marks a valuable contribution to understanding Aristotle as a kind of alternative to modern liberalism, it is my aim to unite their concerns for living well in the modern world and attempting to reach a fuller appreciation of Aristotle's political teaching through his *Rhetoric*, perhaps the most theoretical of his practical works and the most practical of his theoretical writings.

Rhetorical Strategy Governing Aristotle's Teaching. *Journal of Politics*, 73 no.1 (2011): 84-96. Thomas W. Smith. *Revaluing Ethics: Aristotle's Dialectical Pedagogy*. (Albany, NY: SUNY Press, 2001).

³ To base a reading of Aristotle's *Politics* on rhetoric with little treatment of the *Rhetoric* allows us to wonder about the interpretation of Aristotle that emerges from it. For example, Eugene Garver questions an interpretation of Aristotle's rhetorical strategy in the *Politics* with little treatment of his *Rhetoric*. See his recent review of Pangle's book, "Review of *Aristotle's Teaching in the Politics*," *Perspectives on Politics* 12, no. 4. (December 2014): 900-902.

Aristotle: A Liberal Reformer?

Michael Sandel serves as a prime example of the first strand of the revival of interest in Aristotle's political work. He turns to Aristotle in the face of the deficiencies he sees in contemporary liberal theories that limit the breadth and content of political speech. Sandel writes with an eye to rescuing contemporary liberalism from its descent into a kind of speechlessness, a fall that he worries will prove detrimental to meaningful community life. In his *Democracy's Discontent*, Sandel carefully analyzes the problems that accompany present-day community life, observing that the "political philosophy by which we live is a certain version of liberal political theory." The central claim of this theory is "that government should be neutral toward the moral and religious views its citizens espouse. Since people disagree about the best way to live, government should not affirm in law any particular vision of the good life. Instead, it should provide a framework of rights that respects persons as free and independent selves, capable of choosing their own values and ends."⁴ In other words, modern liberalism maintains that political liberty consists in the freedom of an individual to do whatever he chooses so long as he neither "picks my pocket nor breaks my leg"—that is, refrains from theft or physical violence.⁵ Sandel's fundamental concern is that the "procedural republic" aimed at protecting individuals merely from thievery and violence "cannot secure the liberty it promises because it cannot sustain the kind of political community and civic engagement

⁴ Michael Sandel, *Democracy's Discontent*. 4.

⁵ Thomas Jefferson, "Notes on the State of Virginia: Query XVII On Religion." 1781. Accessed October 17, 2016. <http://teachingamericanhistory.org/library/document/notes-on-the-state-of-virginia-query-xvii-religion/>

that liberty requires.”⁶ The mere alliance that is the aim of this modern political theory cannot secure communal happiness, according to Sandel.

As an alternative to liberal political theory, Sandel proposes a republican political theory of self-rule, the origins of which he attributes largely to Aristotle. While the notion that government can and ought to remain neutral on the question of what constitutes the good life is “distinctive to modern political thought,” ancient political theory according to Sandel held “the purpose of politics was to cultivate the virtue, or moral excellence, of citizens.”⁷ The republican political theory characteristic of the ancients involved something greater than being able to choose and pursue self-ordained ends. Rather,

It mean[t] deliberating with fellow citizens about the common good and helping to shape the destiny of the political community. But to deliberate well about the common good requires more than the capacity to choose one’s ends and to respect others’ rights to do the same. It requires a knowledge of public affairs and also a sense of belonging, a concern for the whole, a moral bond with the community whose fate is at stake.⁸

In contrast to liberal theory, Sandel proposes a more “communitarian” approach to political theory and finds in Aristotle an ancient ally in his critique of contemporary liberalism. In drawing conclusions about the origins and implications of modern democracy’s evident discontent, Sandel offers two fundamental objections to modern political theory. The first consists in an objection to modern liberalism’s purported

⁶ Democracy’s Discontent, 24.

⁷ Ibid., 7. Here Sandel cites Aristotle on the difference between political community and mere alliance. Modern political theory reduces political life to an alliance for survival whereas political community aims at “living well.” *Pol.* 1252b30. In particular, Sandel is concerned with the relativist attitude encouraged by modern political theory’s indifference towards the question of the good: “Relativism usually appears less as a claim than as a question: ‘Who is to judge?’ But the same question can be asked of the values that liberals defend. Toleration and freedom and fairness are values too, and they can hardly be defended by the claim that no values can be defended.” Ibid., 8.

⁸ Ibid. 5.

indifference to morality, while the second involves in the phenomenon of a loss of a sense of “mastery” that contributes to the existential anxiety of Americans. With respect to the former criticism, Sandel concludes, “the discontent that besets American public life today illustrates the inadequacy” of the solution posed by modern liberalism. “A politics that brackets morality and religion too completely soon generates its own disenchantment.”⁹ This disenchantment is detrimental to Americans’ happiness.

In part the result of this separation between the public and private lives of citizens of liberal democracies, Sandel argues, is the loss of a sense of control through participating in politics. In other words, liberalism’s disenchantment and division has led Americans to despair—that is, to a kind of inaction. Inability to make a judgment about the best way to live leads to despondency and away from meaningful community. In making this assertion, Sandel has recourse to Aristotle, whom he seems to view as his predecessor in republican theory. “Since the days of Aristotle’s *polis*, the republican tradition has viewed self-government as an activity rooted in a particular place, carried out by citizens loyal to that place and the way of life it embodies.”¹⁰ A lack of political activity in modern liberalism—the result of the separation of public and private life—contributes to the community’s loss of the sense of self-mastery that characterized America in its youth. Yet Aristotle’s teaching concerning the *polis*, as Sandel understands it, is not entirely applicable to the demands of contemporary life, for “contemporary self-

⁹ Ibid., 322. “This [modern liberalism’s] vision cannot account for a wide range of moral and political obligations that we commonly recognize, such as obligations of loyalty or solidarity. By insisting that we are bound only by ends and roles we choose for themselves, it denies that we can ever be claimed by ends we have not chosen—ends given by nature or God, for example, or by our identities as members of families, peoples, cultures, or traditions.” Ibid., 322.

¹⁰ Ibid., 350.

government demands that we live within a ‘multiplicity of settings’ (for example, neighborhoods, nations, and the world as a whole).” Accordingly, the “civic virtue distinctive to our time is the capacity to negotiate our way among the sometimes overlapping, sometimes conflicting obligations that claim us, and to live with the tension to which multiple loyalties give rise.”¹¹

Sandel’s object is both to critique and come to the aid of modern liberalism. Accordingly, Sandel’s work, for all its virtue, is not marked by a careful attention to or concern for Aristotle’s political thought, which he cites as the origin of republican theory. He does seem to view the kind of concerns manifest in Aristotle’s political texts as relevant to modern liberal conundrums, but only as a beginning. Sandel’s work is evidence of the reputable scholarly opinion that Aristotle’s political works retain their value even in contemporary circumstances. At the same time, investigation of and more careful attention to Aristotle’s treatment of rhetoric calls into question any simple continuity of republican tradition, specifically of Aristotle’s thought and Sandel’s. In addition, closer consideration of Aristotle’s *Rhetoric*, I argue, contributes to an understanding of the limits and possibilities of the public discourse in contemporary circumstances, the very discourse that Sandel maintains is necessary to democracy’s revival and maintenance.

To the extent that recent scholars who turn to Aristotle’s political thought for help in addressing the deficiencies of modern political discourse have treated the *Rhetoric*, as is the case of Bernard Yack and Bryan Garsten, they do so only in a limited manner with an eye to Aristotle’s consideration of deliberative and forensic speeches. In “Rhetoric and

¹¹ Ibid., 350. “The hope of our time rests instead with those who can summon the conviction and restraint to make sense of our condition and repair the civic life on which democracy depends.” Ibid., 351.

Public Reasoning: An Aristotelian Understanding of Deliberation,” Yack argues that public reason as understood by contemporary liberal theorists fails to take into account the full range of human experience because it attempts to operate from a standard that can be universally acceptable. He argues that Aristotle’s understanding of deliberative rhetoric provides a foundation for a less restricted, more truly political mode of debate because it begins from particular, even partial, judgments about the good.¹² Yack observes that “it quickly becomes clear that there is ‘no Aristotelian equivalent’ to the notion of ‘public reason’ that inspires currently popular models of deliberative democracy.” He suggests that this lack of an Aristotelian counterpart has occurred precisely because public reason in contemporary models of democratic theory “is a constrained reason, a form of deliberation that sharply limits both the form and substance of political argument to facilitate cooperation.”¹³

Like Sandel, Yack indicates that his aim is to call into question the validity of constraints imposed on public discourse by Rawls and his students.¹⁴ And like Sandel, he believes he can recruit Aristotle as an ally in reforming liberalism. “Aristotelian public reasoning” (in contrast to Rawlsian public reason), Yack observes, “lacks the [artificial] constraints” of contemporary democratic theories of rhetoric, because it draws its premises from the whole range of *endoxa* rather than “from the limited number of premises that could, at least in principle, command reasonable assent of all members of

¹² Bernard Yack, “Rhetoric and Public Reasoning: An Aristotelian Understanding of Political Deliberation,” *Political Theory* 34, no. 4 (2006): 417-438. Here after “Rhetoric and Public Reasoning.”

¹³ “Rhetoric and Public Reasoning,” 417.

¹⁴ “Such constraints,” he argues, are “inspired by Rawls’ concept of public reason.” *Ibid.*, 435, fn 4.

the community.” In keeping with the thrust of his earlier work in *The Problems of Political Animals*, Yack argues that Aristotle’s account of rhetoric relies “heavily on appeals to character and emotion” alongside reason.¹⁵ Yack affirms the advantage that particular judgments from life lived within community afford over those abstract and categorical judgments that he argues Rawls and those who follow in his footsteps attempt to establish as the basis of justice in a liberal society. The “constrained” notion of public reason that he rejects consists in the Archimedean point of seemingly unbiased and universal perspective assumed in Rawls’s original position.¹⁶

Essentially, Yack defends the necessity and even the goodness of partial opinion and passion and their influence on judgment, which he maintains provide a basis for a more robust public discourse, one that those with Kantian impulses would shy away from precisely because of its particularity. Public discourse, for Yack, deals primarily with particulars: for example, communities, individuals, and passions. Thus he claims that “the Aristotelian model of public reasoning [is] much more familiar than its currently popular counterparts, much closer to the actual practice of political deliberation in our world as well as his.”

Perhaps because of this emphasis on the good of particular communities and their passions Yack’s account lacks appreciation of the relationship between rhetoric and law. In emphasizing the role of the passions and the good of partiality in political life rather

¹⁵ “Rhetoric and Public Reasoning,” 417-418. Yack references *Rh.* 1355a; *Top.* 101a.

¹⁶ In his lengthier book on Aristotle, *The Problems of a Political Animal*, Yack justifies his use of Aristotle in order to speak to the problems of contemporary liberal regimes by observing that reading ancient texts can give us a “critical distance” from our own time. This critical distance, however, “does not require us to occupy some Archimedean point completely outside our own culture,” but requires that we become aware with Aristotle’s help of the effect our own culture, character, and passions have upon us. *The Problems of a Political Animal*, 19-20.

than the logical side of Aristotle's treatment of rhetoric, he overlooks the enthymeme as a whole and focuses instead on two of its parts: *ēthos* (character) and *pathos* (the audience's passions). Insofar as he downplays the importance of the missing cause of trust (*logos*), Yack diverges from Aristotle, who understands rhetoric not only as a means of giving voice to the character and passion of the speaker and his audience, but, more fully, as a means of forging a community that shares goods in common, based on a shared understanding of the good, the noble, and the just made possible through speech (*logos*). Yack, however, makes it clear that he is more concerned about expressing his understanding of the inherent value of the political community that he presents in *The Problems of a Political Animal* than he is in "proving *conclusively* that Aristotle advocates" his own vision.¹⁷ The object of Yack's inquiry then is less to understand Aristotle's political teaching than it is to appeal to Aristotle as an advocate of his own vision of political community and its perpetual conflicts. He attempts to use Aristotle as a way to supplement the deficiencies he sees in liberalism and thereby salvage modern politics rather than to discover Aristotle's "philosophy of human affairs." In so doing, he avoids addressing any foundational critique or alternative to liberal theory present in Aristotle's work.

In a vein similar to Yack, Brian Garsten, in his *Saving Persuasion*, argues that Aristotle's account of rhetoric provides a more comprehensive account of political speech than is allowed within the constraints imposed by modern political science. Tracing the theme of persuasion through the works of Hobbes, Rousseau, and Kant, Garsten indicates that the modern imposition of tight limits on political rhetoric stems from a profound

¹⁷ Yack, *The Problems of the Political Animal*, 21.

distrust of man's capacity to exercise judgment in practical, political matters; a distrust that has led to a reduction of what was once considered to fall within the realm of "reason" or "reasoned speech" (*logos*). Indefinite political matters cannot be easily measured by scientific method and thus opinions about these matters are generally considered irrational or referred to pejoratively as "bias." Thus, like Yack, Garsten emphasizes the significance of Aristotle's work as an alternative to contemporary theories based on "a crisis of confidence about the human capacity to use judgment in politics"; the very judgment at which rhetoric aims.¹⁸

While Garsten sheds light on Aristotle's relevance to deficiencies in "rule based" systems of public reason that dominate contemporary democratic theory, more significantly he illuminates the cause of these deficiencies; namely, a circumscribed understanding of what reason is and a fear that the fostering of individual judgment threatens stable political life.¹⁹ Garsten, like Yack, prefers Aristotle's account of political judgment because he believes it better preserves the diversity and particularity found within political communities. "Aristotle," he claims, "acknowledged citizens' partiality, and he did not condemn them for it, nor did he ask them to leave their perspectives wholly behind. Rather than dismissing the worth of their partial claims about justice, he suggested that those claims provided starting points for political deliberation." Yet Garsten is aware that beginning with partial claims about justice is not tantamount to ending a deliberation about justice with equally partial opinions. Rather, he understands that, while the beginning of deliberation necessarily relies on partial opinions about

¹⁸ Saving Persuasion, 115.

¹⁹ Ibid., 115.

justice, it is precisely this partiality that allows for a more comprehensive end for political deliberation. “Though Aristotle did not recommend ending deliberations with the partial claims of partisans, he suggested that we should not hesitate to begin with them.”²⁰ It is, he argues, necessary to begin from the partial in order to gain a fuller understanding of the whole; the reverse, imposing an abstract theory of justice on political life, leads to a weakening of communal and individual flourishing. In this way, Garsten’s work reveals a way in which Aristotle’s understanding of rhetoric forges community by directing individual need and self-interest towards a more common understanding of justice.

When specifically treating the question of how Aristotle’s account of practical judgment can flourish in a democratic regime without the result of undermining the rule of law, Garsten argues that “Aristotle’s faith in practical judgment was a confidence in our ability to evaluate our intentions in the light of criteria drawn from within our own concerns.” Practical judgment, Garsten claims, functions most effectively when it reflects upon how to achieve “one’s own goals.” Thus, he views rhetoric as a technique that fosters correct judgment to the extent that “it address[es] itself to observing the cognitive and emotional structures within which citizens deliberat[e] about their own good.” The city itself, he argues, provides a structure that directs deliberation about one’s own good by means of law—written law and unwritten customs.²¹ Reflection on how law and policy affects one’s own concerns is essential rather than detrimental to making good law and policy.

²⁰ Ibid., 128-129.

²¹ Ibid., 139.

Garsten's work insightfully treats Aristotle's *Rhetoric* and helpfully places it in the context of Western political thought and in contrast to modernity's approach to political speech. Garsten nevertheless follows Yack in downplaying the enthymeme, the other forms of rhetoric (epideictic and forensic), and the role of law in educating citizens in virtue. While both Garsten and Yack point to the importance of character and passion in forming judgment, both neglect Aristotle's insistence that character ought to be manifest in the speech itself (*logos*) rather than merely in prior reputation. Aristotle, even as he defends the significance of character and the passions, attempts to elevate these by means of rational discourse, not to divorce them from it. In failing to address the more universal and unifying aspects of rhetoric—those manifest in epideictic and forensic rhetoric—Garsten and Yack tend to collapse all rhetoric into deliberative rhetoric, and all the causes of trust (*pisteis*) into the passions. In this way, these authors run the risk of leaving political life subject to the passions rather than allowing that reason might ennoble the city's aims.

Aristotle's Modern Alliance in Question

Yack, Garsten, and Sandel are not the only contemporary scholars who have turned to Aristotle as a corrective to the deficiencies of modern political theories. Yet unlike these more optimistic scholars concerned with the improvement of liberal democracy, other scholars, for example Richard Ruderman, voice profound reservations about the public salience of Aristotle's understanding of politics in contemporary liberal regimes.²² Ruderman's work on judgment in Aristotle's political thought serves as a link between Aristotle's communitarian commentators attempting to salvage liberal

²² "Aristotle and the Recovery of Political Judgment," 409-420.

democracy and those who turn to Aristotle for timeless counsel in investigating the relationship between politics and philosophy (Tessitore, Pangle, and Smith). Though like Garsten and Yack Ruderman emphasizes the public character of rhetoric, he proposes a different understanding of the relationship between speech or reason (*logos*) and politics in Aristotle's political thought. And though Ruderman gives evidence of agreement with Garsten and Yack in connecting rhetoric with public life, he does not follow them when they emphasize the possibility and even the advantages of fostering the judgment of citizens in a democratic polity. Whereas Aristotle's more communitarian commentators emphasize that for Aristotle human beings are by nature political, they give short shrift to his explanation of why this is so—namely, because they possess reason or speech (*logos*). Ruderman, in contrast, emphasizes human rationality in a way that diminishes its role in the common life of citizens. Ruderman's work highlights the question of whether Aristotle's understanding of rhetoric is aimed at fostering the life of a political community in a robust sense or rather in protecting the philosopher's private pursuit of wisdom from invasion by the community. Indeed, what does Aristotle envision the philosopher's engagement in the political community to look like?²³

Ruderman argues that contemporary scholars have displayed a resurgence of interest in Aristotle because “[t]hey sense in him a rich appreciation of political life and of the thorny question of the relation of reason to politics, often lacking in modern or Enlightenment proponents of reason.” Unlike modern theorists' emphasis on the systematic protection of individual right by means of complex structures, Aristotle's concept of prudence (*phronesis*) provides “a model for truly political judgment, a mode

²³ At the same time, Ruderman's critique of those commentators eager to apply Aristotle's account of rhetoric and prudence to modern liberal regimes raises the question of whether modernity's fundamental break with antiquity is so easily surmounted.

of reasoning that at once avoided the exclusivity of Plato's philosopher-king and the rigidity of modern rationalism." In this way, Aristotle's understanding of political judgment denies modern science the right to impose "undebatable political 'solutions,'" and "encourages citizens to participate in, and thereby to strengthen, political life."²⁴ Modernity's divorce of politics from prudence and with it rhetoric and its object— judgment—results in a loss of the ability to take responsibility for one's actions and leads "to a situation in which the exercise of prudent judgment is seen either as willfulness or a naive reliance on 'mere common sense' or 'anecdotal evidence.'" In this way, like the strand of theory represented by Sandel and others I discuss above, Ruderman argues, the most pressing existential questions of human life are ignored on the presupposition that "neither religion nor philosophy can address such questions."²⁵

At the same time, Ruderman argues that Aristotle considers most citizens incapable of exercising political judgment; instead, the political philosopher, who is the "architect of the end of man," must guide them.²⁶ Further, he points out that there is a form of prudence other than political prudence, which he names "the kind of wisdom which is concerned with oneself." For Ruderman, only the philosopher will be capable of exercising this kind of private prudence. He suggests that Aristotle stops short of the claim that "human nature is *realized* through engagement in (republican) political life" and instead claims Aristotle "suggests only that a prudent person will reflect on (and hesitate to weaken) that level of political security and decency that will enable him or her

²⁴ Ibid., 409.

²⁵ Ibid., 410.

²⁶ Ibid., 415. Ruderman cites *NE* 1152b1-3.

(and others) to secure the good, even if that good is philosophic self-sufficiency.”²⁷ Thus engagement in political life, the exercise of political judgment, and rhetoric itself for Ruderman become subordinated to the end of philosophy. Philosophy reveals the partiality of any political justice and almost inevitably points the truly prudent man to the private life in pursuit of wisdom. The judgment Aristotle seeks to foster would then be the preserve of the few, rather than something that exists to support to common life of citizens. The philosopher rules indirectly by constructing (as an “architect”) an “end” at which human beings might aim; he would not foster individual judgment. If this is the case, then the exercise of reason through deliberation is hardly something appropriate to common political life and the goal of rhetoric would not be judgment but successful manipulation of one’s audience in order to protect one’s private pursuit of wisdom.

Aristotle’s Politic Rhetoric: Veiling Philosophy from Force?

It is precisely the question of the philosopher’s relation to the community that animates the work of those scholars who emphasize the profound role rhetoric plays in Aristotle’s political works. Scholars such as Aristide Tessitore, Thomas Pangle, and Thomas Smith have, like Yack, Garsten, and Sandel, turned to Aristotle as an alternative to (deficient) modern political theories and in particular have highlighted the importance of Aristotle’s rhetoric in interpreting his political works. Yet in contrast to those who understand Aristotle’s aged works as a potential patch for holes in the fabric of modern liberalism, these scholars are, like Ruderman, generally more cautious about asserting the direct applicability of Aristotle’s theory to liberal democratic practices. While these might emphasize the public character of rhetoric, they propose a different understanding

²⁷ Ibid., 413-414. Ruderman refers to Plato, *Laws* 875a-b.

of the relationship between speech or reason (*logos*) and politics in Aristotle's political thought, and in general highlight the limits of reason in politics rather than any salutary possibilities.

First amongst these is Aristide Tessitore's *Reading Aristotle's Ethics: Virtue, Rhetoric, and Political Philosophy* (1996). The achievement of his work is to argue with considerable force that the complexities and apparent inconsistencies of Aristotle's political works, in particular his *Nicomachean Ethics*, must be understood as a part of a larger rhetorical strategy. As Tessitore paints it, prior scholarship treated Aristotle's *Ethics* either as a primarily political or primarily philosophical work.²⁸ As an alternative, Tessitore proposes that Aristotle's writings must be understood as a sophisticated rhetorical structure intended to communicate different teachings to two distinct audiences: gentlemen concerned with the city, on one hand, and potential philosophers, on the other. The primary audience of the *Ethics*, argues Tessitore, consists in gentlemen who "accept rather than question the goodness of virtue itself." It is for the sake of the moral concerns of this noble audience that "Aristotle's study clarifies and to some extent codifies a code of decency that he presupposes on the part of his readers."²⁹ At the same time, Aristotle uses his work on *Ethics* to point out the insufficiency of a life of moral virtue in the pursuit of complete happiness, an observation that will not escape the notice of a potential philosopher. He concludes that the *Ethics* is "simultaneously addressed to two distinct types of morally serious persons: those who are not and never will be

²⁸ Reading Aristotle's Ethics, 10-15.

²⁹ Ibid., 17.

philosophers *and* those who are potential philosophers.”³⁰ Aristotle thus offers guidance both to those “disposed to an active life of political involvement” who might even view philosophy with suspicion, and also to gifted students who will see beyond the limited moral horizons of their own regime and be inclined to a life of philosophy. Attentiveness to Aristotle’s “dual audience” (nonphilosophers and potential philosophers) speaks to “an underlying consistency despite the apparent inconsistency attributed to him regarding his teaching of the best way of life.”³¹

Tessitore suggests that the *Ethics* must be understood as a kind of apology for the philosophic way of life aimed both at avoiding political hemlock and simultaneously at inviting capable students of pursuing a philosophic life. “To the extent that the *Ethics* has become one of the classic texts of the Western tradition, it has succeeded in eliciting an acknowledgment on the part of nonphilosophers of the dignity and importance of the philosophic life.”³² The *Ethics* is a work of political philosophy *par excellence* in that it examines human things all the while presenting philosophy in a politic way—that is, in a respectful manner that will simultaneously invite further thoughtful students to deeper question and curb the ire of those suspicious of philosophic activity.³³

Tessitore turns directly, though briefly, to the *Rhetoric* as a basis for his reading of the *Ethics* in this way. According to Tessitore, “the need for rhetoric arises from

³⁰ Ibid., 19.

³¹ Ibid., 20.

³² Ibid., 2.

³³ See *ibid.*, 3.

Aristotle's attempt to do justice to the competing claims of both virtue and philosophy."³⁴ More than others who adopt a similar interpretive approach to reading Aristotle's *Ethics*, Tessitore undertakes a brief survey of the *Rhetoric* as a part of his justification of his unique understanding of how to properly interpret the *Ethics*. To speak of the "rhetorical design of the work as a whole" it is necessary to be aware of "a specifically Aristotelian understanding of rhetoric."³⁵ Unlike his predecessors, Plato and Aristophanes, "Aristotle emphasizes the respectability of rhetoric itself by distinguishing it from and subordinating it to the study of politics (see *NE* 10.91181a13-18 and *Rh.* 1.2.1356a25-30)."³⁶ Tessitore points out (as Aristotle himself does in *Rhetoric* Book III) that rhetoric involves not only spoken but also written words.³⁷

Tessitore understands the *Ethics* to be "rhetorical" precisely because "Aristotle takes the reputable opinions of his audience as starting points, examines them in such a way as to make often heterogeneous views more consistent with each other, and brings them to the degree of clarity of which they admit."³⁸ What distinguishes rhetoric from other forms of inquiry for Tessitore is its reliance on *endoxa*, reputable opinions, rather than on knowledge (*epistēmē*) or the opinions of experts. With Garsten, Tessitore

³⁴ Ibid., 6. The claims of philosophy and virtue are ultimately irreconcilable in Tessitore's account. See for example, *ibid.* 3.

³⁵ Ibid., 4.

³⁶ Ibid., 4.

³⁷ Tessitore gleans this observation simply from Aristotle's opening lines, arguing that "Aristotle suggests this more general [written] usage when he asserts that everyone practices rhetoric (and dialectic) to some extent at least, since everyone finds it necessary to criticize or to defend an argument (*logos*) (*Rh.* 1.1.1354a3-6)." Ibid., 4.

³⁸ Ibid., 6-7.

acknowledges the necessary imperfection of these rhetorical beginnings: *endoxa*.³⁹ Yet unlike Garsten, who emphasizes that judgment belongs to human beings as such, Tessitore assumes a fundamental difference between philosophic judgment, concerned with wisdom and truth, and non-philosophic judgment of the gentleman, concerned primarily with nobility and moral virtue. After all, although the philosopher clarifies the opinions of his audience and brings them into greater harmony and consistency, his rhetoric remains within the realm of reputable opinion (*endoxa*). In being confined to this moral horizon, rhetoric is rendered incapable communicating truth; or rather, it communicates the truth about political life only by revealing the limits of reason in politics. Rhetoric, Tessitore says, can bring the opinions of his community only “to the degree of clarity of which they admit.” Thus Aristotle, according to Tessitore, shows “a persistent solicitude for the political concerns of his nonphilosophic readers,” but does not deny the “fundamental tension between the requirements of philosophic inquiry and the necessities that govern citizenship.”⁴⁰ Moreover, in muting “overt warfare” between the philosopher and the political community, the rhetoric that Aristotle employs in the *Ethics*, Tessitore argues, protects his private pursuit of wisdom from the indignation of those who aim at noble political action. “Aristotle’s rhetorical art is calculated to win at least a partial acceptance of philosophy on the part of those who are or will be most responsible for directing the affairs of the city.”⁴¹

³⁹ Ibid., 5.

⁴⁰ Ibid., 3. “*Endoxa* are ‘reputable opinions,’ held by all, by most, or by the wise (*Top.* 100b22-23; see *Rh.* 1.5.1361a25-27).”

⁴¹ Ibid., 117.

In short, even while emphasizing the ameliorating nature of Aristotle's rhetoric, Tessitore maintains a fundamental dichotomy between philosophers and gentleman, and between moral life and philosophy. He argues that the entire structure of the *Ethics* is based on the presupposition of an inherent and ultimately insurmountable difference between the two audiences.⁴² In this way, Tessitore's analysis rests on his understanding of rhetoric. Tessitore understands rhetoric not as a capacity for practical judgment capable of being educated and elevated by means of speech, nor as the capacity to see the available means of persuasion, but rather as a tool for (forcing) persuasion, however beneficial that persuasion may be for the speaker and his listeners. In elaborating Aristotle's rhetoric in the *Ethics*, Tessitore does briefly refer to the enthymeme and the causes of trust or "proofs" which the rhetorical syllogism channels. However, he neglects the significance and possible truth furnished through two of those *pisteis*: *ethos* and *pathos*. Like Ruderman, Tessitore understands rhetoric as primarily a public means to a private end. Both turn to Aristotle primarily for his defense not of political life but rather for his defense of the philosophic life, which they, roughly speaking, understand to employ rhetoric as a veil for truths visible only to the philosopher rather than as the means by which political life communicates its concern for what is good, just, and noble.

In his treatment of "The Rhetorical Strategy Governing Aristotle's Teaching," which serves as an outline of his understanding of the rhetorical underpinnings of Aristotle's *Politics*, Thomas L. Pangle likewise contends that understanding the *Politics* requires an understanding of Aristotle's rhetoric. Though he suggests that an interpretation of Aristotle's dual audience like that found in Tessitore's work might admit

⁴² See *ibid.*, 19.

of qualification, Pangle exhibits an understanding of Aristotelian rhetoric remarkably similar to Tessitore's. Aristotle, he contends, "discerns with lucidity the most important, abiding and universal, feature of philosophy's relation to its political context: the liberation that philosophic questioning brings is unavoidably attended by grave risks of undermining beliefs that are the essential foundations of civil society."⁴³ Aristotle's fate (exile) like that of Socrates's (death) "vividly illustrates that the political community, becoming aware of this [philosophy's] threat, is likely to react by deploying its coercive forces defensively, thus posing a menace to political philosophers." Accordingly, the political philosopher's task and responsibility is "to mitigate, while navigating, the antagonism and the complementarity between dedicated civic virtue and philosophic skepticism." In short, Pangle agrees with Tessitore that philosophic rationalism poses a threat to the health of the city. Thus there is a need for such thinkers to craft "modes of communication, of speaking and of writing, that give safe and beneficial public expression to their critical inquiry."⁴⁴

Pangle argues that understanding Aristotle's political teaching requires that one understand his rhetoric; even while his students must pursue scientific understanding of political matters, they must also study Aristotle's rhetorical art and "the reasons for the art," which involves "deep immersion in human psychology."⁴⁵ Gifted students with a

⁴³ Pangle makes a statement that apparently qualifies Tessitore's stark division of Aristotle's audience. He argues "there is not a 'dichotomy' between the few who can truly become philosophers and the rest. Among the morally serious there is a range of potentiality for participation in greater and lesser degrees of philosophic enlightenment." He later revises this assertion in a manner that suggests fundamental—if not total—acceptance of Tessitore's division of Aristotle's audiences into two. "*The Rhetorical Strategy Governing Aristotle's Teaching*. *Journal of Politics*, 73 no.1 (2011): 84-96. Here after "Rhetorical Strategy." See especially 92 and 95.

⁴⁴ "Rhetorical Strategy," 85.

⁴⁵ *Ibid.* 95.

capacity for scientific exactitude can know Aristotle's political teaching scientifically. Accordingly, Pangle's own work, like Tessitore's, is governed by the assumption that this form of speech arises by virtue of the existing gulf between philosophers and gentlemen and between intellectual and moral concerns. Becoming educated in Aristotle's multileveled rhetorical strategy requires that his readers remain mindful of the "two massively distinct levels of [Aristotle's] audience and thus of his communication." The first addresses those "who at least begin by being governed by lawful habituation in the mythic things learned from the poets in childhood, and who are pained by precise analysis, on account either of incapacity to follow such analysis, or noble disgust at it (or both)." The second level addresses those "whose character has come to be so formed that they insistently demand scientific precision, perhaps along with concrete examples (where such are appropriate to clarifying precisely the truth of the subject matter)."⁴⁶ In other words, what effectively divides Aristotle's audience is a capacity to apprehend political matters in a scientific way. Those with a greater capacity for scientific precision, Pangle contends, are ultimately those Aristotle most respects. He finds this "repeatedly hinted at in his methodological digressions through the reference to mathematicians."⁴⁷ In other words, the study of politics is not an art but a science that can be known scientifically by the most gifted students and communicated through Aristotle's unique

⁴⁶ Ibid. 94-95. Further, engaging in Aristotle's rhetoric, Pangle rightly observes, demands that a student of Aristotle come to understand "the power, even or especially in their own hearts, of 'the mythic things and the things belonging to childhood' that are long established in and by the laws—unwritten even more than written. Only then can they begin serious, critical reflection on the power of those laws over their own hearts. Coming to awareness of this power, and how and why it dictates Aristotle's rich rhetorical strategy, gives one the key to unlocking the deepest level of the teaching of Aristotle's *Politics*." Ibid. 94.

⁴⁷ Ibid. 95.

rhetoric; a rhetoric that both allays the ire of the political community and avoids communicating difficult truths to those students not ready to receive them.

The study of political things as Pangle presents it admits of scientific precision, not to the many but to the few. The truth of these matters can be grasped by the political philosopher who communicates difficult teachings by means of his rhetoric to those students capable of apprehending them. Pangle thus understands Aristotle's account of the necessary imprecision of speech concerning political matters as a statement aimed at sifting out Aristotle's audience: less gifted students will perhaps even take it as an excuse to set aside wrestling through difficult passages containing truths they ought not see. In this way Aristotle "prods us to see that in his moral and political writings his concern to contemplate the truth must be considerably alloyed with a set of practical concerns."⁴⁸

Tessitore and Pangle are helpful in alerting us to the complexity of Aristotle's own rhetoric in his political writings, as well as to the diverse capacities of his audience. Indeed, as we have seen in the last chapter, Aristotle emphasizes at the outset of his *Rhetoric* not only that rhetoric is a capacity in which all participate but also that rhetoric is a difficult art practiced only by the few. It nevertheless requires a leap of faith to argue that a scientific precision about politics is possible, and that Aristotle's rhetoric distinguishes between those who are and who are not capable of it. What makes the art so difficult, in fact, is that one cannot expect the precision of mathematics in matters that concern the just, the noble, and the good, as Aristotle says at the outset of the *Ethics*. Hence one ought to demand that his inquiry "attain [only] the clarity that accords with the

⁴⁸ Ibid. 94. As evidence of this interpretation Pangle considers *NE* 1098a26-31. This is in fact a major criticism that Garver makes of Thomas Pangle's book. To base a reading of Aristotle's *Politics* on rhetoric with little treatment of the *Rhetoric* allows us to wonder about the interpretation of Aristotle that emerges from it.

subject matter” (*NE* 1094b13-95a4). The inquiries (mathematics and ethics) differ in kind and their objects are known differently.

Accordingly, in the discussion of moral conduct that unfolds in his *Ethics* Aristotle claims it is enough for one to demonstrate the truth of these matters “roughly and in outline” and “in speaking about and on the basis of things that are for the most part so” that one must draw conclusions of the same sort. That is, if humans reason on the basis of general statements that hold for the most part, “their conclusions about these same matters will hold for the most part as well” (*NE* 1094b20-23). The study of indefinite matters involving human choice and time does not admit of scientific precision but, as will emerge through this dissertation, that are known and communicated to the extent possible through the art of rhetoric as it emerges in Aristotle’s treatment of that subject.⁴⁹ The kind of investigation most appropriate to political matters is rhetoric not only because of the varying intellectual capacities of students but also because of the indefinite nature of the subject matter itself. Aristotle’s work in the *Rhetoric* must be understood in this light. While Tessitore and Pangle point us in the right direction in arguing that understanding Aristotle’s rhetoric is required for understanding his political teaching, to the extent that they do not address the *Rhetoric* in greater detail their argument remains incomplete.

Like Tessitore and Pangle, Thomas W. Smith argues in his *Revaluating Ethics: Aristotle’s Dialectical Pedagogy* that Aristotle’s presentation of virtue and philosophy in his *Nicomachean Ethics* cannot be understood apart from his intention to teach his

⁴⁹ Indeed, this description of reasoning in generalities, in reasoning from matters that hold for the most part, is precisely Aristotle’s description of enthymematic reasoning from likelihoods. See for example *Rh.* 1357a22-33.

audience, one largely comprised of young noble Athenians intent on becoming gentlemen (*kaloskagathoi*). Apparent incongruities and errors in the text can be accounted for and “explained as pedagogical devices” aimed at “foster[ing] critical inquiry” if one pays careful attention to Aristotle’s audience and refrains from reading his texts merely as “didactic treatises.”⁵⁰

While he acknowledges the profound role Aristotle’s audience plays in shaping the *Ethics*, Smith does not propose a strict division between philosophers and gentlemen in order to explain Aristotle’s teaching. Rather, he proposes that Aristotle’s speech be understood as directed primarily at youths enmeshed in a culture devoted to honor above all else, and thus with a profound impediment to their love and pursuit of wisdom. Accordingly, Aristotle aims in writing the *Ethics* at “refashion[ing] his audience’s sense of its interest.” Thus, “his goal is the conversion of his listener; the introduction of a new way of life, which affects every dimension of the human person.”⁵¹ As Smith presents it, Aristotle’s audience is a mixed one filled with youths raised in a culture devoted to a particular notion of honor and potentially filled with youths tempted to see virtue as weakness, to pursue tyranny, or to dismiss the life of philosophy as an obsolete and “impractical enterprise.”⁵² “In arguing dialectically Aristotle must not only show his audience why and how their own accounts of virtue fail to get them what they want. He

⁵⁰ Revaluing Ethics: Aristotle’s Dialectical Pedagogy, 5. Here after Revaluing Ethics.

⁵¹ Ibid. 6-7.

⁵² See *ibid.*, 45-55, 59, 64.

must also undermine their own preconceived notions of the way of life he is holding out as an alternative.”⁵³

Thought provoking and insightful as Smith’s reading of the *Ethics* is, it fails to grasp the importance that Aristotle affords to rhetoric.⁵⁴ In fact, the *Ethics* as he understands it is not rhetorical at all but dialectical, for in Smith’s account dialectic aims at teaching while rhetoric aims at manipulation.⁵⁵ Minimizing Aristotle’s use of rhetoric and barely mentioning his *Rhetoric*, Smith turns to Aristotle’s *Topics* for a theoretical grounding of the “dialectical” character of the *Ethics*.⁵⁶ He thus fails to wrestle with Aristotle’s assertion that “[r]hetoric is the antistrophe of dialectic” and hence the possibility that both are at work in Aristotle’s political works (*Rh.* 1354a1). Accordingly, he both misrepresents Aristotle’s understanding of the art of rhetoric and misses certain nuances in his own reading of the text, particularly those concerning character and the passions.

Essentially, Smith bows to the assertion explored in Plato’s *Gorgias* that rhetoric is a form of force and persuasion a form of compulsion. Unlike the protreptic persuasion of dialectic that he claims aims at existential change—conversion to a philosophic way of life—Smith presents rhetoric’s goal as merely “political persuasion.”⁵⁷ In explaining the goal of dialectic as he understands it, Smith contrasts dialectic to rhetoric in a manner

⁵³ Ibid, 64.

⁵⁴ *Revaluing Ethics* contains as few as two explicit references to the *Rhetoric* in a footnote.

⁵⁵ See *ibid*, 9.

⁵⁶ See in particular *ibid*, 6-20.

⁵⁷ *Ibid*, 9.

entirely foreign to Aristotle's own teaching on the subject. While rhetoric, like dialectic, begins from "the perspective of an audience," Smith claims, rhetoric begins not from *endoxa*, but rather "from the perspective of emotions and passions." Still further, while dialectic's object is "existential" conversion to a philosophic way of life, rhetoric "has as its goal a political effect—to change the minds of an audience—and Aristotle's treatment of rhetoric is notorious for the argument that it can be used to produce a variety of effects, some good and others bad."⁵⁸ Aristotle's speech in the *Ethics* is prevented from "degenerating" into the power games characteristic of "manipulative rhetoric" by virtue of its having the goal of "helping the student act in the presence of...truth," a goal, according to Smith, that has no part in the rhetorical art.⁵⁹ As evidence for this assertion, Smith cites not Aristotle's *Rhetoric* but Tessitore's work on the *Ethics*, dismissing Tessitore with the claim that the presupposition of an account that would deign to claim that Aristotle employs rhetoric in the *Ethics* would be that "there is no real distinction between dialectic and rhetoric in Aristotle's treatment of human things."⁶⁰

Whatever the relationship between dialectic and rhetoric, Smith's presentation of rhetoric is not Aristotle's. As remains to be seen, this claim about rhetoric's express goal being "political effect" is expressly not Aristotle's understanding of rhetoric nor is it a substantive reading of Tessitore's work.

Yet even while there are significant differences between Tessitore's and Smith's account, both are ultimately in agreement that rhetoric as an art is reducible to force, even

⁵⁸ Ibid, 15.

⁵⁹ Ibid, 16.

⁶⁰ Ibid, 288fn23.

if it is a force that might be used for the good. Smith's oversight of the *Rhetoric* is unfortunate as he does notice the role the passions and character play in understanding Aristotle's audience and composition of the *Ethics*. For example, in his explicit treatment of the *Ethic's* audience, Smith observes that shame provides Aristotle with a "powerful ally" in his initial dismissal of the possibility that happiness consists in a life lived in pursuit of pleasure (see *NE* 1095b20).⁶¹ To fail to treat Aristotle's *Rhetoric* is to fail to understand the enthymeme that understands passions (including shame) to contribute to persuasion. Indeed, Smith's very observation about Aristotle's appeal to his audience's sense of shame provides ample evidence to assume that, at the very least, the *Ethics* is as rhetorical as it is dialectical. Smith's attention to context and character would only be bolstered—not depreciated—by a concern for Aristotle's understanding of rhetoric.

Conclusion

To paint rhetoric as subordinate either to public or to private ends is to grasp only part of what Aristotle understands that art to encompass. The aim of rhetoric is not simply for the philosopher to avoid Socrates' execution. Nor is it simply an attempt to accommodate individual character and the passions, which play so significant a role in communal life and deliberation. It is not aimed at mere victory, and, in and of itself, it cannot force another to choose a given course of action or accept a given set of beliefs.

Rhetoric is for the sake of judgment. Ultimately it is the capacity by which a speaker communicates himself to another by means of the enthymeme, which integrates the wonderful variety of reason, desire, and passion that constitute our humanity and allows them to be shared for the sake of forging communities that aim not only at living,

⁶¹ Ibid, 59.

but at living well (*Pol.* 1252b29-30). In its fullest expression, rhetoric lays before another, an individual or the community he inhabits, the means to judge for himself. Rhetoric thus aims at educating another in freedom; an aim accomplished only when one learns to judge and to choose what is good, just, and noble amidst the complexity and contingency of political life. If, as Socrates claimed, the “unexamined life is not worth living for a human being” the study of rhetoric is not only noble but also necessary, for living an examined life requires that we make judgments about and pursue the best way of life (*Apology* 38a).⁶²

The perennial concern at the heart of these overlapping strands of scholarship is the relationship between speech and politics. Human flourishing and the political community upon which it depends demand more than “mere alliance” concerned with safety and survival, comfort and security. They require common speeches about what is good, just, and noble that elevate the particular needs of individuals by binding them to a greater and thus a nobler object. At the same time, speech concerned with politics necessitates a concern for the particularity and diversity that exists in every community in order to preserve both unity and difference, both of which are as essential to flourishing as they are to friendship.

⁶² As William M.A. Grimaldi argues, “Aristotle... call[ed] his *Rhetoric* a ‘rhetoric of persuasion’ with the understanding of ‘persuasion at any cost’ is wrong. He was aware of the fact that when person speaks to person, to the “other” in whom resides the tension between self-possession and its possible loss which may be incurred in any decision made toward further growth in understanding. In this matter of ‘persuasion’ Aristotle’s thesis is simply that good rhetoric effectively places before the other person all the means necessary for such decision-making. At this point the person must exercise his own freedom.” *Studies in the Philosophy of Aristotle’s Rhetoric*. (Wiesbaden: Franz Steiner Verlag GMBH, 1972) 5.

CHAPTER THREE

Rhetoric's Defense of Justice

Rhetoric as Capacity (dunamis) and Art (technē)

Throughout the *Rhetoric*, Aristotle argues that rhetoric's object is judgment. The kind of judgment that rhetoric makes is not about "any one definite class of things" but instead concerns matters that admit of variation and uncertainty, largely, the political things: the good, the just, and the noble (see *Rh.* 1355b9). Rhetoric is inherently tied to man's political nature—his existence in community, in time, and in his neediness (matters not simply open to scientific knowledge or investigation). It is not precise knowledge of scientific matters that Aristotle seeks to communicate, but rather an education of the ability to see, judge, and make choices in the midst of the indefinite and uncertain matters that characterize political and moral life. The very possibility of human freedom in political life, both for individuals and for communities, hinges on the question of whether or not speech about what is good, just, and noble—that is, rhetoric—can become an object of an art that allows for the exercise of judgment and choice both in the speaker and his audience. As Aristotle famously pronounces early in his *Politics*, a community in speech about good and bad, just and unjust is what makes a household and a city (*Pol.* 1253a17-19), and this shared speech about justice and good cannot be attained in the absence of rhetoric.

Aristotle's task at the outset of the *Rhetoric* is to set forth the subject matter of rhetoric—the indefinite—and in this way reveal what rhetoric is. As it unfolds in the

opening chapters of the work his answer to the question of what rhetoric involves is twofold: rhetoric is both a capacity (*dunamis*) tied to seeing different possibilities and choosing between them and an art (*technē*) that contributes to a speaker's persuasiveness in testing and supporting arguments and making accusations. Aristotle's reference to rhetoric as both a capacity and an art gives rhetoric a certain complexity. As a capacity, rhetoric has a particular object—judgment (*krisis*). As an art, rhetoric takes as its object seeing by what means—for example, arguments, concerns, passions, or characteristics—a particular judge might be persuaded (see *Rh.* 1355b26). Just as the capacity for judgment requires the exercise of the art of rhetoric for its completion, so too the art of rhetoric depends on and presupposes that an audience or judge possesses the capacity for judgment.

Aristotle opens the *Rhetoric* by arguing that rhetoric is an art. It originates in need, self-defense, and the desire to test and support an argument, and as an art it is characterized by methodical speech about the good, the just, and the noble (*Rh.* 1354a1ff). In Book I, chapter 2, he proposes that he ought to begin anew and speak “as if from the beginning (*ex huparchēs*)” about rhetoric (*Rh.* 1355b26). This second starting point emphasizes rhetoric not as a particular art but as an underlying universal capacity with a particular object—judgment. The complexity of rhetoric, as well as Aristotle's examination of it, is the result of its twofold character. At times his discussion emphasizes rhetoric as an art while at other times it focuses on rhetoric as a capacity for judgment. However, as Aristotle understands it, rhetoric at any point in time remains both a particular art and a universal capacity: an art that depends on the capacity for judgment and a capacity that requires art for its education and full development.

Rhetoric as Art

It is because “it is possible to contemplate (*theōrēsai*) the cause (*aitia*)” of persuasion that “everyone would agree that such a thing is a work of art.”¹ Speech attempting to test or support an argument or used in a defense or accusation could be called an art (*technē*). Speeches of this kind come under the classification “art” to the extent that they are capable of being done in a methodical way (*hodopoiein*) (*Rh.* 1354a4-11).² To call something an art is to say that it can be practiced methodically and according to reason, for “if something is capable of coming into being without art and preparation, all the more will it be possible by art and attentiveness” (*Rh.* 1392b7-9).

Although “all people in common” attempt to make arguments or accusations, most people do so either randomly or habitually, and thus, not artfully. Yet, Aristotle reasons, insofar as arguments, accusations, and the like admit of being done in either of two ways (*amphoterōs*)—either at random or according to habit—it is possible that argument and accusation can be practiced in a methodical way, and thus according to art (*Rh.* 1354a5-11). That speech can be practiced in a habitual way (but without choice) reveals that it can be practiced according to a regular pattern that holds for the most part. At the same time, to the extent that rhetoric can be practiced at random it can be

¹ The verb *theōreō* carries with it the connotation of “seeing” or “beholding” something, as well as “contemplating.” LSJ 364. While *theōrēsai* could be translated as “seeing,” as Sachs does, Aristotle’s use of the word in the *Rhetoric* conveys something more than sight. Thus I follow Bartlett and Collins who translate it “contemplating.”

² The verb Aristotle uses to describe the “methodical way” (*hodopoiein*) that is made possible by seeing different ways of making arguments helps us to understand the difference between methodical speech and the art of rhetoric. It literally translates “to make a road.” A road, like a method, follows a regular pattern in order to take you from one place to another. Rhetoric as an art will follow this road for the most part, but might also take alternative routes should it become necessary or desirable to do so, for “in a sense art deals with the same object as chance, as Agathon says, ‘Chance is beloved of art, and art of chance’” (*NE* 1140a20). Art, involving choice, comes prepared for chance. Aristotle’s use of *hodopoiein* implicitly contains the regularity of method and the possibility of choosing to depart from regular ways involved in art.

exercised in accord with deliberate choice, for if something can be done at random it can also be done by choice.

Both method and choice are required if speech about what is good, just, and noble is to fall within the scope of the art, and the prerequisite to this is the capacity “to contemplate (*theorein*) the cause” on account of which people successfully persuade their audiences (*Rh.* 1354a10). The ability to engage in speech in a methodical way hinges on the possibility of being able to see in advance what arguments and characteristics are more likely to persuade another. The practice of the art of rhetoric is possible by virtue of the fact that human beings have the capacity “to see the available means of persuasion” (*Rh.* 1355b26). It is the ability to see different ways of arguing and to choose between them (to practice rhetoric methodically and according to choice) that enables speech to become an art—rhetoric.

From these opening remarks, Aristotle reveals his understanding of both the origins and objects of the art of rhetoric. In practice, rhetoric originates in the need for self-defense and the search for truth, as is implied in the kind of speeches Aristotle alludes to in his introduction. There, as we have seen, Aristotle observes that all human beings participate in rhetoric to some extent insofar as all people endeavor “to test (*exetazein*) and support (*hupechein*) an argument or to make a defense (*apologeisthai*) or an accusation (*katēgorein*)” (*Rh.* 1354a1-8). In attempting to test an argument, one attempts not simply to persuade another but to find and make judgments about the truth of a given matter. Making a defense or accusation entails defending one’s self or one’s own from defamation and accusations of injustice or ignoble action, or even simply from

threatening action. Thus rhetoric originates in both the need for self-defense against unjust and ignoble speeches and also in the desire (and need) for truth.

The very possibility of seeing and choosing between different ways of making arguments, accusations, and defenses entails that rhetoric as Aristotle understands it is an art that requires a human being's most distinctive quality: reasoned speech (*logos*) (*Rh.* 1355b3; see *Pol.* 1253a16). Insofar as rhetoric can be practiced as an art—that is, with a view to understanding the causes of persuasion rather than speaking at random or simply from habit—it is elevated beyond necessity. Reasoned speech (*logos*), for Aristotle, is something more than the grunting or barking of clever animals that gives voice to pleasure, pain, and immediate wants. While voice expresses largely pleasure and pain and is shared by other animals, speech, possessed only by human beings, is able to express “the advantageous and the harmful and hence the just and the unjust” (*Pol.* 1253a10-16).³ Aristotle's deriving speech about the just and unjust speech from that about the advantageous and harmful sheds light on his understanding of speech. Human beings do not simply pursue advantage; they speak about what advantage is. They deliberate about it and come to understand its complexity and different ways of attaining it between which they can choose. Through speech, they justify their choices to themselves and others. They are not determined by mere necessity—nature and force—and can pursue not only advantage but also justice.

³ An alternative account of the relationship to speech and necessity is articulated by Thomas Hobbes, who claims “thoughts are to desires as scouts and spies.” *Leviathan*, ed. C.B. Macpherson (New York: Penguin Books, 1985), viii. This understanding of speech is opposed by Aristotle throughout the *Rhetoric*, which is based on an understanding of reasoned speech that cannot be reduced to being a servant of the passions.

Aristotle's understanding of rhetoric thus follows from his vision of human beings as political animals, who band together at first in seeking to protect their lives, but come to aim at living well (*Pol.* 1252b30-31). The defining characteristic of an art lies in seeing and finding a methodical way of obtaining one's object, which in the case of rhetoric is judgment. While the practice of rhetoric arises from need, it aims at ends that surpass or transcend mere need: the good, the just, and the noble (by which Aristotle defines the goals of rhetoric) each in some way transcend one's own immediate wants. In binding the practice of rhetoric to these common political objects, Aristotle claims that reason's judgments and the speeches aimed at correct judgment concern more than mere self-interest and immediate gain.

Rhetoric as a Capacity

When Aristotle turns to the method of rhetoric, he highlights that he is going beyond what he said previously about rhetoric by proceeding "as if from the beginning" (*Rh.* 1355b24). It is at this point that he describes rhetoric not as an art, as he has emphasized up to this point, but as a capacity (*dunamis*). Here, Aristotle refers to rhetoric as "a power of contemplating (*theōrēsai*) what is capable of being persuasive on each subject (*to endekomenon*)" (*Rh.* 1355b26-27). Rhetoric can be practiced as an art—that is, methodically and according to choice—only if human beings have an underlying capacity to contemplate (*theōrēsai*) what is persuasive on every subject.

Rhetoric is simultaneously an art and a capacity, yet it can be called a capacity in two ways. In one sense, it is the audience, whose members share a common capacity for judgment, that serves as the basis for the practice of rhetoric as an art. In another sense, the speaker or author has a capacity for the practice of rhetoric as an art, one that

Aristotle associates with the capacity for dialectic. While the audience's common capacity for judgment serves as a foundation for the practice of rhetoric, the speaker's particular capacity for an art of rhetoric—at least a speaker educated by Aristotle—is one that surpasses the audience's capacity, even while depending upon it.

This complexity runs through Aristotle's entire *Rhetoric*. While rhetoric is practiced as an art, Aristotle's repeated reference to it as a capacity indicates that its practice is based on a capacity of the human soul. Aristotle will soon explain that the speaker will persuade—or that listeners will trust the speech—because of the character of the speaker, the passions of the listeners, and/or the speech itself. All these causes of persuasion (trust) indicate limits or boundaries in view of which the successful rhetorician must compose his speech in order to persuade. Rhetoric cannot be reduced to manipulation or “cooking” aimed at *pleasing* the hearer, as is suggested in the *Gorgias*, because persuasion involves choice on the part of both speaker and audience. Aristotle's argument, from the beginning, indicates that the persuasion at which rhetoric aims cannot be reduced to manipulation or force. One who is manipulated or forced in one direction can then be manipulated or forced in another. By being persuaded, by trusting a speech, the hearer participates and thereby makes it his own. The exercise of judgment, in choosing to accept or reject a given argument, might be exercised on the part of both the speaker and his audience. Should the rhetorician fail to make his case—which must involve the various causes of trust or means of persuasion—he would not persuade. Even if he does see and employ the various means of persuasion, he might not successfully persuade. The listener's participation—and his freedom—as it is for the speaker as well—indicates his belonging to a political community.

The possibility of and capacity for correct judgment is both the presupposition and aim of Aristotle's text. If there is no capacity shared by all human beings to distinguish true from false, there is no measure by which to judge. At the same time, a capacity for judgment undeveloped by art could be a crippling obstacle to the exercise of correct judgment concerning what is good, just, or noble. Unlike things that exist or come into being by necessity, which have their origin in themselves, the origin (*archē*) of things that exist by art lies in the person making them (*NE* 1140a11-16). The origin of things that exist by art, like that of deliberate choice (*proairesis*), is, as Aristotle observes in his *Ethics*, a human being. Art then, like choice, is marked by intellect with longing and longing with intellect (*NE* 1139a4-6). To the extent that the capacity to speak and make correct judgments about political matters can be developed in an artful way, it is possible that the capacity for judgment be exercised in accord with deliberate choice—that is, in accord with both intellect and longing. Indeed, if the exercise of deliberate choice in the midst of the indefinite matters that characterize human affairs is possible, human freedom even in the midst of the indefinite and uncertain matters that characterize political life (for example, time, circumstance, and choice) is also possible, albeit limited.

Rhetoric's coming to light as both art and capacity has implications for Aristotle's understanding of the possibilities of human freedom, as well as its limits. If, on one hand, artful arrangement of persuasive speech is possible and correct judgments can be fostered by rhetoric, then we are not determined simply by nature or necessity but are free to make choices even in the midst of difficult and uncertain circumstances. On the other hand, Aristotle's careful grounding of the exercise of rhetoric as an art in a natural capacity for judgment indicates that rhetoric, as I will argue in this dissertation, cannot be arbitrary—

hence, tyrannical—but has a basis in nature. By grounding speech in a natural capacity and by educating that capacity through speech, Aristotle directs us towards an understanding of rhetoric that allows for navigating a middle way between determinism and abstraction from the particular, and hence to freedom “*as a human being*” (see *NE* 1159a11).

Rhetoric’s Distinctiveness as an Art

Having articulated rhetoric’s dual nature, both in its artfulness and in its underlying capacity, Aristotle describes the differences between rhetoric and other arts. Rhetoric is both like and unlike other arts in general, and corresponds in a unique way to its antistrophe, dialectic. While rhetoric is an art by virtue of human beings’ ability to contemplate the causes of trust, the very ability to see causes, which are beyond what is available to the senses, arises from an innate human capacity—reasoned speech (*logos*). Like virtue (and unlike capacities, which are present in us by nature) art is present in us “neither by nature nor contrary to nature” (*NE* 1103a24). Like all arts, rhetoric is based on the capacity for reasoned speech that defines human beings and that makes foresight and choice possible. Yet unlike other arts rhetoric (with dialectic) has a universal quality as it concerns indefinite matters that are not confined to any one definite topic. Both can “reason to opposite conclusions” (*Rh.* 1355a35). Unlike other arts, with the exception of its antistrophe, dialectic, rhetoric touches upon all things (see *Rh.* 1354a1).

Aristotle names a number of ways in which rhetoric differs from other arts, most of which concern rhetoric’s generality. For example, he claims that no other art has this universal quality of seeing every subject because all other arts are “instructive and persuasive about what belongs” to them alone. As an example Aristotle suggests that we

consider the way that medicine deals with health, and shoemaking with shoes. While each art is concerned with its particular topic (health and shoes), rhetoric alone is concerned with discovering the best means of communicating what holds for the most part and is indefinite (*Rh.* 1355b27-28). Thus, to a certain extent, rhetoric is necessarily involved when one is teaching the art of medicine, while medicine is not necessarily involved in rhetoric—that is, the doctor, if he should teach his trade, will do so in part by means of rhetoric. Rhetoric as an art is employed in the communication that occurs in other arts, not *visa versa*.

Yet Aristotle also describes rhetoric by noting the way in which it is similar to other arts. Other arts, he claims in the *Rhetoric*, do not investigate particulars. For example, medicine investigates the health of human beings in general, not that of Socrates who is a particular human being (*Rh.* 1356b31-32). Accordingly Aristotle argues, “no art investigates the particular thing.” This is especially true of rhetoric, which does not reason from the precise premises of physics or even ethics (see *Rh.* 1357a16-21). The reason Aristotle gives for this is that “the particular (*idion*) is an infinite and unknowable thing” (*Rh.* 1356b30). Insofar as art involves a way of doing something according to a regular pattern rather than at random, it deals in generalities—that which holds for the most part—rather than in particulars. It is the common that all art is concerned with investigating, and thus rhetoric, like all other arts, will be concerned with what is common.

There is something perplexing, however, in the way that Aristotle raises this claim about art’s generality. In the first place, this passage directly contradicts his assertion in the *Ethics* that a skilled physician is not concerned with health in general but rather with

the health of a human being and inquires even more “into that of this particular human being,” for, “he treats patients individually” (*NE* 1097a10-13). One practicing an art, be it medicine or rhetoric, does not practice the art in the abstract but in particular situations and in relation to a particular audience. When it comes to application, it is precisely the particular with which art is concerned.

The second perplexity follows from the first. For having observed that rhetoric, like other arts, concerns not the particular but what is common, Aristotle immediately names two particular people, Socrates and Hippias, as examples of individuals whose opinions rhetoric will not investigate. He claims that rhetoric will not investigate the particular opinion of particular men, but rather “that which is accepted by people of a certain sort, the same way dialectic does” (*Rh.* 1356b33-35). Rhetoric, like dialectic, concerns what is general. Aristotle, however, makes this claim about rhetoric’s generality even while he addresses the concern that public speech or writing will say the same thing to everyone regardless of whether he is an appropriate audience, a concern raised explicitly by Socrates in Plato’s texts.⁴ Aristotle examines a problem with rhetoric raised by Socrates even as he claims rhetoric will not do so. Rhetoric, that is, is general speech that necessarily addresses a particular audience. At the same time, rhetoric might make a particular understanding of rhetoric, one articulated by Socrates, common. In its application, as is the case with other arts, it is precisely the particular that concerns rhetoric.

⁴ A written text or a speech delivered to a general audience may be inappropriate and even harmful to particular people who read or hear it. Aristotle’s *Rhetoric* indirectly addresses concerns about the generality of speech throughout the text by speaking to the importance of the causes of trust that, as will emerge more clearly in Chapter Four, overcome the obstacles of speech’s generality by attending to the particularities of the intended audience, for example, their regime and their understanding of justice.

While rhetoric takes as its starting point common opinion (*endoxa*), it necessarily addresses a particular audience in a specific context, such as Socrates and his students. Aristotle, by naming certain figures, begins with common opinions about rhetoric in a manner that is tailored to the interests of his audience. While Aristotle points to rhetoric's universality and general method, he indicates that paradoxically it is more concerned with particular things (especially people) than other arts because "what is persuasive is persuasive to someone" (*Rh.* 1356b28-30). Even while it deals with common opinion and general matters, rhetoric is concerned with seeing what will be persuasive to individuals. In this sense it is a deeply political art, for it is concerned not only with making the particular common (as Aristotle does in his own writing of the *Rhetoric* by making his unique understanding of the art common), but also with directing common opinion to a particular person or audience (including, for example, those who share Socrates' reservations about rhetoric, as Aristotle indicates when he mentions Socrates by name).

Though its subject is the indefinite or the unbounded, rhetoric is bounded in the sense that it differs from other arts: where a particular science ends, rhetoric begins. In order to illuminate the boundary that distinguishes rhetoric from other arts, Aristotle calls to mind the doctor, geometer, and arithmetician who are, respectively, concerned with things "healthful and diseased," the "attributes that go along with magnitudes," and numbers. Rhetoric has a boundary even while its subject matter, the indefinite, does not. The other arts he names are instructive and persuasive about what belongs to each respectively, while rhetoric alone is concerned with what is "persuasive on each subject" (*Rh.* 1355b27, 28). Aristotle asserts that the better someone is at selecting exact premises, for example, the premises or axioms of a geometric proof, "the more he will be

producing, without realizing it, a knowledge different from dialectic and rhetoric.” The explanation he provides for this is that the beginning of an inquiry determines its precision. The word he uses for beginning (*archē*) could also be translated as “principle” or “starting point.” Whereas rhetoric begins with what is common (reputable opinion, *endoxa*) and uses this to engage the particular audience, beginning from starting points tied to a particular topic (for example, a geometric axiom) will produce another kind of knowledge (*epistēmē*) (*Rh.* 1358a24-27).⁵

Premises that cross a line from common topics and opinion to a particular subject cease to be rhetoric and become another kind of knowledge that is not rhetoric. Hence Aristotle raises the concern that the more speakers specialize in a particular subject or science, the more likely it is to escape their notice that they “transgress (*metabainousin*) the limits of rhetoric” (*Rh.* 1358a9-10). For example, generalship is an art that is concerned with waging war. Like rhetoric, generalship is subordinate to the political art (*politikē*), which “legislates what one ought to do and what to abstain from” and encompasses all the other arts (*NE* 1094b2-7). However, speech about whether or not one’s city ought to go to war and engage in warfare ceases to be generalship and becomes rhetoric. Speech that crosses a line between deliberating about whether or not to go to war and military strategy would cease to be rhetoric and become generalship.

There are two kinds of topics that rhetoric is concerned with: common and particular (*Rh.* 1358a1-2). Some enthymemes, Aristotle argues, reflect a “rhetorical procedure,” while others reflect other arts and capacities (*Rh.* 1358a3-5). While other arts investigate some particular (*idia*) topic (health, magnitudes, numbers, etc.), rhetoric, like

⁵ Aristotle’s argument here stands opposed to an argument made in the *Gorgias*, the argument that not all things are rhetoric—the position that Socrates pushes Gorgias to expound. See *Gorgias* 451d-454a.

dialectic, consists in seeing in general what is persuasive about topics that are “common to things having to do with justice or with physics, with politics or with many subjects that differ from it in kind, such as the topic of the more and less” (*Rh.* 1358a13-15). Common topics, as Larry Arnhart explains, belong to many different sciences and arts. “The ‘topic’ of ‘more and less,’ for example, can provide syllogisms or enthymemes for law, physics, or politics.”⁶ In other words, consideration of “more and less” is involved in both deliberations about sending more or less troops to war (politics) and also in investigating the matters like time and size in the natural world (physics). Indeed, while justice and time are different topics of investigation, the communication of thoughts about these matters necessarily involves speech between human beings who do not necessarily share precise understanding of the science or art involved. This is not to say that rhetoric ceases to be concerned with political matters but rather that rhetoric is concerned with topics common to justice and physics to the extent that these affect the life of the community. Rhetoric is required for the communication of matters that, while belonging to a particular body of knowledge that is not rhetoric, nonetheless involve human concerns about goodness, justice, and nobility. In this way, rhetoric brings unity to diversity both in that it makes what is particular common (in speaking about matters insofar as they affect us as political animals) and what is common particular (in speaking to a specific audience).⁷

⁶ Aristotle on Political Reasoning: A Commentary on the “Rhetoric.” (DeKalb, IL: Northern University Press, 1981), 48. Here after Reasoning.

⁷ As Arnhart explains, “Oddly enough, in order to employ purely rhetorical syllogisms, a speaker would have to avoid using any of the propositions specifically applicable to the particular subject under discussion. But in the actual practice of rhetoric, this does not occur; more enthymemes are constructed from ‘specific topics’ than from ‘common topics.’ The reason for this is that arguments are stronger if they consist not of general topics, but of particular premises inherent in the subject matter.” In short, “Aristotle again brings to light the tension between rhetoric as a universal method comparable to dialectic and rhetoric

All of this serves to clarify Aristotle's statement that "rhetoric seems to be capable of seeing what is persuasive about any given thing" and for this reason is "not concerned with any particular definite (*idion aphōrismenon*) class of things" (*Rh.* 1355b32-34). Rhetoric's artful character stems from its being a capacity of contemplating what is persuasive about matters common to all human beings, and its uniqueness as an art is derived from its concern with these indefinite things amongst particular audiences. It is the art of the indefinite.

Rhetoric and Truth, Endoxa, and Sophistry

Aristotle's presentation of reputable opinion (*endoxa*) as the starting point of rhetoric has led to a great deal of confusion concerning his understanding of the art's relationship to truth. While some would dismiss rhetoric as too imprecise to be of any use in coming to know, as in the case of proponents of modern science, others assert that Aristotle's rhetoric veils his true and scientific political teaching, and must be seen through by serious students.⁸ Both interpretations implicitly dismiss Aristotle's statements concerning the necessary imprecision of rhetorical speech throughout the *Rhetoric*. Aristotle's own understanding of rhetoric's imprecision and reliance on *endoxa*, if taken seriously, lends itself to understanding both imprecision and reputable opinions as matters that lend themselves to, rather than detract from, rhetoric's ability to

as restricted to political argumentation"—the inborn tension in an art that Aristotle describes as the "offshoot" of dialectic and politics (*Rh.* 1356a27). Arnhart, *Reasoning*, 48. Arnhart points us to *Rh.* 1395b20-1396b19 to supplement his treatment of the difference between common and particular topics.

⁸ For an example of the former see Cope, who in his commentary dismisses the enthymeme as imprecise and therefore not a syllogism, as he implies when he states that it is not "a form of demonstration proper." E.M. Cope, *An Introduction to Aristotle's "Rhetoric."* (Dubuque, Iowa: Wm. Brown Reprint Library), 102. For an example of the latter see Pangle's "Introduction" to *Aristotle's Teaching in the Politics*, especially 3-5.

communicate truth and to appeal to what is true and knowable to human beings. Indeed, Aristotle makes the startling claim that rhetoric fulfills its function as an art only if it leads to judgments in accord with truth, something possible only if the common opinions from which rhetorical speech begins and the people who hold them have a natural tendency towards truth (*Rh.* 1355a14-18). The effect of Aristotle's treatment of rhetoric's relationship to truth is, I shall argue, on one hand, to base the practice of the art on particular experience in a manner that avoids the unlimited freedom of abstractions, while, on the other, to reason about particular experience in a way that avoids a deterministic attachment to particulars.

Aristotle's explicit treatment of rhetoric's relation to truth begins when he addresses the validity of the reputable opinions (*endoxa*) from which rhetoric reasons. The underlying premise of his discussion is this: human beings have a natural inclination to the truth that renders the reputable opinions from which rhetoric reasons trustworthy (*Rh.* 1355a16). Aristotle arrives at the assertion when he discusses the similarities between a rhetorician's ability to master rhetorical syllogisms, enthymemes, and a dialectician's ability "to see (*idein*) what is true and what is similar to what is true" (*Rh.* 1355b15). The dialectician has the capacity (*dunamis*) to discern the difference between true and "apparently true" or "false" syllogisms. Both the dialectician to whom belongs seeing (*idein*) different kinds of syllogisms, and the rhetorician skilled in "enthymemes" (*enthumēmatikos*) or "rhetorical syllogisms," share in this capacity of sight; one that is able to distinguish what is true from what resembles the truth.⁹

⁹ As Arnhart persuasively argues, "the enthymeme can be one distinctive type of syllogism without being syllogistically defective." Arnhart, *Reasoning*, 24. For further discussion see 24ff.

Yet the ability to discern what is true from what is apparently so is not the sole privilege of a few rhetoricians and dialecticians. “At the same time,” Aristotle reasons, “human beings are adequately directed by nature (*pephukasin hikanōs*) towards the truth and for the most part hit upon truth” (*Rh.* 1355b16-17). Here, Aristotle brings together the two sides of rhetoric, both its precision as an art in seeing and employing rhetorical syllogisms, and also in its fundamental dependence on a natural capacity to apprehend the truth. Those skilled in rhetoric will be skilled in the understanding and use of enthymemes (*enthumēmatikos*); yet the exercise of this skill requires and presupposes not only a grasp of the reputable opinions of their audiences but also that these opinions have a natural tendency towards truth.

The close relationship between seeing what is true and what resembles the truth (a characteristic of the rhetorician [art]) and the natural tendency towards the truth (a characteristic shared by human beings as such [capacity]) leads Aristotle to conclude that “the ability to aim skillfully at reputable opinion¹⁰ belongs to the man who is equally able to aim skillfully at the truth” (*Rh.* 1355b18). The parallel structures of Aristotle’s argument that rhetoric involves seeing (*idein*) the available means of persuasion, and that seeing (*idein*) the truth and what is similar to the truth, indicate that both belong to the same capacity (see *Rh.* 1355a14 and 1355b8-12). Human beings in general are directed towards the truth by nature. What follows from this claim is that the common opinions held by most are trustworthy and “for the most part hit upon the truth.”

¹⁰ Here, Grimaldi and Freese translate *endoxa* as “probabilities,” a plausible translation that captures the sense that reputable opinions are generally valid. *The “Art” of Rhetoric*. Trans. J.H. Freese (Cambridge, MA: Harvard University Press, 1975). William M.A. Grimaldi, S.J. *Aristotle Rhetoric I: A Commentary*. (New York: Fordham University Press, 1980). Here after Vol. I.

Endoxa then emerges as a sufficient and trustworthy beginning that holds for the most part and that rhetoric considers and directs towards distinguishing between what is true and what is only apparently so. As Aristotle presents it in his *Rhetoric* (and defines it more precisely in his *Topics*), *endoxa* consist of the opinions held “by all, by most, or by a wise few.”¹¹ This raises the question of whether rhetoric that reasons from such uncertain premises that hold “for the most part” could lend itself to communicating anything true, or whether it must content itself with conveying merely shadows of truth.

In speaking of aiming at truth, rather than of precise or scientific knowledge, Aristotle does not undermine or depreciate rhetoric by making it a partial or diminished version of the truth. Insofar as rhetoric reasons from reputable opinions, premises that “hold for the most part,” rhetoric as an art will have a tendency to express the truth with respect to matters that do not admit the precision of science (*epistēmē*).¹² In essence, Aristotle’s treatment of rhetoric is based on the premise that the common sense experience of the world shared by most human beings is a valid form of knowledge that is essentially directed towards the truth, a truth that holds for the most part and is indeed knowable; yet that, at the same time, requires art for completion.

Aristotle, however, does not stop at binding the specialized skill in artful speech to a tendency towards truth shared in common by all human beings, but goes so far as to assert that rhetoric’s usefulness consists precisely in its ability to bring truth and justice into political life by means of judgment. Aristotle lists four reasons why rhetoric is useful

¹¹ Arnhart, *Reasoning*, 30; see also 194n72. He refers us to *Topics* 100b22-23, see *Rhetoric* 1.5.1361a25-27; 2.23.1398b18-99a6. Because of the possibility that *endoxa* may be limited to a few people rather than to all mankind it is appropriate to translate it “reputable opinion.” Arnhart, *Reasoning*, 194n72.

¹² For an extended discussion on *endoxa* and its meaning and import for Aristotle’s corpus, see Arnhart, *Reasoning*, 28-32.

to human beings. First and foremost, “rhetoric is useful,” he observes, “because things that are true and things that are just are by nature stronger than their opposites, so if judgments do not come out the appropriate way, it is necessary that [the judgments] have been made weaker by [untruth and injustice], and this is worthy of castigation” (*Rh.* 1355a21-24).¹³ Aristotle proposes that rhetoric is useful because it protects and preserves truth and justice in the judgments of human beings. Here, rhetoric is emphatically presented as a defensive art, one that primarily aims less at political transformation and more at preserving truth and justice within a political community through judgment. As Grimaldi proposes, Aristotle’s presentation of rhetoric in this instance attributes to it the task of “re-present[ing] the real (i.e. truth and justice) in any situation for an auditor.”¹⁴ Wrong or base judgments are the result of untruth and injustice, whether attributable to teachers of rhetoric, the speaker, or his audience.¹⁵

While Aristotle makes this claim about rhetoric’s usefulness, essentially attributing to rhetoric the task of defending truth and justice, it is not immediately obvious how rhetoric’s ennobled task is consistent with Aristotle’s later presentation of

¹³ The translation of this passage is contested. I have chosen to follow Grimaldi who reasons through other possible antecedents in the sentence. Vol. I, 25-28. Grimaldi does concede another possibility, that the antecedent to “on account of them” (*di autōn*) (which I have followed Grimaldi in reading as referring to “untruth and injustice”) could be the other “speech-art-makers” or writers of previous rhetoric handbooks Aristotle criticizes at *Rh.* 1355a19. “Rhetoric and Truth: A Note on Aristotle. ‘Rhetoric’ 1355a21-24,” *Philosophy & Rhetoric*, vol. 11, no. 3 (1978): 173-177, 175. Here after “Rhetoric and Truth.” This dispute makes little difference to my own argument, though it is open to the possibility that bad judgments can be blamed on both the speakers and the judges of a speech.

¹⁴ “Rhetoric and Truth,” 176. Grimaldi, however, does not notice that failings to apprehend truth and justice may also be attributable to failings in the audience.

¹⁵ As Aristotle observes in his *Ethics*, speech about passions and actions elicit less trust than deeds. Hence, “Whenever, then, such arguments [concerning matters of passions and actions] are discordant with what is perceived, they are treated with contempt and undermine the truth” (Cf. *NE* 1172a35-b1). See also Grimaldi, “Rhetoric and Truth,” 177.

sophistical techniques and fallacies.¹⁶ Aristotle's claim about rhetoric's relationship to truth becomes clearer when he lists three other reasons that rhetoric is useful, all of which follow from his assertion that rhetoric's task is to protect truth and justice. Rhetoric, he claims, is also useful in that it allows for persuasive speech amongst audiences that are necessarily limited (for example, in speaking with "the many"); it allows for seeing both sides of an argument, which protects us from being swept away by sophistry, and finally, rhetoric provides us with the means to develop completely humanity's most distinctive (*idion*) capacity, reasoned speech (*logos*), which Aristotle also ties to self-defense (see *Rh.* 1355a25; a30; 1355b1).¹⁷ Indeed, "it would be absurd if being incapable of defending oneself with the body were a shameful thing, but it was not shameful to be incapable of doing so with speech, which is more distinctive of a human being than the use of the body" (*Rh.* 1355b1-3).

Unlike the other arts, rhetoric and dialectic alone reason "to opposite conclusions" because, in order to persuade in rhetoric "one needs to be capable of being persuasive about opposite things, exactly as in the case of syllogisms" (*Rh.* 1355a31). In order to be rhetorically persuasive it is necessary to be able to argue about opposites (both good and bad, noble and shameful, just and unjust). At the same time, in these passages Aristotle's presentation of the art of rhetoric is of an art aimed less at seeing various means of persuasion in order to be persuasive and more at seeing and guarding against the ways one might find oneself manipulated by unjust or untrue speech. Moreover, Aristotle

¹⁶ For example, "apparent enthymemes," in Book II, chapter 24. Arnhart questions: "is there not some conflict between Aristotle's preference for rhetoric used in support of truth and justice and his impartial exposition of all the means of persuasion for all sides of any issue?" Arnhart, *Reasoning*, 26.

¹⁷ See Arnhart, *Reasoning*, 25, and Grimaldi, "Rhetoric and Truth," 173.

concludes his observations about rhetoric's utility by asserting that the underlying matters that rhetoric considers when it sees that both sides of an argument "are not on an equal footing." This is because "things that are true and things that are better are always easier to reason to, and, to put it simply, more persuasive" (*Rh.* 1355a30-39). Aristotle's claim is remarkable, for his claim is that truth is more readily accessible than its opposite, something not immediately obvious from a darting glance at political life in any age. Nonetheless, it is clear that Aristotle understands obstacles to the apprehension of truth as failures in speech. Rhetoric is then a defensive art, one that defends against the seduction of falsehoods that masquerade as and obscure reality.

The significance of Aristotle's repeated emphasis on rhetoric's defensive quality becomes all the more evident in the condemnation of the misuse of the faculty of speech, which he calls "sophistry," that occurs shortly after he articulates rhetoric's usefulness in protecting truth and justice. He turns to this criticism after he raises the heretofore-unvoiced concern that "someone unjustly using such a power with speeches might do great harm" (*Rh.* 1355b4-5). Yet he immediately dismisses this apprehension for, after all, it could be applied to any good thing except virtue, and all the more so to "the most useful things (*chrēsimōtata*)" like strength, health, riches, and skill at leading armies" (*Rh.* 1355b6-8). In all of these cases one might confer either the greatest of benefits or the greatest of harms by using these goods justly or unjustly. Paradoxically, in order to foster the capacity to defend against distorted understandings of reality and to see instead "the way things are," it is necessary to see both true and false arguments.

Hence Aristotle's consideration of rhetoric's utility leads him to dismiss concerns about its misuse in the way that we might dismiss any concern about the misuse of a

useful thing: the thing in itself is morally neutral or indifferent. But rhetoric, as it has emerged thus far, is tied to a capacity to see both sides of an argument that has as its object truth, for rhetoric considers both sides of an argument “not that we might act on both” but rather “so that the way things are might not go unnoticed” and also that we ourselves might have the means of refuting unjust speeches (*Rh.* 1355a31, 33-35). How then can the utility of rhetoric, which is *useful* for the protection of moral things, be conflated with the utility of other arts that are less obviously bound to the preservation of truth and justice?

This question comes to the fore when Aristotle turns to his criticism of sophistry precisely on the grounds that it is a misuse of a capacity. Sophistry, Aristotle argues, is present “not in the capacity [of seeing what is or appears to be persuasive] but in the deliberate choice (*proairesis*)” (*Rh.* 1355b17-18). The ability to see both sides of an argument is not sophistic but belongs to rhetoric and dialectic as such; it is rather the deliberate misuse of this capacity to apprehend the truth for the purpose of misleading or dissembling that warrants blame. Aristotle’s critique of sophistry reveals the inseparability of deliberate choice (and with this, praise and blame) from the practice of rhetoric.

Sophistry, as Aristotle presents it here, is the deliberate misuse of the capacity for dialectic, while rhetoric’s misuse is apparently more difficult to discern insofar as those who misuse rhetoric and those who do not are both called “rhetorician[s].” Aristotle argues that one might be called a rhetorician either on the basis of knowledge (*epistēmē*) or on the basis of deliberate choice (*proairesis*). Insofar as rhetoric is a capacity directed towards truth one might also be called a rhetorician on the basis of choice or moral

intention—that is, by virtue of a commitment to justice. At the same time, because rhetoric is an art that involves method and choice, one can be called a rhetorician by virtue of the knowledge of that art. By stating both as reasons for calling someone a rhetorician, Aristotle brings them together—the true rhetorician knows not only the available means of persuasion that belong to the art (the enthymeme and the causes of trust) but also the object of persuasion: truth. Thus one can possess the knowledge a rhetorician possesses and be called a rhetorician, but on the basis of intention misuse that knowledge, as a sophist misuses dialectic. Like a sophist, one would masquerade as a better man but appropriate speech for the purpose of manipulation and trickery and, in effect, treat speech as force.¹⁸ The difference between rhetoric and such sophistry—between art and manipulation—lies in the intention. However, by making it clear that speakers with good and bad intentions alike might be called by the same name, he indicates the difficulty that the listeners of rhetoric might have in discerning the true intention of the speaker. The art of rhetoric is one aimed at revealing and defending truth, for rhetoric is ultimately a capacity to see what is true. To the extent that the art of rhetoric ceases to correspond to rhetoric as a capacity for truth, it ceases to be rhetoric and becomes non-speech, and perhaps for this reason has no name.¹⁹

¹⁸ Arnhart argues that a distinction between dialectic and its misuse is based not in the art but in the intention, but contends that “such a distinction cannot be so easily made between the rhetorician and the sophist; one with the faculty of arguing fallaciously and one who chooses to argue fallaciously are both called rhetoricians.” In spite of difficulty of distinguishing rhetoric and sophistry, which stems from Aristotle’s complex understanding of rhetoric—its dependency on both knowledge of the art and intention—he insists they are separate. While “the sophist employs fallacious arguments as though they were valid, the rhetorician distinguishes true arguments from those that are merely apparent” and uses them to illumine “that which is.” *Reasoning*, 33-34.

¹⁹ Grimaldi observes that, “one is a skilled practitioner of an art if one fully follows out the method. But in an art such as rhetoric or dialectic that legitimately considers either side of a question (*Rh.* 1355a29-38), this can create a problem. Aristotle faces that problem here, stating that the distinction between true and false dialectic is grounded not *in the art* but in the way in which the art is used. In dialectic there is a name for the dialectician who misuses the art: he is called a sophist. The ‘dialectician’

As Arnhart observes, by maintaining that reputable opinion (*endoxa*) is fundamentally directed towards truth Aristotle “denies the complete malleability of common opinion, and in doing so he denies the foundation of sophistical rhetoric.”²⁰ While human beings can be misled or deceived by sophistical speech, their essential orientation is towards the truth. While this fundamental orientation requires art and deliberate choice for completion, the art that accords with that capacity is rhetoric, which because of the way Aristotle describes its relation to truth cannot be rightly called a non-moral art. Rhetoric’s reliance on *endoxa* for Aristotle serves as an inherent obstacle to manipulation by speech—that is, using speech as force—and shapes his understanding of the possibilities of rhetoric. While speech and knowledge of rhetoric can be abused, a rhetorician in the fullest sense uses the artful causes of trust to instill a state of trust in his audience, whose “common opinion can be depended upon in most cases to restrain the speaker who would misuse it.”²¹

Reputable opinion, though limited, is nonetheless directed towards truth and thus serves as a worthy check when a rhetorician tests arguments and makes accusations and defenses. It is sophistry that does not accept reputable opinion as its starting point and thereby lacks any such salutary check. Severing itself from opinion, sophistry severs itself—and its audience—from truth. It does not seek the means of persuasion, but attempts to impose its will. Sophistry, unlike rhetoric, is morally neutral and undermines

can but does not wish to deceive (*Rh.* 1355b20-21); the ‘sophist’ using the same art also can deceive and wishes to deceive (*Rh.* 1355b20). Unfortunately there is no special name for the person who misuses rhetoric (*Rh.* 1355b19-20); like the true rhetorician he is also called *rhetōr* (*Rh.* 1355b20). False rhetoric like false dialectic involves itself in a misrepresentation of reality as it is and can be known.” Vol. I, 33.

²⁰ Arnhart, *Reasoning*, 28-29.

²¹ *Ibid.* 34.

the role of rhetoric as support for man's political nature and his pursuit of what is good, just, and noble as individuals and as a member of a community.

The significance of Aristotle's second beginning and revised definition of rhetoric cannot be grasped until he has distinguished false rhetoric from true rhetoric and dialectic from sophistry. "Let rhetoric, then, be a power of contemplating the available means of persuasion (*to endechomenon pithanon*) (*Rh.* 1355b26-27). Rhetorical speech, though it may be, as we say, "compelling," is not force because it requires engagement and choice to accept or reject on the part of the audience. By maintaining that rhetoric's work is not to persuade but rather to see the underlying means of persuasion, Aristotle maintains a nuanced understanding of the art that presupposes and cultivates the exercise of human freedom. It is not victory but sight that is the aim of rhetoric. To see and to set before another person the causes of trust about the subject matter cannot be reduced simply to an exercise of will precisely because it depends upon the exercise of another's freedom to accept or reject a given position, for the practice of rhetoric requires that another exercise his own judgment.

To aim at persuasion simply rather than at seeing what could be persuasive would be to turn rhetoric into a mere assertion of one's will and a domineering over another by way of apparent syllogisms and manipulation of the passions—both of which would mark a tyrannical exercise of speech. To contemplate (*theorein*) the available means of persuasion allows for the exercise of choice both on the part of the speaker and also on the part of the audience. What the rhetorician ostensibly contemplates is the possible ways of making truth accessible to a given audience; members of the audience in turn must judge whether or not a speaker's argument bears any relation to their own opinions

gained through time and experience (*Rh.* 1354b26). Inasmuch as human beings by nature have a tendency towards the truth, they might resist clever and seductive speeches that mislead them away from truth.

By presenting rhetoric's usefulness as he does, Aristotle preserves a standard of judgment that depends on neither the technical ability of the speaker nor the limits of any given audience, but on truth, towards which both are naturally inclined. This standard is not destroyed by the manipulations of sophistry, but can be clouded by the confusion left in its wake. For this reason the work of rhetoric is not "to persuade" but "to see the available means of persuasion," and this largely involves exercise of the capacity to see through the non-reality of sophistical speech bound to rhetoric and dialectic. Further, in refining his definition of rhetoric in this way, Aristotle presents his students with the possibility, or even the likelihood, that they will fail to persuade their audiences even if they see and employ every available persuasive tool. Just as medicine does not produce health but produces health "as far as possible," so too rhetoric does not produce persuasion but refines our opinions and directs them towards truth as far as possible (*Rh.* 1355b12-15). That is to say, a corrupt audience, like an incurable cancer, could pose an overwhelming obstacle to persuasion. This possibility allows for the emergence of another, more philosophic, goal than victory in the study of rhetoric: sight. Even if a rhetorician in the complete sense is unable to persuade a corrupt audience, Aristotle still holds out the necessity of studying rhetoric in order to defend oneself from untruth and injustice. Aristotle thus preserves both the nobility of rhetoric in its statesmanlike potential to safeguard truth and justice within a community, while also revealing its necessity in defending one's own soul from untruth and injustice.

Conclusion

Aristotle's repeated acclamations of the strength of truth with respect to rhetoric are startling not only in contemporary times but also in light of the accusations against rhetoric found in Plato's *Gorgias*. There, rhetoric is described as resembling "cooking," and its only use as pleasing one's audience in order to manipulate them according to one's wishes (*Gorgias* 462D). In the *Gorgias*, Socrates associates rhetoric with sophistry. In this reading, rhetoric seems to bear little relation to truth and a powerful relation to pleasure. Aristotle clearly denies that this is rhetoric, and argues that sophistry is rather an attempt to turn speech into force whether through false ("apparent") reasoning or the manipulation of the passions. Like Socrates, he is critical of such use of speech, but responds by laying out a genuine art of rhetoric that can be used in public assemblies and law courts. In light of this understanding of rhetoric's relationship to truth, Aristotle establishes a definition of the abuse of the capacity for speech that attempts to separate it from the art of rhetoric and to save "rhetoric" from pejorative connotations.

The distinction between the true and the "apparently" true, and the ability to see the difference by means of rhetoric, runs throughout Aristotle's text, not only in a theoretical separation of rhetoric from sophistry but also in a practical separation of rhetorical from sophistic technique.²² True rhetoric is neither the counterpart of cooking nor a knack for persuading people by means of manipulating the passions and making specious arguments. Rather, as Arnhart contends, rhetoric is "an art of reasoning that consists essentially of "proofs" [or "causes of trust"] (*pisteis*) as conveyed through the enthymeme, which is the 'body of proof.'" Rhetoric is truly rhetoric only when the means

²² The enthymeme is distinguished from the "apparent enthymeme of the sophists," which Aristotle treats at length in Book II, chapter 24. Arnhart, *Reasoning*, 34.

of conveying truth—the technical elements of rhetoric—correspond to the innate capacity for truth. Essentially, the exercise of the art of rhetoric in accord with its nature is dependent upon trust—in the speaker, in his argument, and in the audience’s being “adequately directed toward what is true by nature.” To ground rhetoric in particulars, and at the same time avoid being simply bound by them, is to bring together through rhetoric a way of navigating political matters that promotes freedom by avoiding complete abstraction from experience and complete determinism by experience.

But this has yet to be seen, for Aristotle merely refers to but does not explain the artful elements of rhetoric, the enthymeme (the “rhetorical syllogism”) and the artful causes of trust that comprise it, until he lays out his understanding of the art as a whole and its connection to truth. In the same way that he delays examination of the passions until they can be allotted their rightful place in the whole, Aristotle delays his investigation of the technical elements of rhetoric until these are understood in light of their relationship to the overall usefulness of the art: the defense of truth and justice.

CHAPTER FOUR

The Art of the Indefinite

Artful Ways of the Indefinite: The Enthymeme and the Causes of Trust

Only after treating rhetoric as a capacity aimed at safeguarding truth and justice does Aristotle deem it appropriate “to speak about the method itself” (*Rh.* 1355b22). It is now necessary to start anew and define what rhetoric is “as if from the beginning,” and to address “the remaining matters” concerning rhetoric (*Rh.* 1355b25). These leftover matters, rhetorical means and techniques, span the remainder of the work, no small part of the whole. Yet in making a second beginning that emphasizes rhetoric’s techniques more than its ends, Aristotle’s accomplishments in the first few pages must not be forgotten. Indeed, the beginning is more than half the whole and these “remaining matters” cannot be understood as rhetorical apart from Aristotle’s treatment of rhetoric’s relationship to truth and justice. Aristotle’s second beginning illuminates rhetoric’s subject matter—the indefinite—and with this the limits and possibilities of speech in political life.

Understanding of the nature of the indefinite subject matter rhetoric navigates cannot be had apart from examining rhetoric’s methods and means of persuasion. Paramount amongst these is the enthymeme (*enthumēma*), the rhetorical syllogism that Aristotle considers his distinguishing contribution to the study of rhetoric. Not until he has sufficiently introduced rhetoric as both an art and a capacity does Aristotle explain the enthymeme that makes up “the body of persuasion” (*sōma tēs pisteōs*) and the causes

of trust inherent to the art (*entechnoi pisteis*) that it channels towards persuasion (*Rh.* 1354a12-15). The enthymeme and the causes of trust are the distinguishing features of Aristotle's understanding of rhetoric and serve as its foundations.

The emphasis Aristotle places on the enthymeme is evident from the opening pages of the text, particularly through his criticism of other authors of texts or manuals attempting to teach persuasion. The errors of other teachers of rhetoric come down to a failure to grasp the enthymeme and its component parts. Aristotle attributes their misunderstanding of rhetoric to overlooking either the enthymeme or the causes of trust the art employs. These have failed to teach rhetoric because the "causes of trust (*pisteis*) alone are intrinsic to the art (*hai pisteis entechnon esti monon*), while the other things are accessories" (*Rh.* 1354a12-15). It is because they neglect the enthymeme and focus, we learn, largely on the passions to the exclusion of reason, that among those who had written about rhetoric previously "few have provided even a part of the art." Instead these others say nothing about enthymemes and, for the most part, "busy themselves with things that are extraneous to the matter at hand" rather than what is essential (*Rh.* 1354a12-13, 17).

Even while asserting that others have failed to attend to the enthymeme, Aristotle does not immediately describe what he means by "enthymeme" or the causes of trust that belong to rhetoric. Instead, he introduces these as undefined terms. His own act of defining these throughout the text makes the *Rhetoric* not only a work about rhetoric, but an exercise of it; for rhetoric, like dialectic, "is a certain power of providing arguments" about things for which there is no scientific knowledge in connection with anything definite. By defining what is heretofore indefinite, Aristotle engages in the very work of

rhetoric he describes. Aristotle's text is marked by his sensitivity to the nature of rhetoric, both in its subject matter (the indefinite matters that we judge: the good, just, and noble), and in its function, namely, judging the indefinite. The *Rhetoric* itself is rhetorical in that it becomes an exercise in making a particular understanding of rhetoric (Aristotle's) common. In this way, the *Rhetoric* reveals a method of founding a community, by making his particular understanding of rhetoric common and binding what is common (in this case speech) to particular need. It is upon these foundations, the enthymeme and the causes of trust, that Aristotle describes a method of navigating the indefinite political and moral matters that emerge in particular circumstances and in relation to which we must act.

The Artful Causes of Trust: Ethos, Pathos, and Logos

Aristotle's treatment of rhetoric as an art begins with his assertion that "the causes of trust alone are intrinsic to the art" (*Rh.* 1354a14). The word that Aristotle uses, *pistis*, carries with it a variety of meanings, many of which are unique to Aristotle. Generally speaking, it describes the quality that makes the speaker's speech both trustworthy and persuasive, and could be translated "trust," "cause of trust," "source of proof," "proof," or even "belief."¹ It is not only a reason for believing or trusting another (hence a "cause of trust") but is simultaneously the state of mind produced when a listener judges that an argument or speaker is trustworthy.²

¹ Incidentally, it is also the word that the New Testament writers later appropriated to mean "faith," "belief," or "trust" in God. This implies that at least later on the word carried with it a sense of finding something that is, on account of causes human or divine, beyond the limits of reason, strictly understood, but nonetheless credible.

² Grimaldi distinguishes three meanings of *pistis* used at various places in the *Rhetoric*. The first use of *pistis* is as "source material" of the enthymeme—the rhetorical syllogism—found in the causes of trust intrinsic to the art (*entechnoi pisteis*). Under this heading, Aristotle describes three causes of trust that

Aristotle's treatment of rhetoric's artful quality begins when he distinguishes the causes of trust that lie within the art (*entechnoi pisteis*) and those that fall outside of it (*atechnoi pisteis*). By distinguishing the two, Aristotle reveals another set of limits to what is controlled by the rhetorician in making arguments and hence of what properly belongs to his art. Causes of trust that lie outside the art are laws, witnesses, written agreements, evidence obtained by torture, and oaths (*Rh.* 1355b35-39; 1375a22-25; see 1355b19). These "are not provided by us but are already present" when we make a speech. In contrast, those causes of trust that fall within the scope of the art are "capable of being prepared by us by a methodical procedure (*dia tēs methodou*)" (*Rh.* 1355b39-42). Aristotle goes on to assert that while the rhetorician must learn to make use of the former, more essential to his work is discovering those forms of proof that may be prepared and utilized according to methodical, artful procedure. In contrast to the causes of trust that fall outside the art, Aristotle names three forms of proof that belong to the art that are, for the most part, left up to the speaker's control: the character of the speaker (*ēthos*), the passions he invokes in the audience (*pathē*), and the speech itself (*logos*).

belong to the art and that lend credibility and persuasiveness to the speaker. These consist in, first, the character of the speaker (*ēthos*), second, the disposition and passions of the audience (*pathē*), and, finally, the speech itself (*logos*), its truth or apparent truth (*Rh.* 1356a1-21). The second use of *pistis* occurs when it is used to describe the formal method whereby the causes of trust intrinsic to the art (*ethos*, *pathos*, and *logos*) are employed to produce a state of belief in the audience: this refers either to the enthymeme or to example (*paradeigma*), both of which constitute kinds of demonstration (see *Rh.* 1393a23ff). Finally, *pistis* bears a third meaning, in that it describes the state of a listener who judges a speech persuasive. This third use of *pistis* describes the state of belief or trust that results in the mind and heart of a listener when the causes of trust intrinsic to the art of rhetoric are effective, through either example or enthymeme, for "trust (*pistis*) like scientific knowledge (*epistēmē*) is the result of some sort of demonstrative process." "A Note on the Pisteis in Aristotle's Rhetoric 1354-1356," *The American Journal of Philology*, vol. 78 no. 2 (1957): 88-192, 190. While Grimaldi maintains that understanding all three ways in which *pistis* is used, arguably, he argues that the primary way in which Aristotle uses "cause of trust" is in relation to the "artful causes of trust,"—that is, in relation to the character, passion, and argument evidenced by a speaker. At the same time, the importance of understanding *pistis* as the state of mind of the audience cannot be understated, for this state of belief or trust is the kind of knowledge appropriate to rhetoric.

Something therefore belongs to art to the extent that it is up to the choice and forethought of the speaker. Art involves not only method but also choice in its implementation and for this reason is neither simply “random” nor “habitual” (*Rh.* 1354a5). The causes of trust are artful if they can be prepared in advance by method and by choice. While matters that are not within the speaker’s control might influence the judgments of an audience, they remain beyond the immediate control of the speaker. This is true even in the case of laws, which are often the primary concern of “forensic” or courtroom rhetoric. To the extent that rhetoric can be called an art it must admit of seeing both the available causes of persuasion and also those things that can be done in a methodical way. The causes of trust outside the art refer not to sophisticated devices employed to manipulate an audience, but rather to forms of proof outside the control of the rhetorician’s art.

What properly belongs to rhetoric as an art then are the causes of trust susceptible to human forethought and choice. These consist in, first, the character of the speaker (*ēthos*), second, the speaker’s shaping of or appeal to the disposition and passions of the audience (*pathos*), and, finally, the speech itself (*logos*), its truth or apparent truth (*Rh.* 1356a2-3).³ Aristotle introduces these (*ēthos*, *pathos*, and *logos*) only after he has called attention to their belonging to the art of rhetoric. He observes that there are three forms (*tria eidē*) of proof that are “provided by way of speech” and so admit of being done according to method and a result of choice (*Rh.* 1356a1). All three can be employed by

³ More precisely, Aristotle states that some rhetorical proofs are furnished by “the character of the speaker (*en tōi ēthei tou legontos*),” others his putting “the hearer into a certain disposition (*en tōi ton akroatēn diatheinai pōs*),” and still others by “the speech itself (*en autōi tōi logōi*) by demonstrating or appearing to demonstrate something” (*Rh.* 1356a2-3).

the speaker in composing his speech and hence are under his control, in contrast to those that lie outside the art and which as a rhetorician he cannot control.

Aristotle's claim, then, is that the speaker's character, the audience's passion, and argument all fall within the speaker's control. Rhetoric is thus an art that lies at the intersection of the rational and non-rational elements of human life, both of which are involved in the founding and maintaining of political communities. Matters that lie at the very intersection of reason, character, passion, and choice—at the very heart of his philosophy of human affairs—are the components of rhetoric, the objects of its inquiry, and the foundation of its speeches. For this reason, rhetoric admits of great complexity, for the art as Aristotle understands it is based on the inseparability of passion and character from reason or speech. By incorporating these causes of trust within the art, Aristotle acknowledges, first, that his own study of rhetoric is limited to what is within human control, and, second, that argument, communication, and truth can be grasped only through trust, the state of mind awakened in the listener is moved by the causes of trust to assent to a speech.

Ēthos

Character (*ēthos*) as a cause of trust most obviously manifests the complexity of rhetoric at the intersection of rational and non-rational elements of human life. Aristotle claims that speech itself furnishes evidence of a speaker's character. "Persuasion is by means of character," he asserts, "when the speech is spoken in such a way as to make the speaker trustworthy (*axiopiston*)." Aristotle asserts that "we" trust (*pisteuomen*) more and more quickly decent people in all matters in general, and especially in matters in which opinion is indecisive or vacillates (*amphodoxein*) we trust the speaker absolutely (*Rh.*

1356a5-9). That is, where there is ambiguity, complexity, or division, human beings are more likely to trust the judgment of someone they regard as decent and model their judgments after someone they trust. Here, Aristotle expressly contravenes the assertion of other teachers of rhetoric who, he claims, argue in their works on the art of rhetoric that, “the decency of the speaker contributes nothing to his persuasiveness” (*Rh.* 1356a13). In contrast, Aristotle asserts that it is clear “so to speak that character holds the most authoritative cause of trust” (*Rh.* 1356a14). A consideration of a speaker’s character is inextricably linked to persuasiveness. Character may not be evident to reason in the same way that geometric axioms are; nonetheless, it is something manifest in a speech and worthy of consideration in making a judgment about the argument being made.⁴ Insofar as character development and the manner he displays it in speaking is up to the speaker himself, character falls under one of the artful causes of trust, for character is left to the speaker’s choice.

Aristotle, then, in contrast to other teachers of rhetoric, maintains that character could be called the most decisive cause of trust. Yet he also contends that perception of the speaker’s character, insofar as it belongs to the art of rhetoric, ought to be evident to the listeners through the speech, “and not because the speaker has a prior reputation for being a certain sort of person” (*Rh.* 1356a10-11).⁵ If character were dependent only on prior reputation, it would lie outside the art. A speaker cannot prepare or control what his

⁴ An example of character qualifying an argument occurs in *NE* Book VII, where Aristotle observes that Eudoxus’ position that life is for the sake of pleasure was accepted on the basis of his moderate character (*NE* 1172b9-18). Character supplies what an argument in itself lacks: example of virtue or vice.

⁵ Aristotle’s deliberate emphasis on the intrinsic relationship between persuasion and character further points to his understanding that rhetoric is not an ethically neutral art.

audience has heard of him in advance. He can prepare a speech that manifests his character in what he says and avoids saying, in the kinds of arguments that he makes, for example, or in what he shows of his own passions—what he loves and hates, praises or blames. All of these things can, by means of the speech itself, might reveal the character of the speaker, and, to the extent that this can be seen through the speech, it will be part of the art.

It is not only the character of the speaker that is linked to persuasion, but also the character of the audience's opinions about justice, opinions largely shaped by the regime. In the course of speaking about advisory rhetoric (rhetoric aimed at the good and advantageous), Aristotle argues that character must be understood in relation to the particular regime that provides the context for speech. Indeed, "one ought not fail to notice the end (*telos*) of each regime (*politeias*)" precisely because "people choose deliberately with reference to the end" (*pros to telos*) and character is "manifest (*phanera*) according to choice (*kata tēn proairesin*)" (*Rh.* 1366a5-6, 18). Insofar as people act deliberately or morally (both are implied in "choice," as Aristotle uses it), they do so in reference to an end that is largely provided by their own regime. For this reason, one who seeks to persuade must distinguish (*diaireteon*) the character, customs, and institutions of a regime in light of the end, because it is in reference to the end that people make deliberate choices (*Rh.* 1366a8-9).

As persuasion comes at least in part from character, Aristotle argues that having an understanding of the various kinds of character that belong to different forms of government is essential to persuasion, for speech informed by the character of each

regime is “by necessity” most persuasive to members of that regime (*Rh.* 1366a15-16).⁶

The regime constitutes the context in which speech about the good, the noble, and the just operates. In a democracy, for example, a speaker must take into account the way of life of a democratic regime in presenting his arguments. Members of democratic regimes tend to suppose that democracy is by nature the most just form of government. Anyone who seeks to be persuasive concerning matters of justice must take this into consideration. This is true whether one implicitly appeals to that way of life or subtly questions or corrects it.

However much Aristotle appeals to “necessity” to persuade speakers how to be successful, there is of course no necessary guarantee that they will be successful, precisely because there are so many “causes of trust” that come into play in the relation between speaker and hearer. “What is likely,” it appears, must sometimes be presented as necessary for it to be likely to occur. Even character, one of the causes of trust, has now come to light in a twofold sense, and both are related: arguments informed by the character of the regime are trustworthy, and speakers who make such arguments are trustworthy. Persuasion as Aristotle understands it is not possible without trust, and this in turn is not possible apart from the perception of a speaker’s character and his ability to discern that of his audience, and therefore of the regime. Members of a particular regime will trust their own regime’s character types more readily.

⁶ Aristotle limits his discussion of regimes and refers his audience to the *Politics* should they intend to complete the investigation of political affairs rhetoric only touches upon (*Rh.* 1366a22-23).

Pathos

Passion (*pathos*)—persuasion by means of the hearer when his passion is aroused by speech—constitutes yet another of the artful causes of trust that, like character, cannot simply be characterized as rational. This is because “we do not render our judgments the same way when grieved as when delighted, or when friendly as when hostile” (*Rh.* 1356a16-18). As some scholars have noted, Aristotle’s emphasis on the passions in Book II seems to contradict his criticism of his contemporary craftsmen of speech (literally, “speech art makers”) whose work focuses on the passions to the exclusion of the enthymeme (see *Rh.* 1354a12-19, 1354b20-22).⁷ In criticizing these others, Aristotle describes the passions as “extraneous” to the art of rhetoric, a statement that has led many scholars to dismiss the work as inconsistent because it returns to the passions for this detailed discussion in Book II. At the outset, Aristotle claims, “prejudice and passions of the soul such as pity and anger are not concerned with the matter at hand, but have to do with the juror” (*Rh.* 1354a16-19). To focus on making the judge a certain way rather than on seeing the available means of persuasion would be to turn speech into a kind of force. The result of this is that a speaker’s words become an attempt at manipulation of another’s private passions, pleasures, and pains rather than speech that appeals to and cultivates reasoned judgment (*Pol.* 12539-18). Focus on “making the judge a certain way” in the end has a tendency to divorce rhetoric from its object, judgment, by turning

⁷ In “A Supposed Contradiction about Emotion-Arousal in Aristotle’s ‘Rhetoric,’” Jamie Dow attempts to provide a way of understanding the seeming contradiction in Aristotle’s dismissing contemporary works as treating passions that are “extraneous to the art.” Dow argues that Aristotle’s apparent criticism of the passions is not directed to the passions themselves but rather to the improper arousal of emotions through rhetorical practices such as slander (*diabolē*), “[Aristotle] is referring to the activity of *diabolē*, and the activities advocated by handbook-writers for using their set piece ‘recipes’ for emotion-arousal.” *Phronesis* 52, 4 (2007): 382-402, 386. See also Eugene Garver’s discussion of the passions in *An Art of Character*, 104-71.

speech (distinct to human beings) into mere voice (shared by all animals). If this is the case, how then can Aristotle claim that one of the artful causes of trust is arousing the passions of the listener whose judgment is profoundly affected by experiencing the passions? Indeed, if passions are private, belonging to the juror and not the community as a whole, how can they be directed towards the common good?

Aristotle's procedure with regard to the passions, contrary to the criticisms voiced by scholars, is consistent both with his postponement of treating the technical components of rhetoric until after his discussion of its relationship to truth and also the kind of argument he uses in other works. For example, the movement of the text of the *Rhetoric* flows much like Aristotle's treatment of pleasure in the *Nicomachean Ethics*. While in the first book of the *Ethics* Aristotle dismisses the life lived in pursuit of pleasure as one befitting only cattle, the work taken as a whole gradually reintegrates pleasure, affirming its importance over the course of a complete life lived in pursuit of a more complete notion of happiness (*NE* 1095b20-24).⁸ Aristotle does not criticize pleasure as bad in itself but rather insofar as it becomes a substitute for the goods such as the moral and intellectual virtues that constitute human happiness, which goods are themselves sources of pleasure.⁹ While initially Aristotle refers to the passions as "extraneous" to the art of rhetoric, the work gradually reintegrates the passions in a

⁸ See also Robert C. Bartlett's and Susan D. Collins's discussion of pleasure in the *Ethics*: "Interpretive Essay," *Aristotle's Nicomachean Ethics*, trans, with an interpretive essay, notes, and glossary by Robert C. Bartlett and Susan D. Collins (Chicago: University of Chicago Press, 2011), 244.

⁹ This is particularly evident in Aristotle's discussion of pleasure in book 10, where he argues that pleasure completes (*teleioi*) activity (see *NE* 1174b13-1175a22). For example, Aristotle argues that "pleasure completes the activity, not in the manner of a characteristic that is already inherent in it, but as a certain end that supervenes on it" (*NE* 1174b33-35). Aristotle argues that since pleasure completes activities, be it for the lover of music in listening to melodies or the lover of learning by engaging in thinking, it is "reasonable, then, that [all those who aim at being alive] also aim at pleasure, since [pleasure] completes for each what it is to be alive, which is a choiceworthy thing" (*NE* 1175a12-18).

manner that allots them their appropriate place. The passions are a part, not the whole of the rhetorical art. They play an important role in forming judgment, yet not to the exclusion of other aspects of the capacity for speech.

The passions, then, both inform judgment and are directed by it in turn. In order that judgments about advantage, justice, and nobility be made correctly, the passions must undergo rational examination, for each contributes to judgment in a peculiar way. With an eye to understanding the effect of the passions on judgment, Aristotle subdivides his inquiry of each passion into three parts, examining the disposition, object, and occasion that arouse a particular passion (*Rh.* 1378a20-30). Of the passions treated in the *Rhetoric*, Aristotle defines some in relation to the advantage and justice that affects oneself or one's own (anger, gentleness or mildness (*praos*), love and liking, fear), another in relation to nobility (shame), and others according to justice that does not immediately affect oneself (*charis*, pity, *nemesis*, envy). Finally, emulation is the passion that allows for the learning of virtue by way of admiring and modeling what is good, noble, and just as it is embodied in the example of another human being (see *Rh.* 1378a19-1388b31).

Rather than emphasizing that the passions impede judgment, Aristotle's treatment of the passions underscores their capacity to heed reason and how their arousal contributes to a speech's credibility. Although he initially suggested they were extraneous to the art of rhetoric when he criticized their centrality in contemporary rhetoric, Aristotle eventually suggests that the passions are in fact essential to correct judgment. Like character, passion does not belong to the strictly rational part of the soul. However, appealing to them belongs to rhetoric as an art, as was the case with character the appeal

to passions comes from the speech itself, for no speech, however “illogical” or abused, could exist independent of the human capacity for reason. This is not surprising given that Aristotle explains in the *Ethics* that while the passions belong to the non-rational part of the soul, they nevertheless are able to heed reason. To this extent they share in reason, and can be considered part of the rational part of the soul (see *NE* 1102a21-1103a3). Consistent with this, in the *Rhetoric* Aristotle reveals each of the passions in turn as distinctly political by virtue of its relationship to reason, and its inevitable involvement in judgment.

The passions, then, play a role inseparable from political speech and the judgments that follow from it, whether made by individuals or communities. Without rhetoric, the possibility of “complete community,” “living well,” and perhaps human happiness in any meaningful sense, comes to naught (*Pol.* 1252b28-30). Insofar as the passions play an essential part in the formation of judgments concerning the good, the just, and the noble, Aristotle’s treatment of them as a part of the rhetorical art is part of political inquiry.

Logos

The practice of speech itself (*logos*) is the third of the artful causes of trust. This last, and seemingly more obvious, cause of trust is not treated at length when Aristotle introduces it. Some causes of trust, he argues, are “present in the speech itself, according to what it demonstrates or appears to demonstrate” (*Rh.* 1356a4). After describing the ethical and emotional causes of trust, Aristotle only briefly explains that listeners are persuaded “by means of speech whenever we show something that is true, or appears so, from things that are persuasive on each subject” (*Rh.* 1356a19-21). Yet even this third

cause of trust is not simple, for there are many aspects of the speech itself that are relevant to trust, not simply the rhetorical syllogisms (enthymemes) that are explicit or implicit in the speech. For example, Grimaldi contends that in proof by means of speech (*logos*) language is used that “sets forth for the mind of the auditor the logical structure of the subject matter so that his mind can grasp its inner coherence and meaning.” This according to Grimaldi is what Aristotle means by “demonstration” (*deiknunai*)—speech that by virtue of its logical structure can be apprehended by another.¹⁰ When speaking of *logos* as one of the artful causes of trust, then, Aristotle means not just the speech but also its formal structure, style, and arrangement, which are the express topics of Book III and many parts of Book II.¹¹ Of course, the speech itself is not just one of the three causes of trust, since the other two causes, character and passion, emerge from the speech as well, for it is by means of speech that character is revealed and passions aroused; and it is also through his own speech that Aristotle presents the role of character and passion as causes of trust.

Rhetoric as Offspring

Until these artful causes of trust are outlined, Aristotle’s metaphorical description of rhetoric as “the offspring” of dialectic and politics cannot be understood. While he

¹⁰ Grimaldi, Vol. I, 40. He concludes that “*logos*, then, as the third *pistis* is the evidentiary material on the subject matter which conveys meaning to the mind of the auditor, and which is set forth in language” Vol. I, 40.

¹¹ Aristotle nevertheless says in his introduction to Book III that there are “three things involved in a speech that one has to be concerned with: the causes of trust [*pisteis*]...style [*lexis*]...[and] how one should arrange the parts of a speech” (*Rh.* 1403b3-5). Although he then claims that the causes of trust have been addressed at length and that it is appropriate to speak of style (*lexis*) and arrangement (*taxis*), he is continuing his discussion of speech as a cause of trust. He argues that style contributes in no small way to making the speech appear a certain way. To the extent that style and arrangement contribute to demonstration, it is appropriate to assume that they are part of the third cause of trust.

initially describes rhetoric by analogy to dialectic (“rhetoric is the antistrophe of dialectic” [*Rh.* 1354a1]) Aristotle employs a metaphor that complicates that relationship when he calls rhetoric the offspring of both dialectic and politics.¹² Once he observes that the causes of trust are conveyed through *ethos*, *pathos*, and *logos*, Aristotle is able to argue that “rhetoric, as it were, is a sort of offshoot/outgrowth (*paraphuses*) of dialectic and also of the study that has to do with states of character, to which it is just to apply the name (*prosagoreuein*) of politics” (*Rh.* 1356a25-27). The word Aristotle uses to describe the relationship between rhetoric, dialectic, and politics, “outgrowth” (*paraphues*), as Grimaldi observes, refers in plants to “a shoot [that] possesses its own independent growth but takes its origin from a parent plant.”¹³

By employing this metaphor, Aristotle brings to light another facet of rhetoric. While its origins are in dialectic and politics, two distinct arts, rhetoric maintains a separate existence independent from both but bears a resemblance to some part of each. Rhetoric is distinct from its origins. It is not dialectic, nor is it politics. However, because of its resemblance to politics in requiring study of character and passion, rhetoric “slips into the garb (or perhaps, disguise, [*to skēma*]) of politics.” For this reason, rhetoricians

¹² See for example, Grimaldi, Vol. I, 44; Arnhart, *Reasoning*, 38-39; Eugene Garver, *Aristotle's Rhetoric: An Art of Character* (Chicago: University of Chicago Press, 1994), 83-93. Here after *An Art of Character*. Garver oversimplifies this metaphor when he argues that making “discourse ethical puts together rhetoric’s two parents, and makes it possible to hold together the ways in which rhetorical argument has some standards different from those in logical or dialectic but is still argument.” *An Art of Character*, 93. Here, Garver overstates the way in which rhetoric can be divided, as if the offspring of a parent were two halves, one associated with each of the parents, rather than something distinct. See especially, *ibid.*, 85 and 91.

¹³ Grimaldi, Vol. I, 44. It is, Grimaldi observes, “a somewhat unusual adjectival form for *paraphuas*.”

are confused and wrongly claim to practice the political art (*Rh.* 1356a26-27).¹⁴ Rhetoric resembles politics in that it requires a prolonged study of character that requires a study of regimes. Yet understanding these things systematically in rhetoric is subordinated to the making of judgments about what is good, just, and noble in a regime (see *Rh.* 1391b7-22). In naming the artful causes of trust as *ethos*, *pathos*, and *logos*, and arguing that the one who possesses the art of rhetoric must have the capacity to reason about and see what pertains to each, Aristotle provides a basis for rhetoric's integrity as an art different from either politics or dialectic. Rhetoric's integrity as an art is no more compromised by its likeness to these things than a child's resemblance to his parents. It is distinguished neither by material in which it operates (the political), or the capacity it employs (providing arguments about things that could be otherwise), but rather by its object: judgment.

Although he acknowledges that persuasion is not simply rational, Aristotle does not conflate persuasion with force. Instead, he contends that judgments involving indefinite matters that rhetoric navigates—the good, the just, and the noble—can be apprehended and received only through trust, insofar as these lie at the very intersection of the rational and non-rational parts of human existence perhaps “separable only in speech but naturally inseparable” (*NE* 1102a30). This understanding of the human being and his ability to understand and communicate the indefinite political and moral matters

¹⁴ This occurs “in some cases from a lack of education, in some from false pretenses, and in some from other human failings” (*anthrōpikas*) (*Rh.* 1356a29-30). In this way, Aristotle leaves open the possibility that not all misuse of speech can be rightly called “sophistry” because this practice depends on intention, which would not be present in the case of those whose false claim to possess the art of politics is attributable to honest human error.

that characterize his existence is presupposed by and revealed in the very matters that Aristotle claims make his work artful: the causes of trust.

The Bodily Structure of Persuasion: The Enthymeme

Only trust can complete knowledge of the ambiguous and indefinite matters that characterize human affairs. Speech about matters of political life requires not only trust in the judge but also an understanding of those causes of trust. In Aristotle's account of rhetoric, there is a proper way of coming to know and communicate the causes of trust: the enthymeme. Enthymemes are a particular kind of syllogism, with a well-known premise that need not be stated since "the hearer adds it himself" and that makes up "the body of persuasion" (*Rh.* 1357a18, 1354a16). The enthymeme is arguably "the instrument, namely the syllogism of rhetoric (*Rh.* 1356b5), which utilizes the material offered by the three *pisteis* and marshals it into an effective form of demonstration."¹⁵ In this way the enthymeme "is the container, that which incorporates, or embodies, the *pisteis*: *ēthos*, *pathos*, [*logos*], imposing form upon them so that they may be used most effectively in rhetorical demonstration."¹⁶ In sum, the enthymeme is aimed not only at logical clarity but also at the persuasive revelation of what is held in the mind or heart of the speaker. The word itself (*enthumēma*) means literally "in the thumos," that is, in the spirit or heart, and is derived from the verb *enthumeomai* which may be rendered to "lay to heart," "ponder," "think much or deeply about a thing" and "consider well."¹⁷

¹⁵ Grimaldi, "A Note on the Pisteis," 192.

¹⁶ Grimaldi, "A Note on the Pisteis in Aristotle's Rhetoric," 192

¹⁷ In various contexts the meaning can range from "be[ing] hurt or angry at" someone to "infer[ing] or conclud[ing]" something. LSJ, 263 and 371.

In light of this, it is necessary to consider the three aspects of the enthymeme that make this form of reason distinct to rhetoric: first, how it can be understood in relation to its counterpart, the syllogism of dialectic; second, the significance of its unstated premises in relation to the audience; and, finally, the indefinite source material from which it reasons—likelihoods and signs.

The Syllogism and the Rhetorical Syllogism

As we have seen, Aristotle famously launches his investigation of rhetoric with the claim that rhetoric “is the antistrophe of dialectic” (*Rh.* 1354a1). In doing so he indicates that throughout his work rhetoric must be understood largely in relation to its counterpart dialectic, a subject treated at greater length in his *Topics*. Rhetoric’s likeness to dialectic is particularly evident in his discussion of the enthymeme, which he initially describes by virtue of its similarity to the dialectical syllogism. The enthymeme, he explains, is a “rhetorical syllogism” because it corresponds to the syllogism characteristic of dialectic, an analogy that Aristotle explores at some length (see *Rh.* 1356a35-58a35; also 1395b21-1402a29).

The enthymeme as a form of rhetorical demonstration has a profound role in persuasion—providing the audience with causes to trust in a speaker and his argument—because, as Aristotle observes, “we trust (*pisteuomen*) most when we suppose that something has been demonstrated (*apodedeikthai*)” (*Rh.* 1355a6). Aristotle argues that the enthymeme as a “rhetorical demonstration” is “generally speaking, the most authoritative of the causes of trust” (*kuriōtaton tōn pisteōn*) (*Rh.* 1355a7-8).¹⁸ Here, Aristotle seems to qualify his observation that we trust most the character of the speaker

¹⁸ See Grimaldi, “A Note on the Pisteis,” 192.

when it comes to ambiguous and uncertain matters. Character, as displayed through a speech, is a form of rhetorical demonstration—that is, proof. This form of demonstration of trustworthiness as a cause of trust, however, differs from formal rhetorical demonstration of proof contained in the enthymeme. In this instance, as Grimaldi argues, Aristotle uses causes of trust (*pisteis*) in a more formal sense, referring to either the enthymeme or the example. Thus, while character is the most authoritative of the causes of trust belonging to the art, the enthymeme can be called “the most authoritative” of proofs in the sense of being “the instrument for proving or demonstrating.”¹⁹

The similarities between dialectic and rhetoric are helpful in illuminating the enthymeme. The ways of demonstrating (*deiknunai*) or appearing to demonstrate (*phainesthai deiknunai*) inherent in dialectic are syllogism and induction, a topic Aristotle explores in his logical works (*Rh.* 1356a37). Given this, Aristotle draws the following analogy: enthymeme is to syllogism as example is to induction. The enthymeme is the rhetorical method of deductive reasoning, while using examples is a rhetorical form of inductive reasoning. To “show that something is a certain way in a number of similar instances is called induction in dialectic and example” in rhetoric. An example is like an induction. Similarly, reasoning that follows from premises that hold either universally (*kathalou*) or for the most part (*hōs epi polu*), is called a syllogism in dialectic and an enthymeme in rhetoric (*Rh.* 1356b13-18). An enthymeme is like a syllogism. Aristotle’s explanation of the particular meaning of enthymeme and example includes one of the few instances in which he addresses his audience in the first person singular. He tells us “I call (*kalō*) an enthymeme a rhetorical syllogism, and an example a rhetorical induction”

¹⁹ Grimaldi, Vol. I, 46.

(*Rh.* 1356b3). Use of the first person alerts us to the fact that Aristotle is communicating a particular definition, his own, thereby making what is particular, common. It is by using what is familiar, in this case a more common understanding of deductive and inductive reasoning, that Aristotle introduces something new.

Mastery of rhetoric requires mastery of enthymemes. As the enthymeme is a rhetorical demonstration, and a demonstration is a syllogism, Aristotle argues that the person “most able to see (*malista dunamenos theōreīn*) what a syllogism consists of and how it comes about would also *be* most skilled with enthymemes” (*Rh.* 1355a4-6, 11-12). Accordingly, Aristotle argues that rhetoric and dialectic are arts that stem from the capacity to see what is true, for “it belongs to the same capacity (*dunamis*) to see what is true (*alēthes*) and what is similar to what is true (*to homoion tōi alēthei*)” (*Rh.* 1355a15). The commonality of rhetoric and dialectic stems from their underlying capacity: the ability to apprehend truth, even through untruths or partial truths like “apparent” or false syllogisms. Yet because rhetoric has integrity as an art and is not dialectic, one must also grasp what differences the enthymeme has from syllogisms of dialectic (*Rh.* 1355a15). Since a “way of proceeding intrinsic to the art [of rhetoric]” (*entechnos methodos*) is concerned with the causes of trust (*pisteis*) and because “proof (*pistis*) is a kind of demonstration (*apodeixis tis*),” it is necessary to master the enthymeme in order to become skilled in the art of rhetoric.

More generally, Aristotle compares rhetoric and dialectic, observing their likeness in that neither is “a knowledge of the way things are in connection with any definite subject,” and both are, instead, “a certain power of providing arguments” (*Rh.* 1356a31-34). Yet they differ in that dialectic reasons “not from things taken at random” but “from

things that have need of argument,” while rhetoric “reasons from things that people have already been accustomed (*eiōthotōni*) to deliberate about.” Opinion, while it might naturally aim at truth, might also be random, for nature does not always achieve its wish, as Aristotle observes in the *Politics* (see *Pol.*1255b3-4). The kinds of things we deliberate about are “things that appear to admit of being in one way or another (*amphoterōs ekein*)” (*Rh.* 1357a1-3, 8). In this rendering, dialectic has a more abstract quality, while rhetoric aims at addressing a debate within the realm of a particular community’s concerns, which I will discuss in the next section.

The enthymeme and the example each play an essential role in persuasion, for “all speakers who produce persuasion” do so only by employing either examples or enthymemes (*Rh.* 1356b5). Insofar as demonstration occurs in dialectic only by syllogistic, deductive reasoning or by induction, so too in rhetoric rhetorical demonstration can occur only by means of the enthymeme and example (*Rh.* 1356a8-10). In drawing this comparison, Aristotle refers his audience to his *Analytics*, where the kind of reasoning inherent in syllogisms and inductions “is clear.” He makes a similar move when claiming that the “difference between an example and an enthymeme is clear from the *Topics*,” and again when he asserts that it is clear that enthymeme and example each has “something good about it” because “what was said in the *Methodics* [a lost work] applies similarly to them” (*Rh.* 1356b10, 12, 21). It is noteworthy that it is while comparing the enthymeme and the syllogism that Aristotle most frequently refers to his other works: the *Prior* and *Posterior Analytics*, the *Topics*, and the *Methodics*. In this way Aristotle reveals by example one of the rhetorical methods. Because “we trust most when we suppose that something has been demonstrated,” referring to another work with

a more detailed explanation of a syllogisms and inductions is a way of bolstering his argument without having to expound upon it in detail or at length. Even while in the *Rhetoric* itself Aristotle's definitions of the enthymeme are initially limited, his having spoken on similar topics elsewhere in his corpus provides reasonable grounds for confidence in his argument. His argument appears all the more trustworthy because it seems to be demonstrated, even if demonstration in the most precise sense has taken place outside the *Rhetoric* itself.

The Enthymeme's Unstated Premise and Audience

Even while Aristotle's comparison of dialectic and rhetoric provides an opening for understanding this new term, the enthymeme, by way of what is already established in dialectic, the analogy begins to fail when it comes to discerning the kind of knowledge from which and to which the enthymeme reasons. Again, rhetoric "reasons from things that people have already been accustomed to reason about," and, "we deliberate about things that appear to admit of being in one way or another" (*Rh.* 1357a1, 6-7). And rhetoric's reasoning occurs amongst listeners capable neither of following a lengthy argument nor of "reasoning from a distant starting point" (*Rh.* 1357a5). This passage suggests that there are two aspects of rhetoric that must be considered in relation to the enthymeme. One implication of the passage is the importance of exploring the sources of the enthymeme, which Aristotle lists as likelihoods, signs, and examples, and that I treat in the next section.

The second implication, of more immediate interest, concerns Aristotle's understanding of rhetoric's audience, for rhetoric is distinguished in that it occurs amongst listeners with a restricted ability to follow a lengthy or complex argument. Yet

these same listeners participate in rhetoric because there are certain matters that concern everyone in a pressing way—things “we are accustomed to reason about.” Rhetoric, then, functions in relation to an audience’s limits (some of which stem from the subject matter, some from limited education, natural capacities, or human failing) yet at the same time expands these limits by reasoning through, to the extent possible, the indefinite and murky topics that admit of variation and uncertainty, “since even to confused people, things appear to be certain ways” (*Rh.* 1356b38). Accordingly, while the enthymeme is a syllogism, it differs from the kind of syllogism inherent to dialectic in length and precision on account of its audience and intention. It is usual for enthymemes “to be based on few premises,” often fewer than those employed in dialectic (*Rh.* 1357a14-18).

The reason for the enthymeme’s limited premises is neither the deception of the speaker nor the dullness of the audience, but rather is related to the fact that a particular audience, as a part of a certain community, will bring some form of shared knowledge to a speech they hear. For this reason, Aristotle explains that there is no need to state a well-known premise since “the hearer adds it himself” (*Rh.* 1357a20). The listener adds something to a speech—a shared but unspoken understanding of which he, along with the speaker, is aware. Rhetoric is an art that engages a particular community. All speech requires some form of community and good will for understanding. Speech necessarily occurs in a particular context, at a particular time and place, and before a particular audience and regime. The art of rhetoric cannot abstract from these particulars and also be effective.

Certain shared understandings of human life need not, and often ought not, be spoken directly but are instead presupposed in communication. To illustrate this,

Aristotle explains—at unnecessary length—why it is unnecessary to state that Dorieus, an Olympic victor, won a contest in which the prize was a crown. It is not necessary to say that the prize was a crown, Aristotle claims, because everyone (at least in his immediate audience) knows that the Olympic victory brings with it the prize of a crown (*Rh.* 1357a21-22). Everyone in Aristotle’s immediate audience would have shared the knowledge that a crown is the prize of an Olympic victor in part because athletic excellence is held in high esteem. To state the obvious at length would be unnecessary and even obnoxious.

Yet the point Aristotle makes runs still deeper, for it is this shared knowledge of particular goods (here, Olympic crowns) that provides a common basis for communication of and deliberation about the most pressing questions of human existence: how ought we to live? The example reveals a particular kind of shared premise of Aristotle’s immediate context: athletic victory is noble and its champions merit the prize of a crown. The enthymeme then is revealed as the means most appropriate to the communication of matters that “admit of going different ways” but which hold “for the most part.” Its effective employment requires not only that a speaker consider his audience and its common opinions and understandings, but also the limits this shared understanding imposes on the arguments he makes and the areas in his argument that will need to be bolstered if his premises are less shared. Thus, the enthymeme is not merely a syllogism with a repressed premise, as is sometimes thought, but rather is a kind of syllogism appropriate to the communication of matters that cannot be reduced to syllogism, the premises of which along with the conclusions hold only “for the most part.” The speaker does not hide something from his audience, but rather gathers what is

already present and from this draws an audience to something new or rather to that which might be obscure to them concerning the particular context in which they live.

While the person who practices rhetoric is “most able to see (*malista dunamenos theōreīn*)” what a syllogism and also an enthymeme consist in, his audience likely will not find a lengthy or uncommon argument persuasive (*Rh.* 1355a11-12). This proves to be an important theme throughout the work, but is particularly brought to light later in Book II, when Aristotle speaks “in general” about enthymemes (*Rh.* 1395b21). There, Aristotle repeats and refines some of his earlier admonitions about keeping the length, complexity, and overt contradictions to *endoxa* to a minimum. “[T]he conclusion,” he asserts, “ought not to be drawn from far back or by taking in all the steps, since the former is unclear on account of its length and the latter is a waste of words by stating the obvious” (*Rh.* 1395b6-8). In light of this, Aristotle explains why uneducated speakers are “more persuasive among crowds (*en tois ochlois*) than educated ones.” His observation does not simply reflect badly on certain crowds, but also serves as an admonition to the “educated,” who are prone to abstraction. While educated people speak “in universal terms” (*katholou*) about “common matters (*ta koina*),” the uneducated “argue from what they know (*ex hōn isasi*) and things near at hand (*ta eggus*)” (*Rh.* 1395a28-32). The educated have a tendency to abstract from the particular things they know and hold in common; they forget their community and the obvious. In doing so, they risk failing to grasp and account for the particular. The uneducated remain in the particular, and thus closer to reality known in common. The potential vice of an audience (parochialism) is also a potential virtue (attention to the particular) and, moreover, might check the potential vice (abstraction) of the educated. In this way, Aristotle suggests that the

educated might learn from the uneducated (*apaideutoi*), who do not lose sight of what is of immediate concern and commonly known. Rhetoric sees possibilities in the midst of limits, not in the absence of them. This passage sheds further light on how rhetoric differs from dialectic, insofar as the uneducated are praised precisely because they do not lose sight of what they know through common sense and what immediately concerns them. They see the particular and cannot ascend out of it.

To see the particular clearly and to argue from it persuasively requires limiting the sources from which one argues. In the practice of rhetoric “the judge is assumed to be a simple person”; it is as tedious to employ lengthy and complex reasoning before a limited audience, as it is difficult to make syllogisms about matters contrary to reputable opinion (*endoxa*) (*Rh.* 1357a8-10, 12). Thus, it is not wise to argue “on the basis of all possible options but from a limited group of them (*ek tōn hōrismenōn*).” If a speaker argues from the reputable opinions held by his judges and those whom they respect, he will be more persuasive and his audience more quickly persuaded than if he were to argue from any opinion at random. In this way, Aristotle reminds practitioners of rhetoric that to be persuasive they must take seriously and enter into the beliefs of, and that which is held in esteem by, the audience.

What is shared in common—the enthymeme’s unstated premise—allows for the communication of and therefore refinement of a particular argument concerning advantage, justice, or nobility. Rhetoric is limited then both by its primary subject material—that which happens for the most part—and by its particular audience, which grounds speech in time and place and thereby avoids an abstraction that suppresses the particulars. The very limits provided by the subject material and audience mark a starting

point from which a speaker may begin to make an argument about what is good, just, or noble for his community. All possibilities begin with limits. For, as Aristotle observes, “if it is possible for the beginning (*archē*) of something to come into being, then the end (*telos*) is also possible, since no impossible thing can come into being or even begin coming into being” (*Rh.* 1392a16-17). By defining a beginning from which a speaker may launch his speech, Aristotle insists not only that persuasion is possible, but also on the expansion of an audience’s capacity to see a common good by means of a speech; for if the beginning is possible, so too is the end. By stating the limiting beginnings of rhetoric, its audience, the character, passions, and argument of a speaker, and the indefinite material it navigates, Aristotle points to the possibility of rhetoric attaining its end: judgment. By providing a limit from which rhetoric begins, the audience is essential to rhetoric’s work and object and is a tremendous obstacle to tyranny of speech insofar as it grounds speech in the particular community rather than the universal abstractions of the educated.

The Enthymeme’s Indefinite Premises: Likelihoods, Signs, and Examples

Things that admit of uncertainty and about which opinion vacillates are precisely the indefinite matters rhetoric considers; however, these uncertain things do not come to be known in themselves so much as they are discerned through probabilities, signs, and generalizations based on examples. Accordingly, Aristotle claims that the enthymeme reasons from two peculiar kinds of premises: signs and likelihoods. Aristotle defines a likelihood (*eikos*) as “something that happens for the most part (*hōs epi to polu ginomenon*).” Something that is likely concerns things that could turn out otherwise (*allōs ekein*); that is to say, the disputable, contingent, and ambiguous matters that

characterize moral and political life (*Rh.* 1357a34-36). The other formal sources of the enthymeme are signs (*sēmeia*), and these can be either likely or necessary. The enthymemes that follow from signs, then, will be of the same kind; if from necessary signs (*tekmeria*), necessary conclusions, if from probable signs, probable conclusions.²⁰ Most of the time, rhetoric is concerned not with necessary signs but with probable signs (*Rh.* 1357a22-23, 33).

When navigating uncertainties, human beings necessarily reason from probabilities, likelihoods and signs, which hold for the most part and point to what usually happens but are still uncertain. Indeed, in discerning the causes of trust, an audience discerns the likelihood of a speaker's trustworthiness in observing signs of his character, its own passions, and the cogency of the argument itself. In light of this, Aristotle presents the enthymeme as the most able compass for making distinctions in indefinite matters that allow for the formation of correct judgment. Up to this point the enthymeme has been presented as a rhetorical syllogism that follows from premises holding "for the most part," and that channels what Aristotle designates as the three causes of trust (*pisteis*) that alone are "intrinsic to the art (*entechnoi*) [of rhetoric]" (*Rh.* 1354a13). Now, Aristotle describes it as a syllogism about things "that in most circumstances admit of going different ways" (*Rh.* 1357a16). The signs and likelihoods that rhetoric draws from correspond to the indefinite subject material that it navigates.

²⁰ The enthymeme also draws upon examples (*paradeigmata*) in order to show something. Aristotle uses "example" in two ways. One is in the formal sense as rhetorical induction. Both the enthymeme and example are formal causes of trust. The second way Aristotle employs example is as a source of the enthymeme. It does not cease to be an induction, but takes on the additional role of being a source of rhetoric's syllogistic form of reasoning.

The object of this form of reasoning is judgment about how to act (or not) in relation to what is good, just, or noble.

Aristotle's claim that signs and likelihoods are the primary sources of the enthymeme indicates that most actions addressed by rhetoric are not undertaken from necessity but involve human freedom, for things that might turn out in different ways leave room for judgment and choice. While a few of the premises or sources that the enthymeme reasons from are necessary, Aristotle contends that most enthymematic premises hold only for the most part (*Rh.* 1357a22-23, 33). Aristotle uses the word necessary (*anagkaion*) to speak of things that "are what they are of necessity" and that "cannot be other than they are."²¹ In highlighting the generally non-necessary origins of enthymematic reasoning—that is to say, probabilities—Aristotle implies two things. First, as the matters that people deliberate about are rarely of necessity because they involve choice, most judgments and investigations are concerned with "things that admit of going different ways (*allōs ekein*)," and human actions in particular fall under this class of things (*Rh.* 1357a23-25). Aristotle goes so far as to suggest of human actions addressed by rhetoric that, "one might almost say none of them is by necessity" (*Rh.* 1357a27, 32).

The second implication of Aristotle's emphasis on the enthymeme's probable premises cuts in a different direction. Even while he indicates that the enthymeme concerns what happens for the most part rather than from necessity, Aristotle reveals that rhetoric includes necessary things. Generally speaking rhetoric reasons from non-necessary (probable) premises, but not inevitably; rhetoric is not confined to the realm of

²¹ Grimaldi, Vol. I, 59. Grimaldi derives this definition from *Metaphysics* 1026b27-30.

the probable—that is, to the realm of human action. It could be practiced even in communicating about sciences of the necessary and eternal. Speech about necessary things does not cease to be human.²² Yet, insofar as speech about necessary things is rhetorical, it will involve the communication of the import these less time-bound matters have for the community in relation to “the kinds of things people are accustomed to deliberate about.” Nobody deliberates about gravity—though one might investigate it; however, human beings might deliberate about the limits that gravity places on their actions (for example, methods of travel) and determine the best way to act in relation to it. Rhetoric is necessarily involved in the communication of scientific matters to a certain point; it is the offspring of both politics and dialectic.

Nonetheless, rhetoric generally operates in the realm of human actions and for this reason enthymemes are based on likelihoods and signs. This form of source material does not signify falsehood and confusion, but rather that part of reality that represents what holds for the most part but could be otherwise. Anyone operating in the realm of human action acts in the context of signs and likelihoods. A likelihood, as Aristotle defines it, is something that happens for the most part yet that is not necessarily so, and also “has the relation to the thing about which it is likely that the universal has to the particular” (*Rh.* 1357b1). It is important here to note a possible misunderstanding of the likelihood. What is likely is not arbitrary. Even while what is likely admits of uncertainty and is not necessary, it must be understood as a stable aspect of reality, which, even while

²² See Grimaldi, Vol. I, 59.

it admits of exceptions, can be known, understood, and reasoned from syllogistically.²³ In the *Rhetoric* “*eikos* [likelihood], or the probable, possesses a note of stability and permanence.” While this stability is not “inherently necessary” it is nonetheless “intrinsic and objective since it is grounded in reality.”²⁴ There can indeed be knowledge of the likelihoods for, as Grimaldi observes, Aristotle argues in his *Metaphysics* that all scientific knowledge (*epistēmē*) is either “of that which is always (*tou aei*)” or is “of that which is for the most part (*tou hōs epi to polu*)” (*Met.* 1027a 20-21).²⁵ In defining likelihood as he does, Aristotle attributes to it a stability that renders it a trustworthy object of knowing, particularly in the moral and political realm of human action. To acknowledge that what is uncertain yet “happens for the most part” can be known is to admit that the indefinite matters rhetoric navigates can, for the most part, be known and understood, and that proper reasoning concerning these matters is trustworthy.

The reliability of likelihoods as a source of reasoning is further evident when Aristotle speaks directly about enthymemes that follow from likelihoods and their possible refutations. Drawing from premises that are “not always but for the most part,” or that are likely, enthymemes lead to conclusions that are of the same kind, conclusions that either “are or seem to be the case for the most part” (*Rh.* 1357b16, 22). Rhetorical syllogisms drawn from likelihoods are remarkably difficult to disprove. While many attempt to refute enthymemes based on likelihoods by proving that something is “not

²³ However, a likelihood is not then arbitrary for, as Grimaldi notes, “such an understanding of *eikos* leads to the absurdity criticized in [Aristotle’s discussion of apparent/false enthymemes at] B 24, 1402a8-16: the improbable is probable, because many improbable things happen.” Vol. I, 117.

²⁴ Grimaldi, Vol. I, 117.

²⁵ Grimaldi, Vol. I, 117.

necessarily so,” those who do so fail to prove that something is unlikely (*Rh.* 1357b25). The only valid form of refutation is to show that what is likely is in fact unlikely, not to prove that the likely admits of exceptions. On account of this, “the person who makes a defense always has an advantage over the one who makes an accusation” (*Rh.* 1357b26), for to show there are exceptions to a generally applicable rule is easy, yet this does not disprove the rule but shows that it is what a speaker claims it to be: something that holds for the most part. It is much harder to disprove that something asserted to be likely is not, for doing so requires demonstrating that what is shown not to fit the general rule or likelihood is not just an exception but is in reality the likely rule.

Observing this leads Aristotle to address the role of the judge in evaluating an argument based on likelihoods, and hence to remind his audience that their interest in these matters is bound to politics. A judge “reasons falsely” if he supposes that an enthymeme based on likelihoods has been refuted when an accuser shows that it is not necessarily the case. Understanding the kind of reasoning and subject matter that rhetoric often concerns—that is what is likely rather than what is necessary—leads to a better understanding of the possibility of judgment in practical matters. To judge “according to one’s best judgment,” as Athenian jurors do, is not to know with the certainty of reasoning from necessity, but rather to judge in likelihoods, and this judgment requires trust for completion (*Rh.* 1402b30-33; see 1357a30-34). For example, it is likely that parents love their children. While this likelihood admits of (unfortunate) exceptions, it nonetheless holds for the most part as an intelligible and trustworthy part of reality.²⁶ In

²⁶ See Grimaldi, *Vol I*, 117.

this way Aristotle indicates that practical judgment operates in a stable reality that can be apprehended by human reason because it is probable.

Just as likelihoods are probabilities that represent stable aspects of reality, signs are heralds of realities, either necessary or probable, that are known through the workings of ordinary human reason and trust.²⁷ As Aristotle presents them in the *Rhetoric*, there are two kinds of signs, those that are related as particulars to the universal (as in the case of someone who observes that Socrates was wise and just and infers that wise men are just), and also those that relate as the universal to the particular (as in the case of the claim that someone's rapid breathing is a sign of his having a fever) (*Rh.* 1357b1-3, 11-12, 18-20). Both of these kinds of signs can be refutable; however, some signs (*tekmēria*, as Aristotle specially names them) are "necessary" (*Rh.* 1357b8-10). Necessary signs, he claims, are those from which syllogisms come about (*Rh.* 1357b6). As examples of a necessary sign (*tekmērion*) Aristotle cites the case of someone's having a fever as being a necessary sign of his being sick, and also of a woman's having milk as being a necessary sign of her having given birth. "Among signs, that is what a *tekmērion* alone is, for only it, if it is true, is irrefutable" (*Rh.* 1357b14-17). It is noteworthy that the particular examples of necessary signs are each about a natural phenomenon—birth or illness—rather than matters of human action, character, or virtue. By this Aristotle reveals two things: first, that rhetoric is not limited simply to a discussion of human matters, but touches upon any part of reality that human beings seek to comprehend and communicate. In addition, he

²⁷ As Grimaldi observes, Aristotle's understanding of signs (*sēmeia*) follows from his definition in the *Prior Analytics* where he states that wherever "by the fact that one thing exists something else exists, or by the fact of its coming-to-be something else has come-to-be prior to it or consequent upon it, the first is a sign of the other's becoming or existing" (*Pr. An.* 70a7-9). Grimaldi, "Semeion, Tekmerion, Eikos in Aristotle's *Rhetoric*," *The American Journal of Philology*, vol. 101, no. 4 (Winter 1980): 383-398, 384.

indicates that to the extent that rhetoric is used to investigate or communicate an understanding of human matters, it will largely be operating in the realm of likelihoods and signs that hold for the most part, rather than from necessary premises.

All other signs, then, both moral and physical, are refutable and non-necessary. As examples of these, Aristotle cites the case of Socrates, whose wisdom and justice might be taken as a sign that the wise are just. As we saw, this kind of sign takes a particular case (Socrates) and bases a general rule (the wise are just) upon it. While from Socrates' wisdom and justice it might be supposed that a wise man is necessarily just, the inference that all wise men are just is non-necessary and is thus refutable, for even if in the particular case of Socrates expresses the truth, what it expresses is not necessarily so in all cases. Unlike the general laws that govern them, human beings are particular and capable of making moral choices. Thus, Aristotle's understanding of signs in this instance indicates that to make a general inference from Socrates' very particular case is invalid in two ways: first it is invalid to make a general rule on the basis of an exceptional case; second, it is invalid in that it denies that the wise are capable of undertaking unjust actions—that is, incapable of making (bad) choices. Both inferences might be invalid and hence tyrannical in subjecting all human beings to a particular rule or in denying particular people (that is, the wise) the possibility of moral choice (even if that choice is unjust).

In the case of non-necessary sign, those that bear the relationship of the universal to the particular, Aristotle warns that the inference made in this case is also refutable “even if it is true” (and it seems more likely that this could be true than not). This is because “it is also possible for someone who does not have a fever to be short of breath,”

as in the case of an athlete that has just completed a marathon or another athletic feat (*Rh.* 1357b18-19). To take a general case and infer a particular condition is similar to believing that a general rule or law will fit every person and circumstance justly. Even if this is generally true, it is not always true and thus requires an equitable spirit to balance the generalization, else it runs the risk of ignoring particular cases and what they are due.

The examples of non-necessary signs are either moral or natural. They serve two purposes, providing on one hand particular examples of general definitions and, on the other, pointing to the nature of reality in which moral and physical signs and the human choices that result from interpreting them operate. That is to say, what is by nature is either always (*aei*) or for the most part (*epi to polu*). Learning to interpret the moral and physical reality seen through signs requires understanding the indefinite realm in which human life and the choices it requires operate, and with this the limits and possibilities of human freedom.²⁸

A final source of the enthymeme is the example, a parallel to induction in dialectics, one that can form premises from which one can derive an argument and is a special kind of sign. An example occurs when two things bear the relation of part to part or “like to like,” and when both things “fall under the same class of things, but one of the two is better known than the other” (*Rh.* 1357b29-30). Examples, as Aristotle observes, are particularly appropriate to epideictic rhetoric, which requires moral exemplars as standards by which to praise or blame human actions (see *Rh.* 1366a24-67b38). To

²⁸ While Aristotle points his readers in the direction of the *Analytics* for clarification about the nature of necessary and non-necessary signs, for the purposes of the *Rhetoric* he has stated with sufficient clarity the import of signs and likelihoods by providing brief definitions and examples of each. By referring his readers to another work, Aristotle gives his definitions of signs and likelihoods the appearance of demonstrations and thus lend credibility to his argument concerning their role in rhetoric.

illustrate his understanding of examples, Aristotle cites the case of Dionysius, who was suspected of plotting to establish a tyranny because he demanded a bodyguard. Dionysius fell under suspicion because Peisistratus, a well-known tyrant, had asked for a bodyguard when he planned to install himself as tyrant. Dionysius and Peisistratus both fall under the universal idea that “someone who is plotting a tyranny demands a bodyguard,” and bear the relation of like to like (part to part) to one another. Dionysius is known in relation to Peisistratus. The latter’s actions become an example for those plotting tyranny and a warning sign for those who would avert it.

The examples of examples that Aristotle provides in his *Rhetoric* are tyrants. This is of no small significance, for the very possibility of human freedom—that is, not being subject to tyranny—hinges on the ability to act in accord with the judgments one makes and for those judgments to be correct. The examples Aristotle provides not only reveal something about rhetorical technique (what an example is), but also shed light on the underlying question of the relationship between speech and force—whether speech is a form of force or whether human beings can act from choice according to reasoned judgment. The particular tyrants Aristotle refers to are from different regimes, Syracuse (Dionysius) and Athens (Peisistratus) and lived in different centuries (400-300’s BC and 500’s BC). They are not simply “like to like” and neither are the cities they rule tyrannically. Like tyranny, examples abstract from the particularity of various regimes—in this case, the differences between Syracuse and Athens in different centuries. While examples in their abstraction from the particulars can help us see something true—both men were indeed tyrants—examples, like speech itself and also laws, in abstracting from particulars might lead to erroneous conclusions. To the extent that speech is divorced

from the particularity of reality it has the potential like the tyrants Aristotle mentions to become tyrannical.

Having briefly explored the meaning of likelihood, sign (both necessary and non-necessary), and example, Aristotle concludes that the “materials from which the causes of trust that seem to be demonstrative are argued have now been described” (*Rh.* 1358a1). In this way, he indicates that formal and demonstrative causes of trust (enthymeme and example) are derived from the signs, likelihoods, and particular examples that he has briefly explored.²⁹ All of this serves to shed light on Aristotle’s understanding of the domain that rhetoric navigates: any realm that involves human action and choice. While rhetoric may address arguments concerning necessary signs, to the extent that it considers human affairs and hence judgments about what is good, noble, or just, rhetoric will operate in the realm of the indefinite (*NE* 1094b15-19), as we have seen. Rhetoric is for the sake of judgment, and judgment that of freedom. Speech that abstracts from particulars (as likelihoods, signs, and examples do to some extent) may become a form of tyranny that must be vigilantly guarded against by attending to the context in which it is spoken and understanding the causes of trust, which supply what is lacking in speech, as equity supplies what is lacking in law.

The Three Kinds of Rhetoric: Deliberative, Epideictic, and Forensic

Different kinds of judgments inherent to political life require different kinds of judges. It is precisely through his discussion of the audience (of judges) that Aristotle

²⁹ Grimaldi argues that the *pisteis apodeiktikai* are called “*dokousai*” or “generally considered” “because they are not strictly demonstrative, and do not give certain knowledge, not because they are not proofs. Vol. I, 70. And he affirms the suggestion that this use of *pisteis* refers to the formal causes of trust (enthymeme and example) rather than the artful causes of trust (*ethos*, *pathos*, and *logos*).

famously divides rhetoric into three kinds, for the end (*telos*) of a speech corresponds to the listener of the speech (*akroatēs*). Aristotle classifies the three kinds of rhetorical speeches as either deliberative (*sumbouleutikon*), forensic (*dikanikon*), or epideictic (*epideiktikon*). Each kind of rhetoric corresponds to the listener and setting he is in: deliberative to one in political assembly, forensic to one in the jury of a law court, and epideictic to one who is simply a spectator (*theōros*).³⁰ To each kind of rhetoric belongs two opposing varieties of speeches. Deliberative rhetoric involves both exhortation (*protropē*) and warning (*apotropē*) because, whether a speaker gives advice in private (*idiai*) or in common assembly (*koinēi*) he “always does one of these things.” In forensic rhetoric, a speaker engages in either accusation (*katēgoria*) or defense (*apologia*) because “parties in dispute do one or the other of these.” Finally in epideictic rhetoric, the speaker engages in either praise or blame with respect to what is noble and base (*Rh.* 1358b1-12). The speaker’s activity is limited and thus directed by the listener whom he seeks to persuade.

By introducing the three kinds of rhetoric in relation to their listeners, Aristotle locates each kind of rhetoric in relation to its aim and audience. In addition, he claims that the listener of a speech is either an onlooker (*theōros*) or a judge (*kritē*), and argues that listeners of either a deliberative or forensic speech will be judges, while those of an epideictic speech will be onlookers. Judges are for the most part the audience of both deliberative and forensic rhetoric because these two forms of rhetoric consider either matters that will happen (deliberative) or matters that have happened (forensic). Hence

³⁰ *Epideiktikon* is derived from the verb meaning to display or show forth, and could be translated (as Sachs does) “speech for display.” Of the three kinds of rhetoric, epideictic is the least bound to time and place. This does not necessarily make it tyrannical but does imply that epideictic speakers are most likely to use examples.

the member of an assembly (*ekklēsiastēs*) is a judge of things that will happen (the future), while a member of a jury (*dikastēs*) is a judge of things that have happened (the past). Aristotle explains that the future belongs to the deliberative speaker “since he gives advice about things that are to be, either by exhorting or warning” and the past to the forensic “since he always makes either an accusation or a defense about things that have been done” (*Rh.* 1358b13-20). The city, when deciding what it should do, looks primarily to advantage rather than justice, for consideration of justice belongs primarily to the past, not the future.

One who listens to epideictic speeches, an onlooker (*theōros*), however, participates in the exercise of making judgments, but rather than judging matters of the past or future he judges “the capacity of the speaker” and the present. The reason for this is that unlike deliberative and forensic rhetoric, which are apparently bound to an immediate audience in a particular place with an obvious purpose, epideictic rhetoric has as its object *to kalon*, the noble. What is noble is not time bound in the same way that the good and the just are, being immediate concerns of a political community, but rather looms outside time in the models of human excellence that inspire beautiful action in individuals. The noble is less bound to time and to a particular community. We strive for the noble more as individuals than as communities, for often what is held to be noble is done “in disregard to what is profitable,” and this is expressly not advantageous for a community (*Rh.* 1359a1-2). “The present is most authoritative (*kuriōtatos*)” in epideictic rhetoric precisely because “everyone gives praise or blame in regard to existing circumstances” (*Rh.* 1358b18-19). While the present is most authoritative in epideictic rhetoric, Aristotle also points to its timeless quality as speakers “often make additional

use both of past things by recalling them and of future things by foreseeing them in imagination” (*Rh.* 1358b19-21). While each of the three kinds of rhetoric is initially defined in relation to time and place, epideictic speech least fits into chronological categories, slipping beyond the limits of both time and space.

Thus, while audience and aim serve as the beginning of rhetoric’s division into three kinds, these cannot be simply the defining features of rhetorical address, since each kind of rhetoric, epideictic in particular, slips through precise categories of time and space. Accordingly, Aristotle makes a second way of differentiating the three kinds of rhetoric: namely, the end (*telos*) of the speech. Deliberative speakers aim at what is good or advantageous in either advising that something is best or in warning against something as worse. Rather than advantage and harm, forensic speakers aim at what is just by accusing or defending, while, by engaging in the act of praising or blaming, epideictic speakers aim at what is noble. Aristotle argues that while each kind of speech aims at a particular end, the good, the just, or the noble, in practice they are not strictly separated. For example, deliberative speakers might mention other matters, like whether a course of action deliberated about is just or unjust, noble or shameful, though these will be taken as “side-issues” to advantage and harm (*Rh.* 1358b22-25). To illustrate his point that the end of a speech determines the kind of rhetoric it falls into, Aristotle provides a sign (*sēmeion*): those employing one form of rhetoric might not dispute the matters pertaining to the other forms (*Rh.* 1358b30). For example, in the case of forensic rhetoric someone pleading in court might not dispute either that something happened or that harm was inflicted, but “he would never agree that he committed an injustice, or there would be no need of a trial.” A sign that the same is true in case of deliberative rhetoric is that even

while a speaker might “give way on other matters”—that is, might admit that a given course of action is not perfectly just or noble—he would never agree that he is advising disadvantageous things or warning against beneficial ones (*Rh.* 1358b30-39).³¹

Epideictic speech too has a primary end, the noble, and touches upon both what is advantageous and what is just only incidentally. Those engaged in praising or blaming, Aristotle argues, “do not consider whether someone has performed advantageous or harmful actions, but often they even make it a matter of praise that he did some noble thing in disregard of what was profitable for himself.” To illustrate this, Aristotle cites the case of epideictic speakers who praise Achilles’s deeds precisely because he risked harm to himself in coming to the aid of his friend Patroclus.³² “For him, a death of that sort was a nobler thing, though living was advantageous” (*Rh.* 1359a1-7). Achilles’s actions are deemed all the more praiseworthy since they were contrary to his own advantage. Nobility here seems to entail sacrifice, to be opposed to the good. Epideictic speech then necessarily touches upon the topic of the advantageous, yet will do so precisely for the sake of promoting nobility over and against advantage. Remarkably, it is on the basis of nobility that Aristotle criticizes the other forms of rhetoric. “The practice of deliberative rhetoric,” he declares, “is nobler and more statesmanlike than forensic, which involves [private] transactions” (*Rh.* 1354b23-25). Although his remarks concerning epideictic

³¹ It is of some significance that Aristotle mentions slavery as an example of an unjust course of action pursued by some speakers, that is, those who give advice about advantage and harm “but often ... pay no attention to the fact that it is unjust to enslave their neighbors or people who have done no injustice” (*Rh.* 1358b35-38). A more recent example of this is Germany’s use of the Schlieffen plan in World War I. The chancellor admitted that the means were unjust, but argued that necessity and the advantage of Germany necessitated such a course of action.

³² Achilles and those who praise him—Homer—play a significant role throughout the work, particularly with regard to epideictic rhetoric. One such speech of praise is the *Iliad*, an epic that Aristotle will return to frequently throughout the *Rhetoric* in citing examples of different kinds of praiseworthy and blameworthy deeds and passions.

rhetoric seem to divorce it from the common good or advantage, by praising deliberative rhetoric Aristotle brings together what he first separated—nobility and goodness—in promoting statesmanship. Aristotle engages in epideictic rhetoric in a way that encourages individuals to engage actively in their own community by participating in public life. While the assembly pursues the good or the advantageous together, individuals are motivated to lead it largely by the love of the noble, and it is to this that Aristotle appeals.

In addition to dividing the kinds of rhetoric according to time, place, and their respective ends, Aristotle argues that each kind of rhetoric has a form of the demonstrative causes of trust most appropriate to it. Initially, he treats enthymeme and example as two kinds of rhetorical demonstration and asserts that both have something good about them, because “some rhetorical speeches are suited to examples and others to enthymemes, and likewise some rhetoricians are good with examples and others good with enthymemes” (*Rh.* 1356b19-23). Later he explains this in relation to different kinds of rhetoric, arguing that examples (*paradeigmata*) are best suited to advisory speeches, enthymemes to forensic speeches, and *amplification* (*auxēsis*) to epideictic speeches. Examples are most suited to deliberative rhetoric, “since we judge (*krinomen*) what is going to happen by making surmises based on what has happened before,” while enthymemes are more appropriate to forensic speeches “because what happened, since it is unclear, is especially open to causal and demonstrative reasoning.” Amplification (*auxēsis*), first introduced as a form of demonstration in Aristotle’s treatment of epideictic rhetoric (*Rh.* I.9), is most appropriate to epideictic speeches since it considers undisputed actions, “so what remains is to adorn them with magnitude and beauty” (*Rh.*

1368a27-33; see also 1400b29-33). Even while a particular kind of demonstration (example, enthymeme, or amplification) is more likely to occur in one of the three kinds of rhetoric, Aristotle nonetheless insists that these are “forms of speaking common to all speeches” (*Rh.* 1368a27). Thus, the forms of demonstrative causes of trust are common, even while each is most likely to belong to a particular kind of rhetoric.

Aristotle’s division of rhetoric into three kinds according to time and place, end, and form of demonstration reflects the subject matter with which rhetoric deals: its knowledge holds for the most part, could be otherwise, yet nonetheless reveals a stable and knowable reality.³³ Like the sources of the enthymeme, these categories of rhetoric hold for the most part yet admit of much overlap. And thus it is possible to speak of the three kinds of rhetoric as separate in kind, though admitting of overlap. Thus, when speaking, rhetoricians aim primarily at either the good, or the just, or the noble.³⁴

Conclusions and the Indefinite

Rhetoric is for the sake of judgments made in the midst of the indefinite and ambiguous matters that characterize political life and matters of human action. Aristotle’s introduction to the *Rhetoric* is marked by an attempt to articulate both the subject matter and also the navigational tools of rhetoric—the enthymeme and the causes of trust.

³³ The remainder of Book I is divided into a discussion of the three kinds of rhetoric. Chapters four through eight are devoted to deliberative rhetoric, chapter nine to epideictic, and chapters ten to fifteen to forensic. I will reserve my own discussion of deliberative rhetoric for my treatment of the passion of anger, epideictic for the passion of shame, and forensic rhetoric for a discussion of nemesis and law.

³⁴ While the advantageous and the good cannot simply be conflated, Aristotle argues that “what is advantageous is good” and thus in deliberative rhetoric that “what needs to be grasped would be the elements that go into something good and advantageous, taken simply” (*Rh.* 1326a20-22). See also Mary P. Nichols “Aristotle’s Defense of Rhetoric,” *The Journal of Politics*, Vol. 49, No. 3, August 1987, 657-77, 657. Thus it is appropriate to argue that deliberative rhetoric in the fullest sense is speech that aims at the good.

Aristotle's understanding of rhetoric hinges on his presupposition that reality is accessible to ordinary human reason and that the kind of knowledge that renders it accessible is trust (*pistis*). The indefinite matters rhetoric seeks to navigate—the good, the just, and the noble—can be apprehended and received only through trust, a way of knowing not limited to the educated. This understanding of reality and of man's accessibility to it is presupposed by and revealed in the very means of persuasion that Aristotle claims to be introducing into the art of rhetoric: the enthymeme and the causes of trust.³⁵ Insofar as the enthymeme and the causes of trust are the distinguishing feature of Aristotle's work, they serve as the cornerstone of the particular understanding of rhetoric he proposes—an understanding that rejects reducing rhetoric to a thinly veiled manipulation of the passions of listeners for the sake of the speaker's self-interest.

Speech, in its ability to generalize (as in the case of likelihoods, signs, and examples), is able to overcome necessity, Aristotle suggests in his account of signs and likelihoods, and contribute to the pursuit of human freedom by lending itself to foresight and choice. At the same time, by grounding speech in particular matters that are not available to reason alone (character and the passions), Aristotle provides a way of overcoming the potential tyranny of speech that might abstract from reality by speaking universally, as the educated have a tendency to do. By naming and describing the art as he does, Aristotle points to rhetoric's task of negotiating the complex intersection of choice and necessity by investigation of the rational and non-rational parts of political life and of human beings. While this ever-present task of navigation cannot be completed

³⁵ Following suit in his work on the *Rhetoric*, Grimaldi goes so far as to assert that the entirety of his study presupposes that "once we understand the enthymeme, as Aristotle presents it in the *Rhetoric*, we can come to an informed knowledge of what he means by rhetoric." Grimaldi, *Studies*, 67.

with the scientific certainty of a geometric proof, it nonetheless allows for coming to understand the wonderful interplay of reason, character, and the passions and their role in judgment. To the extent that these can be both prepared methodically and also chosen, they are rightly said to belong to rhetoric, the art of the indefinite.

CHAPTER FIVE

Passion's Judgment

Introduction: Speech and Passion's Force

Aristotle's *Rhetoric* alone among his works contains an extended treatment of the passions. While his understanding of the passions is significant to his corpus as a whole, Aristotle's decision to treat them at length in the *Rhetoric* reveals their significance in making judgments, a theme that emerges clearly only when he turns to the passions directly in *Rhetoric* Book II.¹ The passions (*pathē*) constitute, along with character (*ēthos*) and speech itself (*logos*), one of the three causes of trust or persuasion (*pisteis*) that belong to the art of rhetoric. Rhetoric, Aristotle claims, "is for the sake of judgment" concerning the political and moral matters that admit of variation and uncertainty: the good, the just, and the noble (*Rh.* 1377b20; *Rh.* 1357a1-8; *NE* 1094b15-19). The passions, then, play a role inseparable from political speech and the judgments that follow from it, whether made by individuals or communities. Rhetoric and the possibility of shared

¹ It is noteworthy that the *Nicomachean Ethics*, which treats virtue as a habitual response to the passions, contains no extended account of the passions in relation to which virtue is exercised. A corresponding perplexity occurs throughout Aristotle's inquiry in the *Rhetoric*. His inquiry into the nature of the passions there is complicated by the fact that his understanding of virtue is inseparable from his understanding of the passions and of the formation of character, and this is an inquiry that belongs primarily to the *Ethics*. Grimaldi argues that Aristotle's use of *pathos* in the *Rhetoric* is consistent with his treatment of *pathos* in the *Ethics* "as part of man's moral nature" (*NE* 1105b19ff). While not "dismissing the critical importance of the intellect" in Aristotle's *Rhetoric*, Grimaldi "recognize[s] that man does not move toward the real or the true or the probable by intellect alone. In man the presence of ideas carries with it the presence of emotions. Similarly, some form of emotional commitment accompanies intellectual conviction." *Aristotle Rhetoric II: A Commentary* (New York: Fordham University Press, 1988), 13-14. Here after Vol. II. See also *De Anima* 433a10-b38. As Aristotle observes in the *Ethics*, deliberate choice (*proairesis*) is either "intellect marked by a certain longing (*orektikos nous*)" or is "longing marked by thinking (*orexis dianoētikē*)" (*NE* 1139b4-5). Desire, then, is necessarily a part of choice, the "starting point (*archē*) of which is a human being." The rational and non-rational meet in desire. The passions are informed by both reason and desire.

judgment about what justice requires is inseparable from the study of politics, for as we have seen, “a community in these things constitutes a household and a city” (*Pol.* 1253a14-19). Without rhetoric, the possibility of “complete community” and “living well” that Aristotle introduces as the purpose of political life in the *Politics* (at 1252b28-30), comes to naught. Insofar as the passions play an essential part in the formation of judgments concerning the good, the just, and the noble, Aristotle’s treatment of them as a part of the rhetorical art is inherently political.

Still, Aristotle’s decision to treat the passions in relation to judgment raises many questions, not the least of which is whether by including the passions within the art of rhetoric as a cause of an audience’s trust, Aristotle allows that rhetorical speech is a form of force that compels persuasion by arousing passions. Can persuasion be compelled? Is it (as opposed to being convinced) always compelled? Are the passions simply malleable, left open to manipulation by clever speakers? Is some or all speech thinly veiled force? And is it not the strength of the passions that justifies our thinking so?

Further, as we have seen, Aristotle’s extended treatment of the passions in the *Rhetoric* comes only after he criticizes other teachers of rhetoric for their exclusive focus on the passions and because of their attempt to teach how to “mak[e] the hearer a certain way” by manipulating the passions rather than attending to “what is intrinsic to the art.” Indeed, Aristotle is quite explicit that other teachers of rhetoric busy themselves “with things that are extraneous” to the art; for “slander (*diabolē*) and passions of the soul such as pity and anger are not concerned with the matter at hand, but have to do with the juror (*dikastēs*)” (*Rh.* 1354a17-19).

Yet is not Aristotle's own treatment of the passions concerned precisely with this? Does not his delayed treatment of the passions represent only a thin veil over the reality that all rhetorical speech is simply force? How can all these perplexities and apparent contradictions fit into a work concerned with judgment—an activity that presupposes and cultivates the idea of human freedom in the notion of deliberate choice (*proairesis*) (*Rh.* 1357a3-5)? If judgment about political matters can be forced upon the hearer, does rhetoric turn out to be not “for the sake of judgment,” but at most to follow from the prior judgment of the speaker (*Rh.* 1377b20)? Is not rhetoric tyranny, or at least the tyrant's tool?

All of these questions point to the central theme underlying Aristotle's treatment of the passions: the relationship between the passions and reason that lies at the very foundation of political life. The strongest case to be made on behalf of the argument that rhetoric is a tool of force rests on the prominence of the passions in rhetoric. Indeed, Aristotle acknowledges the objection that rhetoric and with it the faculty of judgment are open to manipulation by the speaker capable of impelling someone experiencing the passions to accept a certain opinion and behave in a certain way (see *Rh.* 1355b4-8). Such an understanding removes the possibility of deliberate choice from the audience.

Contrary to this understanding of rhetoric, however, Aristotle proposes at the outset of his work that rhetoric can be practiced in a methodical way according to reason and with choice on the part of both speaker and audience. In other words, rhetoric is not equivalent to force. As it has emerged thus far, Aristotle's understanding of rhetoric is one that navigates the indefinite matters that require judgment (the good, the just, and the noble) in such a way as to avoid two looming forms of tyranny: what we might call the

tyranny of abstraction and the tyranny of necessity. Rhetoric, on one hand, seeks to avoid tyrannical abstractions that treat all particular human beings and regimes identically and interchangeably—as is evident in Aristotle’s discussion of signs and likelihoods. Speech abstracts from particulars. Yet just because one thing is “like” another or one action could be a “sign” of character (as getting body guards is likely a sign of a looming tyrant, claims Aristotle) does not make it the same thing, the thing itself. Speech, he warns, might lead us to conflate what is in fact dissimilar. Rhetoric overcomes this tendency when it is rooted in an understanding of the character of the speaker and his audience and also the passions and desires that move them; rhetoric does not forget the body. On the other, it avoids making these particulars (character) and private experiences (passions) the whole of the art by subjecting them to reason’s scrutiny and correction. In so doing, rhetoric avoids a tyranny that consists in treating all circumstance and human action as if they were from necessity and thereby closes its eyes to the possibility of reasoned choice and with this human freedom; rhetoric does not forget the soul and the infinite longings that move it to see beyond the immediate and time-bound pressures of the present.

This attempt to avoid either form of tyranny both by grounding speech in particulars and by elevating particulars through speech is most evident in Aristotle’s treatment of the passions. Aristotle attempts to avoid understandings of the passions that either reduce them to being understood as open to infinite manipulations by clever speakers (as Aristotle warns is characteristic of forensic rhetoric [*Rh.* 1354b23-55a1]) or succumb to the belief that passions merely obscure judgment without considering the way passions might aid and even correct judgment.

Aristotle understands rhetoric as what is done neither simply from habit nor by chance, but rather according to the capacity “to see the causes on account of which people attain their end” (*Rh.* 1354a8-9). By treating the passions within the confines of the art of rhetoric, Aristotle grounds his investigation of the passions on the possibility that they might heed reason. This possibility depends on human beings’ possession of the faculty of reasoned speech (*logos*) that allows for deliberation about justice (see *Pol.* 1253a13-18). If the passions have a discernable cause, as proceeding from an understanding of and desire for justice for example, they are intelligible. And inasmuch as for Aristotle “cause” has multiple meanings, including purpose or end, his formulation allows that the passions have origins and ends (or purposes) that may be understood by both those stirring and those experiencing them. In other words, passion may, at least to some extent, heed reason.

Only by virtue of their unique relationship to reason through judgment can the passions be called intrinsic to the art of rhetoric. In raising the possibility of the passions’ amenability to reason, Aristotle opens a way to a new understanding of how human beings make judgments, and the way in which founders and statesmen must be concerned with the passions in establishing and maintaining political community. Indeed, as Aristotle examines the passions, although he initially suggested they are extraneous to the art of rhetoric when he criticized their centrality in contemporary rhetoric, he gradually presents them as essential to correct judgment. Rather than emphasizing that the passions impede judgment, Aristotle underscores their capacity to reveal aspects of the indefinite matters that require practical judgments that may not otherwise be evident. This is not surprising given that he explains in the *Ethics* that the passions, by virtue of their

relationship to desire, belong to the non-rational part of the soul as well as the rational part. The latter is demonstrated by their ability to heed reason, he argues, and to that extent they share in reason (see *NE* 1102a21-1103a3). Consistent with this, in the *Rhetoric* Aristotle treats each passion in a way that brings out its distinctly human character; the passions are in between “authoritative reason” and the vegetative or simply animal part of the soul (*NE* 1102b29-1103a3).

While concern for the passions is not the whole of the art of rhetoric, as is evident in Aristotle’s criticism of his contemporaries, understanding them plays a part inseparable from the exercise of rhetoric insofar as passion influences, impedes, and reveals the judgments concerning what is good, just, and noble. The passions, accompanied as they are by pleasure and pain, affect changes in us that influence our judgments (*Rh.* 1378a19-21). So does the character of the speaker as he reveals it in his speech incline us to be persuaded, and we trust the speaker on account of three things: his prudence (*phronēsis*), virtue (*aretē*), and good will (*eunoia*) (*Rh.* 1378a5-7).² “It is necessary,” Aristotle goes on to say, “that anyone who seems to have all these attributes will be trusted by his hearers” whose judgment is affected in no small way by their perception of them (*Rh.* 1378a18). The perception of these things having to do with character (prudence, virtue, and good will), Aristotle indicates, lies largely in the passions, which reflect and inform the listener’s judgment concerning the speaker. Aristotle thus determines it necessary to speak about good will (*eunoia*) and affection (*philia*) in a discussion of the passions, for

² See also Aristotle’s discussion of prudence in the *Ethics* (*NE* 1140a25-b30). There he argues that “the person skilled in deliberating would in general also be prudent” (*NE* 1140a32). He contends that “since there are two parts of the soul having reason, prudence would be the virtue of one of them, namely, the part involved in the formation of opinions. For both opinion and prudence are concerned with what admits of being otherwise” (*NE* 1140b25-27).

what a speaker says will appear differently to one who feels affection and perceives the speaker's good will and to one who feels hostility and does not (*Rh.* 1378a19). By connecting the passions to the faculty of judgment, Aristotle's investigation of the passions contributes to our understanding the moral development of human beings. Because judgment in practical affairs is inseparable from the passions that accompany and inform it, Aristotle embarks on what has become a necessary investigation of the relationship between judgment and the causes of trust, an investigation, I argue, that aims both at the education of the passions and also the grounding of potentially abstracted reason in particular experience.

Inasmuch as rhetoric is for the sake of judgment, as Aristotle claims it is, there is yet another and deeply political reason why his investigation of rhetoric must examine the passions. Aristotle attributes differences in judgment—and hence division within a political community—to the passions, for it is on account of the passions that “people differ with respect to their judgments.” As Aristotle goes on to claim, the passions “are accompanied by pain and pleasure” and these are experienced privately (*idion*), not publically (*Rh.* 1378a19-20).³ Just as evidence of character affects the trust an audience places in a speaker, so also the pain and pleasure and passions that the listener feels affect his perception of a speech's trustworthiness. Any serious investigation of rhetoric must not take lightly the passions precisely because these, accompanied as they are by private pleasure and pain, account for the differences in judgment that mark political and communal life. Aristotle's claim is that people differ in their judgments about what is

³ As Grimaldi formulates it, passion “introduces an alteration within the person which affects the critical faculty of judgment.” Vol. II, 15.

good, just, or noble largely because they experience different passions in relation to the same objects.

The cause of differences in opinion, belief, and thought belongs largely to the passions and the pleasures and pains that accompany them. Reason, nonetheless, plays a key role in the passions. More significantly, the passions are accompanied not only by reason, but also by pain and pleasure, and these underlie the differences people have both in experiencing the passions and in their ensuing judgments. To speak about the passions is to touch on the heart of the rhetorical art, which navigates the indefinite matters that concern the very intersection of soul and body, the rational and non-rational parts of life that are perhaps “separable only in speech” and yet both of which lie at the foundations of political community (*NE* 1102a29-31).

Divided Speech and Passions: Anger (Deliberative), Shame (Epideictic), and Nemesis (Forensic): Method and Definition of the Passions

The passions Aristotle analyzes in the *Rhetoric* come to light as the complicated products of reason and underlying pleasure, pain, and desire that reflect and inform the judgments of human beings. Reason, need, pleasure, and pain—the rational and non-rational elements of human life and community—meet in the passions just as the rational and non-rational elements of persuasion converge in the enthymeme. The fundamental point of this intersection is desire, for the part of the soul “characterized by desire (*epithumētikon*), and by longing in general (*holōs orektikon*), shares somehow in reason inasmuch as it heeds it and is apt to be obedient to its commands” (*NE* 1102b29-32). As desire shares in reason, so does reason share in desire, for the intellect does not move one to act absent longing (*De An.* 433a22-23). Insofar as passions are tied to need, they are

linked to necessity, for the passions are not aroused in the abstract but in relation to particular goods, needs, hopes, fears, or expectations. At the same time, to the extent that the passions are bound to reason they are capable of being educated in a way that transcends necessity and contributes to a human being's ability to apprehend reality and make good judgments in the face of changing circumstances where more than one way of interpreting political matters exist.

Aristotle's division of the passions roughly corresponds to his division of the different kinds of rhetoric into three according to their respective ends—the good or advantageous, the noble, and the just. In some sense, each passion I treat is most appropriate to, and even likely to accompany, a certain kind of speech.⁴ Anger in its attention to what concerns oneself and one's own is most tied to deliberative rhetoric, which deliberates about the advantage or justice of legislation within one's own community. Shame, involving as it does oneself or those one cares about, bears a close relationship to epideictic rhetoric, which consists largely in praising and blaming the actions of moral exemplars within a community and exhorting its listeners to strive for excellence, something noble, and avoid vice, something shameful. Finally, nemesis concerns cosmic justice that does not directly affect oneself or one's own, yet some notion of which is enshrined in the city by the courts—institutions of justice in which forensic speech occurs. While Aristotle does acknowledge that this simple division of

⁴ Aristotle defines some of the passions in relation to the advantage or justice concerning oneself or one's own (anger, feeling gentleness or mildness (*praōs*), love and loving [*philia*, *philein*], fear), another in relation to nobility (shame), and others with respect to justice (*charis*, that is, grace or gratitude; pity, righteous indignation [*nemesis*], envy). The eleventh passion that Aristotle discusses he calls “emulation” (*zēlos*), escapes any strict categorization. It is a passion that teaches by means of inspiring, for emulation is “a feeling of pain at the evident presence of highly honored goods which are possible for us to obtain, in the possession of those who naturally resemble us, pain due not to the fact that another possesses them, but to the fact that we ourselves do not. Emulation therefore is decent and characteristic of decent people” (*Rh.* 1388a30-35).

rhetoric and the passions on the basis of advantage, nobility, and justice do not correspond precisely to the complexity of the passions and of speech that addresses them, his simple divisions serve as the foundational starting point of his treatment (see *Rh.* 1358b22-59a6).

Although the passions are often and rightly considered impediments to judgment, Aristotle's account shows that the passions also manifest judgment, and even come to its aid. Further, the very way in which Aristotle discusses the passions illustrates how rhetoric might educate, gentle, and refine the passions. Anger is educated by being directed away from simple concern for one's own towards a deeper understanding of justice as a limitation of one's own within the context of a community, while nemesis is directed away from human attempts to attain divine justice and towards instituting the justice possible through the reform of laws and institutions. Shame as Aristotle treats it is directed away from concern for avoiding conventionally bad appearances, and towards protecting and preserving what is truly noble within the life of a community. As the passions are central to the faculty of judgment, which is in some way the overarching theme of the *Rhetoric*, examining them is necessary not only to the art of rhetoric, but also to deepening our understanding Aristotle's teaching concerning human affairs.

Before turning to the particular passions of anger, shame, and nemesis, we should note one further aspect of Aristotle's method of investigating and defining the passions as well as his general statements about their relationship to pleasure and pain. Aristotle's analysis of each passion begins with a broad and accurate, though incomplete, definition that serves as a starting place of his investigation. Aristotle recognizes a perplexity inherent in his endeavor to define passions that are experienced privately: every

definition is always universal and thus necessarily misses, at least in part, the very thing it seeks to grasp (*Rh.* I; see *Post. An.* 97b25). For this reason, Aristotle's general account of the passions must be supplemented by examples drawn from literature and poetry, like Homer's *Iliad*, Sappho's poems (of which only fragments remain), and Sophocles' *Antigone*, which illustrate how particular individuals experience the passions and which deepens or even qualifies his general definitions.

While Aristotle complements his general statements about the passions with particular examples, he also proposes that his investigation of the individual passions proceed methodically according to a threefold division. For example, in the case of anger Aristotle argues that three things must be examined: the disposition of people experiencing anger, the persons with whom they are angry, and the circumstances or occasions on which they feel anger (*Rh.* 1378a24-26). Aristotle roughly employs this schematic in the examination of the passions, for the most part exploring each passion in relation to the disposition of the hearer, to the object of the passion (towards whom or what), and under what conditions one experiences a particular passion.⁵ This rough division allows Aristotle to define and analyze the passions in a general but recognizable way so that his readers can bring their own particular experience and circumstances to bear on the subject.⁶

⁵ Aristotle often focuses on the individual's disposition and experience, only briefly mentioning the object and circumstances that contribute to a particular passion. He occasionally reverses the order in which he treats them (e.g. *Rh.* II.9) or states that he has completed his treatment of the three only to begin again (see for example *Rh.* 1379a10-12).

⁶ Some commentators have noted that this threefold division of Aristotle's investigation of the passions allows for their causal investigation. Grimaldi for example argues that causal analysis of the passions can both "break down the complexity of the subject" and at the same time preserve "the personal and subjective quality of emotional experience." While he undertakes a causal analysis of the passions, Aristotle does not mention, nor make simple divisions according to, the four causes (formal, material, efficient, final). This may be because, as Grimaldi points out, "specific, absolute, and detailed answers for

Before considering each of the passions individually, it is also appropriate to note the language Aristotle often uses to define them, for it points to Aristotle's consistent emphasis on the indefinite waters that rhetoric navigates. He often introduces a definition by means of the imperative command to "let" (*estō*) a particular passion be defined in a certain way. The effect of the imperative is to bring the reader into the discussion to share in his judgment, for in defining an otherwise vague and indefinite aspect of his subject, the indefinite, Aristotle provides a common starting point for his treatment of it.

Most of the passions are introduced in this way (with "let," *estō*). Aristotle's language strikes some as indicating that his treatment of the passions in the *Rhetoric* is imprecise and merely popular rather than an attempt to define what was hitherto undefined (and thus bring order to the indefinite sphere of moral and political life). Grimaldi objects to those who find that Aristotle's language indicates that his work on rhetoric is "a popular treatment that avoids precision," and argues instead that the *Rhetoric* is a precise and scientific work, one that, as he says, "possesses scientific

such a complex experience as an emotion are not easily come upon" since the passions involve the interaction of the "body and psyche, appetitive and cognitive faculties, sense knowledge and rational knowledge, habits, dispositions, attitudes internal to the person as well as people, things, conditions external to him" in various ways. Precise causal analysis of any individual passion escapes strict definition because the disposition of any person experiencing a passion is a complex response to a particular situation. Insofar as the "particular is an infinite and unknowable thing," each particular instance of a passion will elude precise analysis. Grimaldi, Vol. II, 16-17. Fortenbaugh exhibits a somewhat complementary but more rigid interpretation of the *Rhetoric's* definitions of the passions in relation to the four causes. He argues that thought "is both essential and the efficient cause" in Aristotle's formal definitions of the passions. He maintains that Aristotle "looks upon some sort of cognition as both essential to and also the efficient cause of emotional response. This comes out quite clearly in Aristotle's treatment of anger. The thought of outrage is essential to anger so that the absence of such a thought entails the absence of anger (*Rh.* 1380b16-18). It is the efficient cause of anger. Being wronged produces anger (*Rh.* 1383b6-7). A man is moved to anger by a slight. For even a trifling slight such as a forgotten name can produce anger (*Rh.* 1397b33-34)." William W. Fortenbaugh, "On the Emotions," *Archiv für Geschichte de Philosophie* 52 no. 1 (1970): 40-70, 59. While this is a helpful attempt to parse the emotions, Fortenbaugh neglects both the material cause of the passions (bodies and minds with their needs and desires) and also the final cause (the object that the passions direct someone to pursue).

exactitude.”⁷ In doing so, however, Grimaldi risks reducing Aristotle’s practical work simply to a theoretical one.⁸ Both criticizing the work’s imprecision and defending its precision miss the complexity of a treatise that addresses matters that admit of variation and uncertainty, as well as the way in which the *Rhetoric* itself illustrates the art of rhetoric that it discusses.

While the passions differ with respect to the dispositions, objects, and occasions that arouse them, a few initial similarities are remarkable. First, each passion is defined as accompanied by a kind of pain. Second, each is accompanied by a kind of longing. Finally, Aristotle’s way of proceeding with respect to the passions is to connect them to an initial judgment about what is good, noble, or just and then to educate that passion according to reason. The effect of this is both the gentling of the passions and their education according to reason. In binding the passions not simply to pain and pleasure but rather to the deliberate pursuit of what is good, noble, or just, Aristotle both elevates the passions by exploring the ways they reflect reasonable judgments and also grounds the underlying desire and actions that might accompany each passion by binding it to particular, political objects.

Yet it is not only the bodily passions that Aristotle ties to particular political objects, but also speech. The divisions of the passions according to goodness, justice, and nobility correspond to Aristotle’s division of the kinds of rhetoric into three: deliberative, forensic, and epideictic. The complex interplay of intellect, reason, need, and desire is

⁷ Grimaldi, Vol. I, 105.

⁸ Fortenbaugh takes a similar position, arguing that in the *Rhetoric* “Aristotle is primarily thinking of the members of the Academy” and is “not especially concerned with people in general.” “On Emotions,” 43.

essential to Aristotle's exploration of the individual passions, and is particularly manifest in his treatment of anger, shame, and nemesis and the speeches about the good, the noble, and the just that correspond to each. In this, as well as other ways, Aristotle's *Rhetoric* is itself a model for rhetoric, one that attempts to educate the judgment of his reader, and in doing so is a rhetoric that transcends his division of rhetoric into deliberative, forensic, and epideictic.

Resisting the Passions

While Aristotle delays his direct treatment of the passions until Book II, he indirectly treats them throughout the *Rhetoric*. References to the passions and the problems and perplexities they bring to the practice of rhetoric suffuse the work. Aristotle raises the possibility that law may be reformed in such a way as to curb the impulse to excessive litigation and in doing so curb the tendency to excessively focus on the practice of forensic rhetoric to the exclusion of other kinds of speech. While Aristotle dismisses other teachers of rhetoric who concern themselves with extraneous matters that have to do with the juror rather than the question of justice before the court, Aristotle goes on to praise courts like that in the Areopagus that forbid speaking outside the matter at hand and as a result prevent speakers from excessive manipulation of their audience's passions (*Rh.* 1354a17-19, 24). Those who have instituted law courts like that of the Areopagus "correctly lay down this law, for one ought not to lead the juror astray by provoking him into anger or envy or pity, since that would be as if someone made that very thing

crooked (*streblon*)” that he intended to use as a measuring rod (*kanōn*) (*Rh.* 1354a25-27).⁹

If passions like pity, anger, and envy fall “outside the matter at hand,” however, how then can Aristotle treat them as part of the rhetorical art in naming these passions that lend credibility to an argument? In this passage, Aristotle’s use of “measuring rod” (*kanōn*) is telling, for it indicates that those who speak outside the art attempt to manipulate what would otherwise provide a standard of measurement by which one could judge an argument being made. Since the standard of measurement for judgment cannot be judgment itself, Aristotle suggests that the judge—his passions included—serves as a standard, albeit one that can be twisted or warped by the rhetorician. In the very introduction to the *Rhetoric* then, the judge’s passions appear as a measure that one might use to judge an argument. While these are susceptible to being twisted by clever speakers who speak outside the art and stir passions that distract a judge from considering the justice, goodness, or nobility of a particular action, Aristotle nonetheless opens by pointing to their role in judgment and indicates an example of a law attempting to protect the passions from manipulation.

Another early example of Aristotle’s indirect treatment of the passions follows quickly thereafter, during his discussion of the advantages and harms that stem from treating forensic rhetoric to the exclusion of deliberative (and, by implication, epideictic, which he refers to later in chapter three). He speaks again of the law’s relationship to rhetoric in addressing the passions. Laws that are laid down correctly are those that determine as much as possible what is up to them and leave as little to the judgments of

⁹ In his later treatment of nemesis, Aristotle speaks directly to possible ways of “blocking” pity (*Rh.* 1387a4-5).

future judges (both deliberative and forensic) as possible. This is because those who make judgments about a particular good in an assembly or unjust action in a court of law are concerned with things immediately present rather than with the “future and universal matters,” both of laws and policies, addressed by lawmakers. Here, Aristotle qualifies his earlier comments concerning deliberative rhetoric, for he presents it now as concerned with the immediate future of particular matters rather than with universal matters. The factor of time has changed with respect to deliberative rhetoric, which is concerned with present and pressing matters as well as those of the future. Time—the nearness of the events judged in the assembly—is directly related to the experience of the passions that are responses to actions and events that occur within its limits. The passions come into play in the *Rhetoric* in conjunction with the press of time. Love, hate, and private advantage, as Aristotle observes, are more likely to be involved and consequently to render the judges incapable of “seeing adequately what is true,” since “their private pleasure or pain clouds their judgment” (*Rh.* 1354b5-11). One might wonder whether those laying down the laws are not subject to the same passions even while they deliberate about the future (see *Pol.* 1280a7-25). Nonetheless the point remains; the passions, because they are closely connected to individually experienced pleasure and pain, do not necessarily lend themselves to correct judgments about justice or the common good.

By addressing the passions indirectly throughout the *Rhetoric*, Aristotle offers a buffer to any misreading of the text as inconsistent with itself.¹⁰ He does not dismiss the passions, even at the beginning; they are crucial throughout to his work. He does at first

¹⁰ See “On Emotions,” where Fortenbaugh observes this misreading of the *Rhetoric* might be found in the work of E.M. Cope, E.L. Hunt, and G. Kennedy. “On Emotions,” 40fn2.

dismiss those who speak outside the art not because they address the juror and his passions but rather because they address his passions to the exclusion of his reason. In reasoning about the passions throughout the *Rhetoric* and particularly in Book II, Aristotle provides another way of understanding the art as one that fosters rather than manipulates reason. The passions cannot be addressed directly (at least initially) until their more problematic features are revealed. Yet even as he reveals the susceptibility of the passions to manipulation, Aristotle opens a way to understanding them as trustworthy standards by means of which one could make a judgment about the truth of a particular situation, even if discerning these standards requires calm reflection and contemplation for completion.

While the passions might impede judgment, they can also inform it, and if anticipated and understood might lend to its correctness and clarity. As Aristotle observes in the *Ethics*, some who deliberate do not abide by their deliberations on account of the passions. However in the same way that “those who anticipate being tickled [might be] unaffected by feeling tickled (*progargalisticheutes*),” it is possible that those who “perceive (*proaisthomenoi*) and see in advance (*proïdontes*) what is coming,” and “rouse themselves (*proegeirantes*) and their calculation in advance, are not defeated by the relevant passion, whether it is pleasant or painful” (*NE* 1150b21-25). This principle applies as much to the passions as it does to the hearers of rhetoric. Aristotle undertakes an education of the passions that requires that we foster the capacity to perceive, to understand, and to act. This education of our judgment is the object of his most extensive treatment of the passions. Examining Aristotle’s depiction of primordial political

passions bears this out and prompts us to wonder about the risks and possibilities the passions pose for political life.

Looking Ahead

Of the eleven or so passions that Aristotle considers at length, three in particular stand out: anger, shame, and nemesis. Each of these passions involves a love or hope that poses a threat to political stability: anger, love of one's own; shame, love of the noble; nemesis, the hope in final justice that only the divine could answer. Each poses an intractable problem for political stability along with a possible opportunity for the formation of a full flourishing polity.

Anger contains an implicit judgment about justice in relation to one's self and one's own, one that I turn to in my sixth chapter. It is aroused when we feel that another has unjustly wronged either ourselves or those whom we love as our own. My treatment of anger is joined to a treatment of deliberative rhetoric, which, while it serves as a general model for forensic and epideictic speech, is directly concerned with the good or advantage of oneself and one's own. Insofar as the outrage that accompanies anger might lead someone to "take justice into his own hands," it poses a threat to political and even moral stability. Aristotle's education of anger models a taming of that passion and a way of showing his readers how the passion might be directed away from destruction and towards what is good for oneself and one's own. Aristotle reasons with our anger by binding it to deliberation.

The experience of shame is bound to yet another kind of judgment; namely, a judgment about what is beautiful or noble. This passion, explored in my seventh chapter, is accompanied by a corresponding sense that we ourselves have failed to live up to our

longing not only to seem but also to be noble; a sensation that arises when we judge either ourselves or those we care about as base. Epideictic rhetoric is especially related to shame, for that which is praised and that which is blamed in speech has profound import for our understanding of what is noble, and, hence, whether we ourselves have lived up to the standards of nobility. What a rhetorician or the law proclaims to be noble will direct the love, devotion, and actions of citizens; what these treat as base will arouse hatred, disgust, and deter certain actions in a community. Aristotle's treatment of shame demonstrates how a rhetorician might draw "what is held in honor" by a particular community closer "to the noble" in such a way that the city's and the soul's character may preserve its integrity in speech and in deeds (*Rh.* 1367b11-13). This task requires that the rhetorician educate the community's judgment of what is noble or beautiful.

Finally, the judgment that good people ought to be rewarded and that bad people ought to suffer punishment accompanies the passion of nemesis. Nemesis, the theme of my eighth chapter, is characterized by this hope that human beings will be rewarded and punished in accord with merit, and is a longing that Aristotle suggests could be brought to completion only by the divine. Nemesis, like anger, is primarily concerned with justice; unlike anger, it is not aroused immediately oneself or one's own interests, but rather on account of the seeing an evildoer prosper. Hence my treatment of nemesis is joined to Aristotle's treatment of forensic rhetoric, speech that aims at attaining justice to the degree possible in considering matters of injustice. Aristotle educates nemesis by directing it away from attempting to institute divine justice in the city and instead teaching one who experiences nemesis to search for what is just by nature. The quest for a natural standard of justice, rather than exciting the wrath of Aristotle's readers, might

curb it, both by revealing the limits of political justice in any regime and also by encouraging them to act for the sake of justice even in the midst of these limits.

Each of the passions explored contains an implicit judgment about justice or nobility that must be directed towards the common good in a city or a soul that aims not only at living but living well. If the rhetorician Aristotle intends to educate should hope to see and to shape the soul of the city or of a student in a manner that might allow it to flourish, the passions and their judgment about justice and nobility are of utmost importance.

CHAPTER SIX

Anger's Deliberation: the Problem of One's Own

Anger (orgē)

Love of one's own is a central problem of political life. Thumos, the spirited love of justice, and the sense of worth that it entails leads human beings to demand justice not only for themselves but for those close to them; relatives, friends, even fellow citizens—those who Aristotle speaks of as “one's own.” Anger is the passion that demands justice for oneself and one's own, and is aroused at the perception of the belittling of oneself or one's own when that belittling is thought to be unjustified (*Rh.* 1378a30-32). It is also the first of the passions that Aristotle treats at length in the *Rhetoric*. A thumotic soul, should his sense of worth be called into question, could become either enraged or despondent. His propensity to become angry might even lead him to question the foundations of political justice, a tendency manifest in the speech and deeds of Achilles in Homer's *Iliad*, to which Aristotle refers no fewer than five times throughout his account of anger. Anger in its cries for justice for oneself and one's own poses a threat to political stability when this thirst for justice is thwarted. Aristotle attempts to educate this passion and the sense of justice it manifests through rhetoric. By drawing his audience into deliberation about anger, Aristotle tames and perhaps even deepens the desire for justice it manifests.

There is one problem that might immediately come to mind: angry people tend to be irrational and act contrary to reason and to their own good. The angry person might “cut off his nose to spite his face.” The problem is this: how can anger be educated if it

leads us to act contrary to reason on so many occasions? If I am correct in claiming that Aristotle attempts to educate the passion of anger by mixing it with deliberation (that he educates anger by bringing us to reason about it), how can this be reconciled with the experience of anger's seeming irrationality? Can an angry person ever be brought to act in accord with deliberate choice and human freedom? Can anger be governed by reason?

To answer these concerns it is necessary to turn to Aristotle's treatment of deliberative rhetoric, the form of speech that considers and moves us to judge what is to one's good or advantage. By first teaching his audience to deliberate well concerning what affects oneself and one's own, Aristotle puts us in a position to better understand and to be edified by his later treatment of anger; an investigation that moves us to see and reexamine our own desire for justice and the expectations about political life this reveals.

Deliberative Rhetoric

Judgment, the "for the sake of which" (*heneka*) of rhetoric, cannot be exercised in the absence of deliberation. The human capacity for speech—man's most distinct faculty—allows for deliberation about different possibilities and courses of action that one might choose among in making judgments. It is precisely the capacity for deliberation, one implicit in man's possession of reasoned speech (*logos*) that allows for deliberate choice, and it is deliberate choice (*proairesis*) that distinguishes rhetoric from sophistry and is also the primary manifestation of character, as was previously noted. Deliberative rhetoric primarily concerns the advantage of one's own city and, as noted, is best judged in relation to what is one's own. The love of oneself and one's own, the desire and need to protect what is good for those that fall within one's own responsibility, is the aim both of one who deliberates and also of one who grows angry.

In treating deliberative rhetoric with an eye to exercising the capacity to deliberate and thus to judge well, Aristotle explores the limits and possibilities of human beings' capacity to act well within the political and moral sphere that immediately affects them. Three aspects of Aristotle's treatment of deliberative rhetoric are relevant to understanding his account of anger. The first consists in his emphasis on the relationship between deliberation and deliberate choice, a discussion that parallels and expands his account of deliberation in Book III of the *Nicomachean Ethics*. The second concerns the way in which deliberative rhetoric proves essential to Aristotle's distinguishing rhetoric from political science. The final aspect of deliberative rhetoric that must be examined is the way that it, more than any other kind of speech, brings together the common and the private in a community. It does so both by directing individual need and interest toward a common good and also by using individual interest to curb the unjust use of rhetoric by misused appeals to the common good that in fact abstract from the good of oneself and one's own. All of this serves to reveal the ability of speech about the advantage or good of what belongs to oneself or one's own to educate the passions aroused in relation to oneself or one's own. Deliberative rhetoric, like anger, arises in relation to "oneself or to one's own (*tōn eis auton ē tōn autou*)" (*Rh.* 1378a31).¹ To see clearly what it is that guides deliberation within one's political community—love of one's own—is to grasp an essential part of the shared speech necessary to complete community and the foundations, possibilities, and limits of political community (*Pol.* 1252b27-30).

¹ Aristotle also defines gentleness, love and liking, and fear as passions stirred directly in relation to oneself or one's own. In contrast, passions such as envy and nemesis bear no direct relation to oneself and one's own, as Aristotle defines them. For example, the envious person does not envy his neighbor's goods because he is in need of them, but rather because his neighbor is "like himself." Envy stems not from need for an absent good but from an ignoble sense that another who is my equal has more than I do. An equal's having something good does not detract from the envious person's good but rather his sense of equal worth.

Deliberative Rhetoric and Deliberate Choice

Deliberation (and hence deliberative rhetoric) is concerned with seeing in advance different possibilities to be pursued or avoided in human action, and human action, according to Aristotle, is never simply a matter of necessity but also of intellect and choice. This is evident when in investigating the enthymeme Aristotle states in passing why its premises are derived from matters that “hold for the most part” rather than from necessary things: people deliberate about what they will act on, and human actions “admit of going different ways,” and, thus, no action is simply by necessity (*Rh.* 1357a23-26; see also *NE* 1112b7-10). The capacity of seeing in advance what could be otherwise allows for acting in a methodical way according to choice rather than simply as a response to a compulsion, to chance, or to mindless habituation (see *Rh.* 1354a1-10). In this possibility of foresight that Aristotle raises in introducing his *Rhetoric*—in the capacity to see (*theōrein*) “the cause on account of which people attain their target”—lies the possibility that speech about what is good, just, and noble can be according to art rather than chance, habit, or luck (*Rh.* 1354a5). We do not deliberate about the end (*telos*), as Aristotle notes in the *Ethics*, but rather about “the things conducive to the ends.” For example, a doctor deliberates no more about whether his aim is to make someone healthy than a rhetorician does about whether his aim is to persuade or a politician whether his object is to produce good order; rather each deliberates about and investigates the proper way to wished for ends (*NE* 1112b11-17). Not all things are up for debate; however, the things that we deliberate about largely involve the means to attaining a particular good that we seek.

Human beings deliberate precisely because we have choice—not in all matters, but in those that admit of going different ways (*allōs echein*) and that are up to us to judge. The things that most admit of being decided differently largely involve human action. Deliberation therefore does not concern eternal, necessary, or chance things, but rather what is “up to us and subject to action” (*Rh.* 1359a31-b1; *NE* 1112a31-33). We deliberate about things that are traceable back to us and, when inquiring into rhetoric, “investigate things up to the point at which we discover whether they are possible or impossible to do” (*Rh.* 1359b1-2). We deliberate only to the extent that an action is possible and to the extent that we might cause it—that is, insofar as a given matter affects ourselves or our own.

In his overview of the three kinds of rhetoric, Aristotle states that it is necessary for all speakers, whether they are employing deliberative, epideictic, or forensic rhetoric, to make use of certain kinds of propositions concerning the possibility or impossibility of a course of action. All speakers alike must make propositions about what is possible (*dunatos*) or impossible (*adunatos*) in order to be persuasive and make complete their arguments concerning what is good, just, or noble. This is particularly true of deliberative rhetoric, which concerns matters of the good and the advantageous that are more tied to common action than are matters involving noble action and private wrongs judged in law courts. It is necessary to make propositions about an action’s possibility precisely because these propositions will play a role in lending credibility to the likelihoods, signs, and examples upon which rhetorical reasoning draws. The question of possibility plays a more obvious role in deliberative rhetoric, for people do not give advice about things that are the case necessarily, are incapable of happening, or about things by nature or from

chance. Rather deliberative council is concerned with matters that are “naturally referred to ourselves” (*pephuken anagesthai eis hēmas*), and the origin (*archē*) of which is “up to us”—that is, it is concerned with matters that depend on us for existence and that we are particularly responsible for (for example, children, noble deeds, etc.). Further, Aristotle contends that we investigate a subject only up to the point that we discover what is possible and impossible for us to do (*Rh.* 1359a30-b2). The impossible, like the necessary, brings deliberation to a halt.

Whereas Aristotle’s discussion of deliberation in the *Rhetoric* emphasizes the limitations imposed by necessity and possibility, his discussion in the *Ethics* draws attention to the importance of deliberate choice. The aim of deliberation is not mindless quarrelling about impossible wishes or even the investigation of eternal or necessary matters entirely beyond human control but rather deliberate choice about matters left up to us to determine. “The object of deliberation and the object of choice are the same thing,” Aristotle claims in the *Ethics*, “except that the object of choice has already been determined, for that which has been judged by deliberation is what is chosen” (*NE* 1113a4-5). As emerged in Aristotle’s treatment of character as a cause of trust that belongs to the art of rhetoric, deliberate choice is deeply connected to the education and manifestation of character. Human beings choose (*hairountai*) things with reference to the end (*telos*). In light of this, Aristotle argues that character (like sophistry) is manifest as a result of deliberate choice (*proairesin*) (*Rh.* 1366a5-6, 18). In the *Ethics*, he qualifies his definition of the ending point of deliberation in arguing that he who deliberates “ceases investigating (*zētōn*) how he will act when he necessarily traces the origin [of the action] back to himself and to what it is in himself that leads the way (*hautou eis to*

hēgoumenon); for this is the thing he chooses” (*NE* 1113a6-7). Choice, as Aristotle comes to define it in the *Ethics*, is “deliberative longing for things that are up to us. For in judging something on the basis of having deliberated about it, we long for it in accord with [the result of] our deliberation” (*NE* 1113a11-13).

The act of deliberation is limited first by the possibility (*dunatos*) of an action occurring, and secondarily by the possibility of taking responsibility for that action by virtue of being its cause. In this way, Aristotle reveals that while human actions are limited by what is necessary, by nature, and by chance (for we do not deliberate about these things but investigate them), there are matters that human beings control and in relation to which they must act. The capacity to see or discern things, whether they be the causes of success, the available means of persuasion, or both sides of an argument, allows for deliberate choice, and this in turn renders human freedom a possibility. Thus rhetoric is aimed at exercising the capacity to choose deliberately in accord with reason rather than to be blown about by the winds of chance and necessity, for one might say no human action is by necessity. Deliberative rhetoric in particular is aimed at acting for the sake of the good in relation to oneself or one’s own, a possibility rendered impossible without seeing both what ought to be pursued and what avoided.²

Deliberative Rhetoric and Political Science

Of the three kinds of rhetoric, deliberative is the most obviously political in its concern with the common good, for it involves considering the way one’s own advantage must be directed towards the common good, and the common good must be directed

² Again, to be persuasive, one needs to be capable of reasoning to opposite things “not in order that we might act on both,” but so that “the way things are might not go unnoticed” and so that we ourselves might not be manipulated by the unjust use of arguments by others (*Rh.* 1355a30-34).

towards the good of individuals and their households. Deliberative rhetoric is so political that Aristotle continuously seeks to distinguish it from political science simply, which is “architectonic” and he completes this portion of his work (*Rh.* I.4-8) by pointing his readers to the *Politics* where matters like regimes and character are “examined with precision” (*Rh.* 1366a3).³ But precision or exactitude about politics does not belong to rhetoric as such, at least with respect to the content of rhetoric. It is not required in a study of rhetoric “to seek to enumerate each of these particulars [belonging to politics] with precision” or even “to make definitions about them as far as possible in accord with truth” (*Rh.* 1359b6). While it might be helpful for a rhetorician speaking about the best way to educate the young to investigate the nature of the Spartan regime, as Aristotle does in the *Politics*, he distinguishes this more precise investigation of political things from rhetoric. Aristotle affirms here what he had alluded to earlier in stating that some enthymemes reflect a “rhetorical procedure,” while others reflect instead “other arts and capacities.”

Rhetoric is a capacity and an art rather than a science. Thus the more precise the premises from which the rhetorician proceeds and the more they represent “special topics,” the more a speech will cease to be rhetoric and will become the particular kind of knowledge whose starting points or principles (*archai*) are grasped (*Rh.* 1358a5-7, 24, 26-27). This is perhaps why those who speak simply and close to matters at hand are more successful in a crowd—that is, simple speakers often stir more excitement than policy wonks (see *Rh.* 1395b27-1396a4).

³ Topically, Aristotle’s treatment of deliberative rhetoric could be divided as follows: I.4: Possible and Impossible Actions for which We Are Responsible; I.5: Happiness; I.6 The Advantageous and The Good; I.7 Greater Good and More Advantageous; I.8 Character and Regimes.

Instead of exact premises, rhetoric is concerned with “common topics” such as possibility and impossibility, greatness and smallness, and propositions about what is greater and lesser.⁴ The common topics belong to all three kinds of rhetoric, in contrast to the “special” or “particular” topics, such as geometric axioms, that serve as the starting point of a particular science. While no art investigates the particular thing, which is an “infinite (*apeiron*) and unknowable thing (*ouk epistēton*),” rhetoric more than any other discerns and reasons upon the basis of what is common amongst ordinary people by way of common opinions (*Rh.* 1356b30-35). This is not to say rhetoric is not amenable to the truth, but that scientific precision does not belong to the judgment produced by rhetoric. “To the extent one tries to make either dialectic or this art [rhetoric] into a kind of scientific knowledge (*epistēmē*) rather than a capacity (*dunamis*), one will unwittingly obliterate their nature by transformation, re-making them into knowledge of some underlying subject matter rather than of arguments only” (*Rh.* 1359a31-b17). Rhetoric reasons from and rests upon what is held in common; for this reason Aristotle states his intention is to mention only “as many things as it is useful to distinguish” while leaving what belongs to the science that has to do with politics to another investigation (*Rh.* 1359b18). It is also for this reason that the less that is held in common by one’s audience, the less a speaker will say if he is to successfully persuade.

Even while Aristotle distinguishes rhetoric from politics, he indicates repeatedly that the artful practice of deliberate rhetoric requires a certain amount of political

⁴ The common topics belong to all three kinds of rhetoric; for example, deliberative rhetoric may consider the greater or lesser advantage of sending a greater or smaller expedition to Sicily, just as a jury might weigh the greater or lesser injustice of a public act of sacrilege. Propositions about what is “greater” and what is “lesser” are common to matters of justice (public impiety) and to matters of advantage (the size and desirability of an expedition).

experience, not only familiarity with the ways of one's fellow citizens but also with the ways of other regimes. While this investigation of regimes belongs properly to political science rather than to rhetoric, the politician cannot communicate the significance of his investigation without rhetoric, nor can the rhetorician speak about politics at all without engaging in the politician's investigation. The significance of this distinction is that it allows Aristotle to fulfill the task set forth at the end of the *Ethics*, namely, to bring together speeches about political things with experience of political things (*NE* 1180b31-12). One who aims to become a "skilled legislator" can do so only by mastering both the rhetorical art and also the political art. He can bring them together only to the extent that they remain distinct.

Accordingly, Aristotle lists five topics that everyone in common deliberates about and that deliberative speakers must address: finances, war and peace, the guarding of territory, imports and exports, and lawmaking. Aristotle speaks briefly about what is necessary to investigate in each case. Any deliberative speaker giving advice about these matters must not only be acquainted with matters as they stand within his own experience, but also be able to learn from the experience of others—a learning aided by political inquiry. "And not only is it possible to get a general view of these things from experience in private matters, but also necessary to be inquisitive about things that have been found out by others, for the purpose of advising about them" (*Rh.* 1359b19-33). What affects oneself and one's own is fully visible only in relation to another.

In addition to learning from the experience of other citizens, it is necessary in each of these five matters of deliberation that the one giving counsel be familiar also with the ways of other regimes. For example, in discussing lawmaking as one of the five

matters that all deliberate about, Aristotle asserts that safety, be it in finance, war, guarding, or trade, depends on lawmaking, “for the preservation of the city is in its laws” (*Rh.* 1360a20). In order to make good laws it is necessary to know “how many different regimes there are, what is advantageous to each, and what things each is naturally destroyed by, among both the things inherent in it and those opposed to it” (*Rh.* 1360a21-23).⁵ In order to grasp these things, Aristotle suggests that “travels around the earth (*hai tēs gēs periodoi*) are useful” because this allows for coming to understand the laws of various nations, as do writings that investigate the deeds of other nations. These particular and specific investigations belong to the study of politics, not to rhetoric. Nonetheless, rhetoric can and must mention them, and the one giving advice must demonstrate a familiarity with these things, otherwise his speech will not be persuasive, for he will look like one of the Sophists Aristotle criticizes at the end of the *Ethics* who speak about politics but lack experience. The study of politics and the study of rhetoric cannot be conflated, because they differ in their topics, audiences, and ends, yet neither may be practiced without the other.

In this way, Aristotle indicates that deliberative rhetoric bears a special relationship to law and is largely directed towards an audience in the process of making laws—a process linked to consideration of what is good for oneself or one’s own community. It is deliberative rhetoric’s concern with the good of one’s own that brings it close enough to touch the art of politics, without melting into it or parading around disguised as politics as Aristotle warns happens overmuch (see *Rh.* 1356a26-27). Should

⁵ Aristotle’s example is that is democracy destroyed by its inherent excess: it is weakened not only when slackened (in which case it becomes oligarchy) but also “when it is made extremely ridged” (*Rh.* 1360a27).

rhetoric be mistaken for politics, politics will descend into mere speeches that will lack the experience necessary to develop political wisdom. Only to the extent that speech is tied to experience and rhetorical art to political knowledge might the legislative task Aristotle calls for at the end of the *Ethics* come to fruition. Indeed, even if one should fail to become a lawmaker for the city, it would seem “appropriate for each individual to contribute to the virtue of his own offspring and friends, or at least to make the choice to do so” (*NE* 1180a30-33). In other words, the task of becoming a “skilled legislator,” or rather an education in a comprehensive sense, begins, Aristotle suggests, from a concern for one’s own, a concern that is best cultivated by keeping rhetoric and politics distinct.

Deliberating About Common Goods with Particular People

Determining what is good or advantageous policy at any time proves difficult yet necessary to a political community, for inasmuch as this form of rhetoric involves one’s own it can never be far from anger, aroused when one’s dignity or worth is questioned, as inevitably will occur in the midst of heated deliberation involving one’s interest.⁶

Aristotle’s concern in opening the *Rhetoric* consists in directing those who practice the art towards deliberative rhetoric and away from forensic, which aims primarily at justice rather than advantage. The problem of forensic rhetoric Aristotle addresses is that its practitioners focused not on complete justice, but the partial advantage of those who commit injustice. As practiced, forensic rhetoric had come to be understood as manipulation of the judge’s passions in a court of law (see *Rh.* 1354a16-19). Thus, his objective is to direct his readers to the statesmanship inherent to deliberative rhetoric in its concern for the common good and away from the private interest that characterizes

⁶ This might also be said of love and liking, hatred, and fear in Aristotle’s account in Book II.

forensic rhetoric in its concern with private harms and partial advantage (as opposed to common goods). This is because forensic rhetoric, as it is currently practiced, discusses what pertains to an individual (concerning whether his past actions are just or unjust) and thus has a tendency to aim not at the common good but at private advantage.

Forensic rhetoric must be educated by deliberative rhetoric to curb this practical proclivity. While the way of proceeding (*tēs ousēs methodou*) involving the causes of trust is the same for both deliberative and forensic rhetoric, other supposed teachers of rhetoric focus only on forensic rhetoric because in private transactions—those considered in a court of law—it is easier to speak outside the matter at hand and to manipulate the judge’s passions. In the case of those who judge in particular circumstances, “love and hate and private advantage are often directly involved, so that they are no longer capable of seeing adequately what is true, but their private pleasure or pain clouds their judgment” (*Rh.* 1354b24, 10-11). This is particularly true of judges in a court of law who make a decision about another person’s interest rather than their own and so, looking at things “from their own perspective and listen for their own pleasure, they give themselves over to the parties in dispute rather than judging them” (*Rh.* 1354b34-35). Forensic judgment is most likely to admit of corruption precisely because one’s own interests are not involved in the judgment of particulars. Aristotle suggests then that forensic rhetoric must learn from deliberative rhetoric, for the involvement of one’s own interest curbs the possibility of manipulation through pleasure, which is the practical tendency of forensic rhetoric.

Indeed, this is all the more evident when Aristotle presents the possibility that an assembly member’s judgments are more trustworthy than those of jurors precisely

because they are bound to an assembly member's concern for, and even passionate attachment to, his own good. A member of an assembly is one who makes a judgment "about his own" (*peri oikeiōn*) (*Rh.* 1354b30). In Aristotle's works, things understood to be one's own include one's household, family, and property—anything that falls within one's immediate responsibility and concern. Aristotle thus presents love of one's own in certain cases as an obstacle to sophisticated manipulation that would divorce general speech about the good from good things. A law must be judged by how it affects oneself and one's own. Even, for example, in judging the merits of trade legislation, the legislator ought to weigh its merits in light of the policy's effect on his own household or constituents. In keeping with his presentation of the judge and his passions as a standard of measure by which one might judge correctly a particular situation, Aristotle raises a perplexity inherent to human judgment. Judgments are not made in a timeless void but amid ongoing and indefinite circumstances. Accordingly, the passions, which are things suffered rather than chosen, as indicated in the name, and which Aristotle elsewhere defines as "movements," are not only inseparable from but also appropriate to the exercise of judgment.⁷ Thus, even while the prospect of pleasure or pain might cloud judgment it also, as in the case of deliberative rhetoric, might contribute to it.

Strangely enough, the private pleasures and pains experienced by judges in a court of law are more likely to impede their judgments about the private interests of others than are those experienced when making judgments about their own good in a public assembly. Here, the causes of trust intrinsic to rhetoric come into play because what one ought to do when speaking in an assembly is "to demonstrate that things are the

⁷ Etymology of *ta pathē* derived from *paschō* "to suffer." LSJ, 584.

way the one making the proposal claims” (*Rh.* 1354b30). While one ought to employ demonstrative reasoning both in public assembly and also in a court of law, deliberative rhetoric serves as a model for the other kinds of rhetoric in channeling private interest, passion, and desire towards a greater whole, the common good. Aristotle raises the possibility that deliberative rhetoric may be employed to make laws that “determine everything that can be determined by [the laws] and to leave as little as possible up to those doing the judging” (*Rh.* 1354a33-34). Passion here lends to rather than detracts from judgment. In this way, Aristotle reveals that the Greek propensity towards litigious rhetoric is not by nature but is the result of laws that have not been laid down correctly. He concludes his initial observations about deliberative rhetoric by noting that this tendency to turn forensic speech into manipulation is the reason “the law in a number of places,” not Athens, “prohibits saying things extraneous to the matter at hand.” However, unlike judges in a law court, “in the assembly the judges themselves are sufficiently on guard” against the manipulation wrought by extraneous appeals to passion (*Rh.* 1354b15-55a3). Consideration of one’s interest safeguards us from speech that abstracts from our own interest even while it might otherwise move us appeal to a particular passion.

Even while private interest, pleasure, pain, and passion can distort judgment, Aristotle’s contrast between deliberative and forensic rhetoric indicates that they might also come to its aid, a possibility he explores further with respect to one’s own in his treatment of anger. In doing so, he offers another way of determining how to make better laws by allowing the common good to be judged by a broader range of private interests. Law, by directing human beings towards certain actions and away from others, shapes their habits, and with their habits, their character and passions. The passions of the

deliberative audience are less subject to arbitrary manipulation because the good of the individual addressee is at stake. Unlike the juror who listens to another's dispute for private pleasure, the deliberative assemblyman considers his own future and judges it according to the needs and interest of his household. Paradoxically, judgments about laws in accord with the common good are best made when judged according to private interests. Laws laid down with respect to the assembly are in this way like good habits: "neither by nature" nor "contrary to nature" (*NE* 1103a24).

It is in relation to political judgments about the good and advantage of one's own in assemblies that Aristotle introduces the passions into his account of rhetoric. The role they play in practical judgments is not deleterious to correct judgment but an opportunity for education in a way that fosters deliberate choice in a variety of circumstances. As for "just about every person in private and all people in common there is a certain target": happiness and its parts are the aim of every action that we deliberate about. All action aims at happiness and its content, or at least at what seems or appears to be happiness to different individuals and members of different regimes. That understanding is revealed in "the things people choose and avoid" (*Rh.* 1360b5-6). In this way, Aristotle's discussion of deliberative rhetoric not only opens the way for but also requires his extended treatment of the passions in Book II. Insofar as rhetoric is for the sake of judgment, it involves not only seeing what is left to human choice in action, but also coming to see the manner and extent to which personal and political judgments may be influenced by the private pleasure and pain that accompany the passions we experience (*Rh.* 1377b20-1378a5).

The bringing together of what is held privately (pleasure, pain, interest, one's own) with the common good within the community is made possible by means of rhetoric—that is, the art that allows us to navigate the indefinite circumstances that surround human life and establish the shared understanding of justice necessary for human flourishing. The *Rhetoric*, then, bridges the gap between common political life and love of one's own, as becomes all the more evident in Aristotle's treatment of anger, which, like deliberative rhetoric, is concerned with one's own. To summarize what we have seen, while rhetoric aims at judgment concerning the advantageous, the noble, and the just, these admit of variation and uncertainty. Speech about such matters is necessarily based on common opinion as well as reasoned argument. Moreover, the passions of individuals, which both inform and impede judgment, have a major role in rhetorical persuasion. The very limitations that these factors impose on reason in political life, however, allow Aristotle to forge a link between common goals and individual difference, both of which for Aristotle are necessary to a political community.⁸

In this way, the investigation of deliberative rhetoric points beyond itself to an examination of the passions that themselves reflect and inform judgments about what is good, just, and noble. This is particularly true of anger, which reveals an expectation about what in justice is owed immediately to oneself or one's own, an expectation largely informed by the laws, customs, and poetry of the political community.

⁸ For example, Aristotle suggests that for a political community to exist some things must be held in common and others must not, implying that some things ought to be held in private (see *Pol.* 1261a1-4).

Anger (orgē)

Anger, like deliberative rhetoric, concerns oneself and one's own. Aristotle initially speaks of anger as pain at the apparent belittling of oneself or one's own and pleasure in the contemplation of revenge or retribution (*timōria*). Over the course of his account, Aristotle gradually redirects anger away from the pleasure that accompanies contemplating revenge and towards understanding the pain that is the source of the desire for revenge. He accomplishes this by revealing the way the passion of anger is bound to the longing for justice in relation to oneself and one's own and the forgetting of one's good or advantage, which accompanies this pain; that is, he educates the angry person (or at least one prone to anger) by reminding him and strengthening his memory of his forgotten good. Like deliberative rhetoric, anger is stirred when one, and one's own, are involved, yet unlike deliberative rhetoric anger largely involves a forgetting of what is good or advantageous for oneself and one's own; for we easily lose sight of our good or advantage when caught in the angry pleasure that accompanies imagining revenge. As described by Aristotle, anger has a concrete object (for example, "one can be angry at Cleon, and not at a human being in general") and a particular underlying cause, need or unfulfilled desire (*epithumia*) for an absent acknowledgment of worth (*Rh.* 1378a34, 1378b4; see 1379a12-23). Understanding the underlying expectation of just treatment that informs anger serves both to educate and moderate Aristotle's audience's experience of it and also to allow them to grasp more deeply an intractable aspect of political life: the political anger that arises when the regime fails to take into account the needs or concerns of varying factions.⁹ Aristotle educates our anger by reminding us of our good as

⁹ See for example the cursing of the oligarchs and the demos in Aristotle's *Politics*. Burns and Pangle maintain that these curses highlight the danger posed by different factions (the rich and the many)

individuals and as members of communities and teaching us to reason about our good even when passion's illusions sing their siren song. To anger Aristotle adds deliberation.

At first, Aristotle defines anger as a “longing, accompanied by pain, for manifest retribution (*timōrias phainomenēs*) on account of manifest belittling (*dia phainomenēn oligōrian*) of oneself or anything of one's own, when that belittling is not appropriate” (*Rh.* 1378a30-32). Aristotle's introductory definition of anger has a number of components. First it emphasizes that anger, like all the passions, is a kind of longing (*orexis*), and thus is something that belongs to both the rational and nonrational parts of the soul as Aristotle names them at the end of Book I of the *Ethics*.¹⁰ Further, this particular longing is for “manifest retribution” and is accompanied by pain that has a definite cause—that is, being manifestly belittled by another. The word that I translate “manifest,” *phainomenē*, admits of an ambiguity that permeates Aristotle's treatment of anger in particular. Sachs's translation of this word as “apparent” captures the ambiguity of the Greek. Aristotle exploits the ambiguity. In the first place, his definition claims that we desire manifest—that is, visible—retribution for manifest insults. Aristotle suggests here that another's belittling actions make a wrong against oneself externally or publically manifest in a way that requires some kind of external or public acknowledgement (manifest) and correction. However, Aristotle leaves open the possibility that a slight is only “apparent.” An angry person's misperception of another's actions and intentions, or a misestimating of his own worth could cause a slight, in which

whose claims to rule are overlooked by the regime. See Burns, Timothy W. and Thomas L. Pangle. *The Key Texts of Political Philosophy: An Introduction* (New York: Cambridge University Press, 2013) 96-105.

¹⁰ Of course, Aristotle in *De Anima* denies the possibility of dividing the soul in this way [citation to *De Anima*], and, even in the *Ethics*, suggests that the rational and non-rational parts of the soul are separable only in speech but not in reality, like the convex and concave of a circle (see *NE* 1102a26-32).

cases the slight would be only apparent. Aristotle's definition of anger thus points in two directions. We desire retribution that is visible in the same way that belittling actions are visible or "manifest."¹¹ At the same time, Aristotle also allows that an angry person is wrong about what he longs for and perceives. Aristotle allows for the possibility that anger might result from a misperception of what has occurred, of another's intentions, or of any number of other factors when one deems that "that belittling is not appropriate."

Aristotle's initial definition has the quality of circumscribing anger in a way that binds it to a judgment about what is befitting or properly belonging to one's worth—that is, the respect that is owed to oneself. This judgment reveals an expectation or assumption about what is owed to oneself (and one's own) by virtue of one's supposed dignity or worth. The pain that accompanies anger's longing for retribution stems from another's having upset the expectations of the angered person and is the result of thoughts concerning his worth or rank. While pain accompanies the sense of being inappropriately belittled, Aristotle observes that anger is simultaneously accompanied by pleasure that "follows every feeling of anger from the hope (*elpis*) of getting retribution" (*Rh.* 1378b3). In this way, Aristotle indicates that feelings of pleasure and pain are the underlying cause of anger, both of which, he later warns, are capable of distorting thoughts or imaginings about what is possible.

In order to deepen his audience's understanding of the distortions of pleasure and pain that stem from the upsetting of expectations about what is owed, Aristotle repeatedly

¹¹ Aristotle makes a distinction between punishment and retribution. Whereas "punishment (*hē kolasis*) is for the sake of the one who suffers it (*tou paschontos heneka*)," "retribution (*timoria*) is for the sake of him who does it (*poiountos*) in order that he may obtain satisfaction" (*Rh.* 1369b15 ff.). Punishment is owed to the one who commits a wrong whereas retribution is owed to the one who has been wronged. One who has been wronged owes himself retribution—that is, acknowledging and, to the extent possible, making right the wrong he has suffered.

directs us to consider the relationship between what is felt to be desirable under the influence of anger and what is possible. For example, Aristotle initially attempts to tie the pleasure that accompanies anger to situations in which attaining retribution is actually possible. This is because “it is pleasant to imagine one will attain things one desires” and no human being “aims at (*epietai*) things that are obviously impossible for him, but the one who is angry aims at things possible for him” (*Rh.* 1378b4-5). In this way, the longing (*orexis*) involved in anger is not “empty and pointless” (*NE* 1094a21), but has a definite object: the manifest retribution that will restore the respect or honor justly owed to oneself or one’s own. What seems possible serves as a defining boundary around what is pursued in human action because “for the most part, no one loves or desires (*epithumei*) impossible things” (*Rh.* 1392a25).

Although human beings, particularly those under the influence of love and desire, seem to desire the limitless—what is beyond human possibility—Aristotle insists that for the most part no one loves or desires impossible things. Passion moves us to act, and action is directed towards attaining what seems possible. The angry person in his hoping for retribution—the restoration of justice—is likely to forget his own good, need, and advantage. Thus, by limiting the indefinite desires and longings of human beings to definite objects, Aristotle attempts to teach his readers to distinguish between illusions about what is possible and what is actually possible, and, more importantly to revisit and revise the thoughts and expectations that underlie that passion. In emphasizing the angry person’s hope-filled longing for manifest or apparent revenge, he raises the problem of illusion about what is in fact possible (or even truly desirable) in pursuing retribution. Aristotle’s definition and treatment of anger underscores the problem that anger is tied to

illusion about what is possible: experiencing anger distorts one's judgment, leading one not only to forget one's good, but also to believe that the impossible is possible. Yet in tying passion to action and action to possibility Aristotle teaches one who has experienced anger to remember both the good and the limits of the possible that anger might otherwise lead him to forget.

By defining anger as he does, Aristotle reveals the contribution one's thoughts, beliefs, and expectations about what is due to oneself and one's own make to the stirring of anger. As his account unfolds, Aristotle raises his reader's awareness to the extent to which these thoughts are informed not simply by natural desire for justice but also shaped by one's community through law and, in a special way, through poetry.

Anger's Poetry: The Iliad on Anger

An appreciation for the way Homer's poetry has shaped the passions and with it the understanding of justice that belongs to his immediate audience particularly marks Aristotle's treatment of anger in *Rhetoric* Book II. This passage contains no fewer than five references to the *Iliad*, three of which are spoken by or about swift-footed Achilles, hero of the Achaians, and two of which concern Agamemnon, king of the Argives at the time of the Trojan War. As scholars have noted, Aristotle's treatment of the passions is very general, "to some extent deficient," or even "incomplete."¹² However, given that Aristotle claims that rhetoric is useful for navigating the indefinite matters that admit of variation and uncertainty—that is, politics—the general definitions and treatment of the passions leave much to his audience's imaginings and experience to supply what is lacking (see *Rh.* 1355b9). Even so, Aristotle does not leave his audience adrift in

¹² Fortenbaugh, "On the Emotions," 47.

generalities. His frequent references to Homer allow for a common understanding of the experience of anger that, he emphasizes, is something individuals experience privately (*idion*) rather than in common. Again, it is not until he turns to the passions that Aristotle explains that human beings differ in their judgments precisely because they experience the pleasures and pains that accompany the passions differently (*Rh.* 1378a19-21; see 1377b25-78a6). It is through his use of particular examples that Aristotle overcomes the difficulty of speech's generality. With the aid of poetry, Aristotle forges a common understanding of a particular passion, anger, and the account of justice that necessarily accompanies it.

It is fitting that Aristotle's own consideration of anger is supplemented by the particular epic that sings of the wrath (*mēnis*) of Achilles and its consequences for his life, friends, and country. Through his use of the *Iliad*, Aristotle complements his general definition and account of anger with particular examples; however, he does apparently little to develop these examples. In this way, Aristotle invites his audience to think about the meaning of anger by way of commonly known passages and examples. Amongst Aristotle's immediate audience Achilles' words and deeds are well known. And because these examples are renowned, a brief mention of them suffices to illuminate Aristotle's account, as is made clear when Aristotle discusses of the importance of narration in Book III. In epideictic speeches that aim at the noble, one need "only remind people of well-known actions." For this reason, "many speeches have no need of a narrative, as when you want to praise Achilles, since everyone knows his acts, and one needs only to make use of them" (*Rh.* 1416b16-29). Aristotle's explanation of narration is reminiscent of the enthymeme's unstated premise, which need not be stated precisely because it is so well

known. In this way, he provides an example of the kind of thing—poetry—that need not be expounded at length but that supplies a foundation for the common reasoning of rhetoric. The more shared in common, the less explanation is necessary, and more is communicable. Insofar as Achilles' actions are less known in contemporary culture and because their context has important implications for their meanings, in what follows I detail their context and significance. In what follows I provide an account of Achilles' anger which, though roused in relation to himself and his own, becomes limitless and destructive of the good of himself and his own yet, nevertheless, reveals a sense of and demand for justice that, elevated through speech, has a positive political bearing, especially when instituted through law and educated by poetry.

Anger's Sweet Illusion. Pleasure's distortion of the hope about what is desirable and, with this, about what is possible is arguably the central theme of Aristotle's first reference to Homer. As we noted, Aristotle explains that this pleasure flows from the idea that revenge (*timōria*) is possible, for one who is angered aims at things he imagines to be possible to accomplish (*Rh.* 1378b4-5). Drawing from Homer, Aristotle contends that it is for this reason that "it was nobly (*kalōs*) said of spirited anger (*thumos*) that it "becomes a thing sweeter to him by far than the dripping of honey/ as it swells inside of a man's chest." This sweetness, says Aristotle, is part of "a certain pleasure" that accompanies anger; in addition to this pleasure, angry people gain pleasure in dwelling on thoughts of vengeance, for "the imagining that then arises produces a pleasure just as in dreams" (*Rh.* 1378b6-10).

To speak of sweet things that delight the heart might, at first blush, seem to be a praise of anger—for anger is pleasant and Achilles' anger in particular seems to be

praiseworthy, as he is “the best” of the Achaians. Yet Aristotle’s observation that the imagining of revenge “produces a pleasure just as in dreams” is striking, for we do not dream within the bounds of what is possible, but beyond or even contrary to them. This usage of “dreams” suggests that the angry man’s perception of what is possible and what would right a past wrong is distorted; that is, the illusion of what is possible or right underlies the angry person’s dreams about how to right wrongs against himself or his own. In addition, the context in which Achilles speaks the lines that Aristotle cites profoundly qualifies the way in which we are to understand Aristotle’s treatment of the pleasure that accompanies contemplation of “apparent revenge” (*timoria phainomenē*) (see *Rh.* 1377a30-32).

The passage Aristotle cites only highlights the problem of pleasure’s illusions with respect to anger. Achilles, while he speaks these lines, is not praising anger but lamenting it—and this in an epic poem about wrath, centered on a tragedy at least partially caused by Achilles’ angry idleness and refusal to fight on behalf of his people. Achilles’ words are spoken in Book XVIII of the *Iliad*, in which Achilles receives word of the death of his beloved friend, Patroklos, and occur in the context of a conversation between Achilles and his demi-goddess mother, Thetis.¹³ Homer describes Achilles speaking as “one sorely angered” (*ochthēsas*) during the conversation in which he asks Thetis to replace his armor, which the Trojans stripped from the body of his beloved friend. The Trojans obtained Achilles’s armor only because he lent it to Patroklos, who assumed the guise of Achilles in order to inspire fear in the Trojans and courage in the Achaians. Achilles at that point was unwilling to reenter the fight on account of the vow

¹³ See *ibid.* XVIII.109-110.

he made to Ajax not to do so until Hektor and the Trojans approached his own ships.¹⁴

Yet shortly after sending Patroklos into battle, Achilles sees his own vessels burning and, in keeping with his vow, resolves to return to the fight.

In conversing with his mother after receiving the news of Patroklos' death, Achilles laments that his friend was killed while he himself was not there to defend him. Achilles, we learn here, is not simply angry with the Trojans for the loss of his friend, but at himself. Achilles' regret reveals that he assumes partial responsibility for the loss of his friend. This regret marks one of the first times Achilles recognizes the irresolvable tension between his own quest for glorious recognition of his virtue by Zeus and his profound need for friendship. Achilles' sense of justice and love of his own lead him, tragically, and with him Homer's audience (with Aristotle's gentle guidance), to see the dangers of both self-love and also anger carried to extremes. Indeed, the granting of Achilles' prayer for honor above all others requires that "some who deserve honor will not receive it."¹⁵ The grief he experiences at the loss of his friend along with the shame of having sent that friend to his death leads Achilles to express his own wish to die.¹⁶ It is as if Aristotle has this scene in mind when he observes, "without friends, no one would choose to live, even if he possessed all other goods," including honor (*NE* 1155a5-6).

¹⁴ Ibid. IX. 650-55.

¹⁵ Timothy W. Burns. "Friendship and Divine Justice in Homer's *Iliad*," in *Poets, Princes, and Private Citizens: Literary Alternatives to Postmodern Politics*, ed. Joseph M. Knippenberg and Peter Augustine Lawler (Lanham, MD: Rowman & Littlefield Publishers Inc., 1996), 289-303, especially 298-99. Until this point, Achilles prays that he and Patroklos will be honored together. However, as Burns notes, his command that Patroklos not pursue the Trojans, because doing so will deprive Achilles of honor, reveals a recognition of an unarticulated tension between friendship and justice even then.

¹⁶ Ibid. XVIII.92-93. Achilles experiences shame because he assumes responsibility for Patroklos' death. See Burns, "Friendship and Divine Justice in Homer's *Iliad*," 295.

Achilles' sense of shame accompanies his desire to do good for his friend and his sense of having failed to do so in his own quest for divine honor. The tension between Achilles' striving for heroic virtue—his desire for divine honor and recognition—and his desire to provide good things for his friend is the focal point of this passage that Aristotle chooses to cite in explaining the passion of anger. In citing this passage, Aristotle qualifies what might appear to be praise of the sweetness that accompanies considerations of retribution, for Achilles' anger at Agamemnon's offenses eventually lead to the excruciating—and, perhaps, avoidable—pain of losing an irreplaceable friend. Taken as a whole, the passage Aristotle alludes to that I quoted above sounds like a prayer for the end of violence and anger: “Why, I wish that strife would vanish away from among gods and mortals,/ and gall, which makes a man grow angry for all his great mind/ that becomes a thing sweeter to him by far than the dripping of honey/ that gall of anger that swells like smoke inside of a man's chest.”¹⁷ The pleasure that accompanied Achilles's contemplation of retribution led not only to prolonging the battle his army of Hellenes fought at Troy but now to the death of his dearest friend. Anger aroused to defend his own honor now conflicts with his love of his own friend.

The tension between Achilles' desire for love and his desire for honor permeates Homer's narrative and informs Aristotle's account of anger. Achilles' anger reveals conflicting standards of justice contained within his own breast, all of which stem from the competing facets of love of one's own. The kind of honor Achilles aims to achieve conflicts with what in this passage he is forced to confront as his deepest need: friendship. Both the desire for honor and the love of one's own friends constitute

¹⁷ Ibid. XVIII.107-111.

different aspect of “one’s own.” Each demands a certain, and not simply reconcilable, kind of justice. While Achilles comes to believe that both Zeus’ recognition of his virtue and his desire to benefit his friend will be resolved in his death (Achilles will be glorified through death as will Patroclus), both Homer and Aristotle in his *Rhetoric* lead their audiences to question whether this solution is satisfactory.¹⁸ Will the just demands of friendship and honor indeed been fulfilled through Achilles’ immolation? Still further, while Zeus’ honor alone could satisfy Achilles’ craving for revenge against Agamemnon, Homer probes us to wonder whether the fulfilling of Zeus’ promise to honor Achilles is compatible with justice.

Achilles seems to be most aware of this tension between honor, friendship, and the justice of Zeus in Book IX, when, in “speak[ing] his mind” to Odysseus, he asks whether, since the virtuous and the unjust ultimately face the same fate, death, he ought to sacrifice his own good to attain glory instead of returning home to enjoy a long and pleasant life.¹⁹ It is not simply that Zeus’ granting of Achilles’ petition will deprive others of the honor they deserve, but, more significantly, the ruler who publicly insults the hero is a divinely appointed ruler. For this reason, Achilles’ anger at Agamemnon’s personal offense and the pleasure that accompanies thoughts of revenge arouses yet another passion, *nemesis* or “righteous indignation,” that leads him to question the very justice of Zeus.²⁰ This pleasant desire for retribution leads Achilles to imagine and ask for an

¹⁸ See Burns, “Friendship and Divine Justice in Homer’s *Iliad*,” 299-30.

¹⁹ *Iliad* IX.307-429.

²⁰ It is noteworthy that Aristotle treats *nemesis* as a passion that concerns not the justice or injustice of wrong committed against oneself or one’s own, as in the case of anger, but rather the justice of the cosmos (see *Rh.* II.9).

illusory and contradictory solution—for Zeus to right the injustice committed by a lesser man whom Zeus himself, if indirectly, appointed. Homer allows his more thoughtful readers, one of whom is arguably Aristotle, to see the irremovable conflict between devotion to political honor as an absolute good and the need for friendship. Aristotle, in turn, sheds light on the passion for one's own that drives Achilles to demand complete, final justice in both honor and friendship. This demand leads to tragedy.

In light of the particular example Aristotle provides, the danger of pleasure's corruption of judgment through anger becomes particularly pronounced, for Achilles' judgment about what justice demands leads to a tragic outcome: death for the brave and the weak alike.²¹ By citing this passage in a manner that highlights the way anger's pleasure can distort judgment, Aristotle raises a question about whether Achilles' angry judgment about what would satisfy his desire for justice is correct. At the very least, the philosopher leads us to question whether there is an alternative to the honor-seeking life and the understanding of justice it entails that leads Achilles to the kind of regret we hear him voice in the passage to which Aristotle alludes. If, indeed, the love of honor is in fundamental conflict with the love of one's friends, Aristotle allows us at the very to see this tension and the consequences of demanding perfect justice.

Even while he laments his anger, Achilles continues to pursue the illusory and ultimately elusive object of his revenge. He sets aside his anger at Agamemnon in entering the fight only to find a new object for his wrath in Hector and the Trojans more immediately responsible for Patroclus' death. What he desires is his friend's life. None of his actions (killing Trojans, killing Hector, or dragging Hector's body) will restore

²¹ *Iliad* IX.318-19.

Patroclus to life. Aristotle does not then suggest that righting wrongs is impossible, but that, as Homer shows us, there are limits (here, death) to any human attempt to fulfill our longing for justice, and these limits are particularly pronounced in a life devoted to honor as an absolute good. Even so, Aristotle's poetic account of anger's limits propels us to search for another way, another side of the argument, to satisfy the need and unfulfilled desires—the defense and love of one's own—that underlie that passion. With the aid of the rhetoric in Homer's poetry, Aristotle adds deliberation to his audience's anger by revealing to them how the desire for perfect justice underlying anger is destructive of one's own—the very thing that anger is aroused to defend. Homer's rhetoric allows us, with Aristotle's guidance, to see both sides of an argument about anger: the tragic consequences of unlimited anger as well as the gripping longings for friendship and justice that lead Achilles himself to tragedy. Revealing the profound constraints of the demand for complete justice prepares Aristotle's audience to accept the partial and imperfect justice embodied in one's own community. Through his rhetoric, Aristotle restores his audience to its community, which bestows a limited honor for one's deeds and can provide only imperfect justice. Aristotle's rhetorical bringing together of anger and deliberation renders his audience capable of sympathetic judgment, even as he warns of the dangerous illusions that accompany anger.

Anger's Belittling. Before introducing his final four references to Homer's *Iliad* in his account of anger, Aristotle pauses to consider what it means to belittle another. As we have seen, according to his initial definition of anger, the act of belittling another is a cause of that passion. Anger and its desire for revenge arise at the occurrence of an “apparent belittling of oneself or anything of one's own” when it is not appropriate, or

justified (*Rh.* 1378a30-32).²² Aristotle defines belittling as acting on an opinion that something (or someone) is worthless, and he accounts for three kinds of belittling, which he lists in ascending order of their outrageousness: disdain, spite, and hubris (*Rh.* 1378b11-14).²³ While disdain (*kataphronēsis*) is marked by haphazardly treating someone as worthless, as in the case of forgetting someone's name, both spite (*epēreasmōs*) and hubris (*hubris*) connote deliberate choice to upset another. Spite consists in deliberately thwarting another's wishes without a view to one's own advantage, while hubris is marked by a deliberate attempt to bring shame upon another person. Actions undertaken by the spiteful or hubristic person are "not to get anything out of it oneself other than to have it happen" (*Rh.* 1378b28).

Both spiteful and hubristic actions pay little attention to one's own interest. This is particularly true in the case of someone acting from hubris, who belittles not to obtain any concrete object but merely to experience a degrading form of pleasure, one derived from believing that hubristic actions manifest superiority. The young and the rich are especially likely to act hubristically, Aristotle observes, on account of this mistaken belief (*Rh.* 1378b29-30).

Significantly, Aristotle's second and third references to Achilles' anger directly follow this treatment of belittling; both allusions are primarily concerned with honor, or rather the dishonor that is part of belittling of another person (*Rh.* 1378b30). Dishonor (*atimē*) is characteristic of hubris, and "someone who dishonors another person belittles him, since what is worthless has no honor either good or bad" (*Rh.* 1378b30-32).

²² The word Sachs translates as belittling (*oligōria*) has the sense of being made to feel small or worthless by treatment from another.

²³ See Sachs, *Rhetoric*, Notes 191n106.

Someone who acts on the opinion that another is of no worth dishonors and, by this means, belittles him. “This is why,” Aristotle writes, Achilles angrily says, “‘He [Agamemnon] has dishonored me, since he keeps the prize he has taken [from me] for himself’ and [speaks] ‘As if I were some dishonored vagabond.’” To this Aristotle rejoins, “as if these were the reasons he [Achilles] was angry” (*Rh.* 1378b33-38; see *Pol.* 1278a35-40).²⁴ Examining the context and import of these passages is necessary to grasping the relationship between anger and honor that Aristotle’s teaches us about. Both passages shed light on the problem of unjustified belittling by drawing our attention to the example of Achilles’ anger aroused in response to Agamemnon’s taking of his prize—an act of hubris by Aristotle’s definition.

Achilles’ angry complaint that he has been treated as a vagabond without honor is his response to Agamemnon’s offer of friendship and gifts at the point when the Achaian army is on the brink of collapse and retreat. The Achaians are “dispirited” and waver in their resolve after suffering defeats, wounds, and loss of life, for “[t]he Achaians’ death-day was heaviest”—all the more so after Agamemnon suggests fleeing in their ships even though doing so would incur shame and dishonor.²⁵ Yet Nestor, an Achaian elder, intervenes in the assembly, persuading Agamemnon to take counsel and reconsider this course after eating and drinking. At his king’s table, Nestor advises that Agamemnon send ambassadors to Achilles, repent of his actions, and not only restore his “prize” Briseis but also offer splendid gifts, rule, and even marriage to one of Agamemnon’s own daughters. Agamemnon agrees and sends Odysseus, Nestor, Ajax, and Phoenix as

²⁴ The word that Sachs translates as “prize” (*gera*) could also be translated “gift of honor.” LSJ, 165.

²⁵ *Iliad* VIII.72.

ambassadors to Achilles to make amends and to offer him extravagant gifts. The ambassadors find Achilles in good spirits, “delighting his heart in a lyre” and singing alongside Patroklos.²⁶ Upon seeing his friends, Achilles rises, welcomes them, and provides a feast, showing himself willing to listen graciously to the appeals of Odysseus, Nestor, Phoenix, and Ajax. Yet, as he explains to Odysseus, Achilles is at this time unwilling to reenter a battle waged by Agamemnon and openly questions the justice of Agamemnon’s rule and with it the justice of a war waged by such a king.²⁷ The ultimate cause of this unwillingness to fight is that fate “is the same for the man who holds back, the same if he fights hard.”²⁸ When it comes to death, Achilles now realizes, there is no distinction between the brave and those who are weak—death comes for all alike. Achilles’ goes so far as to question his own sacrificial actions in previous battles in which he endured bloodshed and pain merely “for the sake of these men’s women.”²⁹

Lest we, with his friends, misinterpret Achilles’ refusal to reenter battle as merely immature or hubristic pouting, Homer has the hero beseech his friends that they not confuse the conflict in his heart with “lamentation and sorrow” at Agamemnon’s hubris.³⁰ He goes so far as to wish Agamemnon happiness with Briseis, as if to emphasize his indifference to his king’s initial slight.³¹ Thus, by the time we reach the passage that

²⁶ Ibid. IX.185-193.

²⁷ See in particular *ibid.* IX.321-345 and 369-73.

²⁸ *Ibid.* IX.318.

²⁹ *Ibid.* IX.320-27.

³⁰ *Ibid.* IX.612-13.

³¹ *Ibid.* IX.335-36.

Aristotle alludes to in his *Rhetoric*, Achilles' understanding of his reasons for refusing to fight on behalf of the Achaians, his own people, has progressed from anger at Agamemnon's slight to a questioning of the very justice of this king and with it the justice of the divinity that supports his rule. In responding to Odysseus' plea, Achilles attempts to exhibit his indifference to Agamemnon; he is no longer angry, but ready to return home to live a long and pleasant life.

Yet even after Homer provides us with Achilles' account of indifference towards Agamemnon, his response to Ajax, who speaks after Odysseus and Nestor, reveals his own angry confusion about justice and the right course of action. When Ajax accuses Achilles of having forgotten the love of his friends who have never ceased to honor him even after Agamemnon's slights, Achilles attempts to explain his actions to his fellow countrymen. All that they have spoken in appealing to his pity, he claims, "seems spoken after my own spirited heart" (*ti moi kata thumon*).³² Achilles is not indifferent to the needs of his friends. Yet his judgment about the right course of action in this matter is ruled by the memory of Agamemnon's mistreatment that led him to refuse them. Thus Achilles exclaims that in spite of his accordance of mind with the concerns and arguments of his friends, "still the heart in me swells up in anger, when I remember the disgrace that he wrought upon me before the Argives,/ the son of Atreus, *as if I were some dishonored vagabond*."³³ The desire for complete justice and desire to restore his own honor is here revealed to be in profound tension with love of his friends.

³² Ibid. IX.645.

³³ Ibid. IX.645-48. Emphasis mine.

Achilles is still angry despite his attempts to let go of an anger aroused by an inferior man. It is noteworthy that Aristotle, citing this passage, rejoins, “as if this were the reasons he was angry” (*Rh.* 1378b35). Although he sympathizes with his friends’ appeals to pity and justice, as evidenced by his allowing Patroclus to fight in his place after this encounter, Agamemnon’s offense weighs heavily on Achilles even now. Yet Aristotle’s statement encourages us to reconsider Homer’s text with an eye to what *actually* moves Achilles. We must begin to wonder whether Achilles’ anger at that moment has less to do with Agamemnon’s hubris than it does the divinely sanctioned rule of an inferior and patently unjust man. Anger at the injustice of a personal slight has swiftly become an impetus to question the justice of the Achaean regime and with it the deity who holds it in place.

That Aristotle’s recounting of Achilles’ words is preceded by an examination of what it means to belittle another—to act on the opinion that someone is of no worth—is necessary in accounting for why Achilles experiences anger when he is belittled by Agamemnon. His passion is an indication that his worth has been called into question by his ruler’s actions. By providing us with an account of the cause of anger and what it is responding to (belittling), Aristotle provides an example of the way the passions can inform reason, and reason can reveal to the passions their underlying source. He thus alerts his own readers to the importance of belittling in understanding the examples from the *Iliad* that follow. The passionate anger Achilles experiences is not simply the result of a slight, but of the public and hubristic shaming committed by an inferior yet politically more powerful man; his own desire for honor has been publically thwarted. At the root of Achilles’ anger then is his belief that justice requires not only that his courageous virtue

receive divine recognition, but also that an inferior man (Agamemnon) not rule a superior (Achilles). On the basis of these convictions, is it any wonder that Achilles, when we meet him in the passage Aristotle cites, is perplexed, and, further, that this perplexity has raised questions about the justice of his own divinely appointed king?

The Divine Anger of Kings. Two final allusions to the *Iliad* deepen our understanding of anger and its underlying cause: thwarted desire for honor or recognition. Significantly, these refer not to Achilles' anger, but to that of Agamemnon, who holds the scepter of Zeus.³⁴ Though an attempt to understand the relationship between anger and honor pervades Aristotle's references to Homer's poem, his final references to the *Iliad* concerning anger address one aspect of that relationship in particular: namely, belief in one's superiority (*huperechokēi*). People are provoked to anger "on account of their superiority," Aristotle observes, and for this reason Homer "aptly said" of Agamemnon, "'great is the angry spirit of kings supported by Zeus,' and, 'yet even afterwards he holds a grudge'" (*Rh.* 1379a5-6). Here, Aristotle reproduces utterances spoken of Agamemnon in a way that illuminates the consequences of belief in the divine foundations of kingly rule. Though the unfolding of the *Iliad* does much more to reveal Agamemnon's flaws than his superiority, but the primacy Agamemnon claims does not stem from any virtue of his, but from the belief that he is "supported by Zeus."

Aristotle's reflection on Homer's presentation of Achilles and Agamemnon underlines two competing understandings of superiority: one manifest in virtue, in the case of Achilles, and another in rule, in the case of Agamemnon. Achilles' difficulties, as we have seen, stem from understanding ruling office to be the highest political honor; to

³⁴ See Burns, "Friendship and Divine Justice in Homer's *Iliad*," 290, 301n7.

have this honor bestowed by Zeus is surely an affirmation of one's greatness. Yet neither Agamemnon nor Zeus satisfies Achilles' expectation of a virtuous reward. It is perhaps for this reason that Achilles so ardently seeks the affirmation of his own superiority from Zeus, who has, as far as the warrior can tell, honored a lesser man as if he were a superior by entrusting him with kingly rule. However, Achilles' anger alone is not the origin of the *Iliad's* conflict. It is Agamemnon's anger that launches the poem's dramatic plot, an anger displayed against Achilles in the assembly that opens the epic poem.

The roots of Agamemnon's anger are found in the passages to which Aristotle refers us. Agamemnon's assumption of divine superiority, as well as his attempt to subordinate Achilles by humiliating him, is a fundamental source of the *Iliad's* conflict and, in fact, his attempt to publically belittle Achilles has its origins in his own anger. We are reminded of this in the second passage cited concerning belief in superiority. The line Aristotle quotes is spoken by Kalchas, "the best of the bird interpreters" in the Achaian camp.³⁵ In Agamemnon's presence, Kalchas volunteers to tell Achilles of the king's offense against the priest Chryses, an offense that enkindled the wrath of Apollo against the king and his subjects. Yet Kalchas' promise is conditional. He refuses to reveal Agamemnon's wrong unless Achilles promises to defend him both in word and in deed against Agamemnon, since what the soldier reveals will "anger a man who rules mightily over all the Argives, and whom the Achaians obey." This act of revealing Agamemnon's faults places Kalchas in grave danger, "[f]or mightier is a king, when he is angry at a

³⁵ Ibid. I.69

lesser man. Even if he swallows down his wrath for that day, *yet even afterwards he holds a grudge* till he brings it to fulfillment.”³⁶

As if to underscore the truth of Kalchas’ words, following this exchange Homer describes the “wide-ruling Agamemnon” as “raging, the heart within filled black to the brim with anger.”³⁷ The source of Agamemnon’s anger is the public revelation of Kalchas who, having assured himself of Achilles’ protection, recounts the king’s shameless actions towards Chryses in assembly. By publically displaying his king’s faults, Kalchas not only brings shame upon the king, but also reveals the admiration and loyalty that Agamemnon’s own subjects feel towards Achilles. By invoking Achilles’ protection over and against Agamemnon, Kalchas manifests his belief that Achilles is superior in virtue and strength to the king. Kalchas’ words also unveil the fear that characterizes the Achaean subjects’ attitude towards their ruler. Agamemnon holds his people in check through force and fear of the divine punishment; for to question Agamemnon’s rule is to question Zeus’ justice, as Achilles’ example suggests. They fear the combination of his power and temper, and by these are held subject to his rule. Even their leaders remain silent and fail to protest his outrageous actions.³⁸

In his reflections on belittling, Aristotle reminds us that those who act hubristically do so in order to bring shame to another person and “not to get anything out of it oneself” but “just to get pleasure from it.” However, the pleasure that accompanies this belittling originates in the pleasant thoughts of revenge that accompany the

³⁶ Ibid. I.76-82. Emphasis mine.

³⁷ Ibid. I.103-04.

³⁸ Achilles reminds his friends that they remained silent when Agamemnon dishonored him. Ibid. IX.308-13. See Burns, “Friendship and Divine Justice in Homer’s *Iliad*,” 293.

experience of anger. Hubristic actions are caused by anger. By taking Achilles' own beloved concubine, Briseis, Agamemnon in part attempts to maintain his own preeminence. In part, he aims to inflict pain on one whose virtue by its very preeminence puts him to shame and inspires admiration of Achilles in his own subjects. When in Book IX Nestor reminds Agamemnon of the day he gave way to his "proud heart's anger," Agamemnon acknowledges that his actions towards Achilles were indeed caused by his own jealous anger.³⁹ And this anger, Aristotle indicates, had its sources in belief in a divinely sanctioned superiority: the honor of rule.

Significantly when he introduces these references to the *Iliad*, Aristotle observes that the supposition that inferiors owe superiors respect leads to tremendous anger when thwarted, for people "suppose they deserve to be shown great respect by those who are inferior to them in family, in power, in virtue, and generally in any attribute in which they themselves have any great superiority" (*Rh.* 1378b35-79a3). Amongst those who experience anger on account of belief in superiority Aristotle names both "ruler and ruled" (*archōn archomenou*) and also "one supposing himself worthy (*axios*) of ruling" and another "worthy of being ruled" (*Rh.* 1379a4-5). Aristotle suggests that both the actual ruler, as in the case of Agamemnon, and the one who supposes himself worthy of ruling, as in the case of Achilles, are likely to experience anger when that supposed worth is questioned by another's speech or actions.

The gulf between each man's sense of worth—accurate or not—and the upsetting of his ensuing expectations about what constitutes just treatment, is the origin of each man's anger—the passion that launches the *Iliad's* plot. In the epic's immediate context,

³⁹ Ibid. IX.109-10.

Kalchas's observation concerns his own relationship to Agamemnon, who is superior to his best soldier in political might and, thus, apparently, in divine honor. The less immediate implications are born out if this maxim is applied to Achilles, who, while he swallowed down his wrath on the day of Agamemnon's offense, even afterwards held a grudge towards his ungrateful king. Kalchas's very willingness to accept Achilles's protection from Agamemnon's wrath is an implicit recognition of the warrior's superiority. Does Kalchas's observation not point to the deeper, though perhaps unarticulated, question that underlies Achilles's wrath? Is it not a sign that Achilles' high estimation of himself is justified? In the case of Achilles, who is "best" and has no equal, only the honor of Zeus will satisfy his longing for recognition. Yet, if this is so, how is it that Zeus fails to honor his virtue with the highest political honor of rule?

Homeric Conclusions. The dispute between Agamemnon and Achilles is not simply concerned with dishonor but rather with the question of who ought to rule the Achaians. This is, in a sense, a variation of the question underlying Aristotle's treatment of anger: what expectation of just treatment rules our anger? By alluding to Homer's text, Aristotle provides his readers with the opportunity to reflect upon the origins and ends of anger. Each of the episodes he cites provides us with material to ponder different aspects of anger—its distorting pleasure and its origins in thwarted expectations about what constitutes just treatment towards "oneself or one's own." Both the wrath of Achilles and the anger of Agamemnon are marked by these thwarted expectations about what just treatment and, in the case of Achilles, a just god requires. The distance between how each *expects* to be treated and the way each *is* treated gives rise to anger. The actions of each leader are aimed at restoring justice, at least as each understands it. Aristotle's

investigation of anger raises significant questions about the wisdom of such endeavors, particularly when citing passages about Achilles that illuminate that problems of seeking complete justice in a world of partial justice. Indeed, the unfolding of his reflections on anger move us increasingly away from pleasant, though illusory, thoughts of retribution and towards a reconsideration of our unmet expectations about what justice requires. We are sympathetically moved by the hero, his desire for justice, love of honor, and need for friendship, even while being afforded the opportunity, through rhetoric, to see the limits of political honor and justice and search for another way. Aristotle's use of Homer's poetic rhetoric alerts his audience to the way that anger aroused as a result of attachment to one's own can blind us to the good of one's own.

A probing investigation of anger is necessary to a deepened understanding of political regimes and the partial justice that they pursue. Through allusions to Homer's *Iliad*, Aristotle's own investigation of anger in the *Rhetoric* provides his readers with an example of how they might begin to understand the passions of the audience in which they find themselves—an audience composed of citizens of a particular regime with a particular conception of justice. Aristotle argues that having an understanding of the various kinds of character that belong to different forms of government is essential to persuasion because speeches informed by the character of each regime is “by necessity” most persuasive to members of that regime (*Rh.* 1366a15-16). In a democracy, for example, a speaker must take into account the way of life of a democratic regime in presenting his arguments. Members of democratic regimes tend to suppose that democracy is the most just form of government and equality the greatest political object. Anyone who seeks to be persuasive concerning matters of justice must take this into

consideration. However, understanding the character of a particular regime requires understanding the passion of anger, which both informs and reflects an opinion about justice. By beginning from the particular conception of justice embodied in Athens—one informed by Homer’s poetry—Aristotle is able to foster a more complete understanding of the partiality of political justice and provide us with a more comprehensive understanding of justice (one that he brings to light more fully in his treatment of forensic rhetoric). By beginning from the particular, his own, Aristotle is able to speak to us today about justice in a way that remains true despite the passage of time and difference in regime.

Aristotle’s treatment of anger itself is an exercise of rhetoric in that it provides a common way of understanding an otherwise privately experienced thing, passion. In the same way that a city requires a shared understanding through speech of what is good and bad, just and unjust, it requires certain shared passions, in particular anger, which reflect and complete this understanding of what justice requires. At the same time, the particular understanding of justice embodied in a specific regime remains that: particular.

Aristotle’s account of rhetoric allows us to sympathetically judge the partial justice of a particular regime even while prompting us to search for a more comprehensive understanding of justice, one that cannot be simply satisfied by the city. Just as Homer educated the Greeks through the *Iliad’s* rhetoric, Aristotle attempts to broaden and refine his own audience’s understanding of anger and the expectation of just treatment that informs it. Aristotle’s references to Homer’s poem are an education in seeing and understanding the passion of anger and the limited hopes and expectations we can have of justice in our own particular regimes. In allowing us to see the limits of political justice,

Aristotle allows one to see, appreciate, and pursue with greater clarity its possibilities both for oneself and one's own. If mixed with deliberation, anger does not forget the good.

Anger's Need

Concern that justice be pursued and also that the passionate desire for justice embodied in anger be tempered by deliberation marks Aristotle's subsequent treatment of anger's relationship to pain and its underlying cause: the thwarting of desire for an absent good or, and perhaps especially, for something of surpassing nobility. The *Iliad* provides a particular example of the relationship of the passions to their underlying sensations of pleasure and pain and the potential distortions in judgment about what is possible caused by both. The pain of being belittled can lead to a contorted pleasure in mulling over possible (and perhaps actually impossible) means of attaining vengeance. Pleasure can deeply distort judgment about what action is to be taken a mark of superiority (as in the case of Agamemnon's hubris) and also about what is best in remedying the hurt feelings that lead to contemplating retribution (as in the case of Achilles). In both instances, Aristotle reveals the problematic features of the pleasure derived from the contemplation of remedying a wrong or of displaying one's superiority to another. Both restoring complete justice and displaying superiority can lead to error if desire for retribution or recognition of superiority is divorced from right reasoning about what is possible and, indeed, good.

This is why, after treating the *Iliad*, Aristotle directs his audience's focus away from the pleasure of dwelling on vengeance and towards anger's hidden origins: thwarted desire. While at first anger is presented as a response to undeserved belittling on the part

of another person, Aristotle's discussion gradually reveals that anger's outrage lies deeper still. Anger is aroused when desire for something noble or beautiful (*kalon*), or even necessary, is thwarted, as in the case of Achilles, whose longing not only for divine honor and justice but for Briseis is frustrated by Agamemnon's hubris. Those who are angry become so "when they are pained (*lupōntai*)," Aristotle notices. In addition, he claims that one experiencing pain "aims at something (*ephietai tinos*)" (*Rh.* 1379a12-14).⁴⁰ Anger is aroused when another person becomes an obstacle to attaining a particular object sought, whether by acting in opposition to the one in longing, failing to support him, or belittling that longing or need. "That is why," Aristotle observes, "people who are sick, laboring, at war (*polemountes*), in love (*erōntes*), thirsty, and in general in the grip of unfulfilled desire (*epithumountes*), are prone to anger and easily aroused, especially against those who belittle their present distress" (*Rh.* 1379a12-21).

Those gripped by longing not only physically but spiritually are most likely to become angry, particularly when their need is belittled or goes unrecognized by a friend or when another becomes an obstacle to fulfillment of desire. Love of oneself might come into tension with the love of another one considers one's own, as is evident in the tension between Achilles' desire for honor and need for friendship. People become angry with their friends should they "fail to notice when they need something," for "not noticing is a sign of belittling someone" and what involves those we have in our thoughts [literally, "think about" (*phrontizomen*)] does not escape our notice (*Rh.* 1379b16, 18-19). While many occasions arouse anger, Aristotle notes that it is qualified in relation to

⁴⁰ See *NE* 1094a1. The use of this particular verb (*ephiēmi*) is reminiscent of Aristotle's argument in the introduction to the *Ethics*, where he says that every art, inquiry, action, and choice seems to aim at (*ephiesthai*) a defined object—the good. Similarly, with anger in the *Rhetoric*, Aristotle gives thwarted desire a defined object—the particular good of himself and his own.

one's friends, who are held to be part of what belongs to one's own. Expectations of just treatment increase with intimacy.

Anger is heightened if the angry person "happened to be expecting the opposite inasmuch as something far beyond expectation causes more pain, just as something far beyond expectation causes more delight if things happen the way one wants them to [happen]" (*Rh.* 1379a25). Hence people tend to become angrier with their friends than with those who are not, "since they believe they deserve to be better treated by [friends]" (*Rh.* 1379b4-6). While people are angry if those who are worthless or of no account belittle them, they "get more angry at their friends if they do not speak or act well toward them, and still more if they do the reverse, and also if they fail to notice when they need something" (*Rh.* 1379b16-20). Insofar as friendship involves "shared pleasure and pains," another's failure to notice one's need, longing, or worth seems to preclude the possibility of friendship, and friendship is man's most pervasive need, for without it "no one would choose to live, even if he possessed all other goods" (*NE* 1165b26-31; 1155a5-6). As Aristotle's references to Homer point us to the tension between honor and friendship, he prompts us to wonder whether there is an alternative to politics in seeking to satiate the desire for honor motivated by love of the noble, for political honor is necessarily limited; even if satisfaction stems simply knowing that political honor is not the highest. Anger then is tied not only to need for an absent good but more deeply to the longing for recognition of one's worth, a desire bound not only to justice but to nobility.

Illuminated by his references to Achilles, the general observations Aristotle makes about anger take on a new significance and reveal that the cause of Achilles's anger is thwarted longing for nobility directed towards the pursuit of political honor. The

anger of Achilles, the best of the Achaians, reveals that his desire for glory, recognition, and for Briseis have been thwarted by his ruler, have been unrecognized by Zeus, and have been undefended by his friends, who remain silent when Agamemnon first threatens to take Briseis from Achilles. Achilles' eros for glory and for Briseis are thwarted at the outset of the *Iliad* and each of the passages Aristotle refers to provides an opportunity to reflect upon the frustration of a love that throws Achilles into his renowned wrath. As Aristotle later observes, "each person has the way paved for his own anger by the passion that is already present (*toū huparchontos pathous*)" (*Rh.* 1379a22). The passions, desires, and, most importantly, love of justice that underlie anger must be present in order for anger to be aroused; that is, one must already love or desire something in order to grow angry.

To the extent that the problems and causes of anger remain even in contemporary times, especially love of the noble and desire for justice with respect to one's own, what is to be taken from Aristotle's account of anger? The problems of superiority, unjust belittling, and frustrated desire that mark Aristotle's references to Homer are not lacking in contemporary politics; nor is anger, for that matter. What would Aristotle have us learn about anger by reflecting on its causes—a reflection in which one caught up in the passion would not be able to engage? What does one reflecting on the causes of anger learn from Aristotle, especially in the context of a work on rhetoric?

By beginning from the particular—his own audience and the poetry that shaped it—Aristotle is able to speak in a way that allows us to sympathetically judge the words and deeds of the characters involved even while broadening and refining that judgment. He affords us the opportunity to consider the causes of our own anger, the

presuppositions about justice and longings that inform it, and the conflicting aspects of “oneself or one’s own” that are necessarily involved. In other words, he allows us to see how very political our personal expectations about justice are. Aristotle’s references to Homer’s timeless epic point to the perennial nature of the problems (superiority, belittling) that give rise to anger and do so effectively by placing them in relation to a particular political context, that of Homer’s poetry. By shifting his readers’ focus away from the desire to inflict pain on another through vengeance and towards the satisfaction of an actual need or longing, Aristotle teaches his readers to reflect on anger and its cause, and with it the limits of political satisfaction to infinite longings. He limits and gives definite shape to our political expectations by directing us towards what is possible upon sober reflection, and thereby warning us against any attempt to implement a political “justice” that is the fruit of vengeful illusion. By adding deliberation to the experience of anger, he redirects our attention away from attaining vengeance and towards the love or desire that, when thwarted, gives rise to anger. Seeing, accepting limitations on our actions—the impossible—has the effect of allowing us to better see and pursue what is possible in accord with deliberate choice. Mixed with deliberation, anger might give rise to prudent political action; however, the capacity to judge and act in accord with deliberate choice even influenced by passion must be fostered both by remembering and anticipating the illusory pleasure of contemplating revenge accompanies anger. Aristotle himself aids us in this endeavoring to expand this capacity by reminding us, and putting together anew, Achilles’ words and deeds.

In the context of a work on rhetoric, one that treats the passions as a cause of trust or persuasion aroused in one’s audience, Aristotle also reveals to his own pupils how

poetry shapes our passions both by shaping our expectations about justice and influencing the loves and desires of citizens. The rhetorician educated by Aristotle must know these passions at work in his own soul, and also learn how to speak to his particular audience in a manner that accounts for their loves and expectations, rousing them to action, quelling their excesses, and drawing forth what is most noble. The rhetorician educated by Aristotle would tame Achilles by making apparent the illusions inherent in attaining revenge and teaching him to see and rightly address what is possible, and to distinguish this from the impossible illusions that so often accompany anger. This requires both alerting him to the limits of political life and teaching him how to engage in politics in a way that leaves him less susceptible to illusion.

As we have seen, Aristotle brings together anger and deliberation, both of which involve oneself and one's own. By binding anger to deliberation through consideration of poetic examples, Aristotle implies that anger, even as it moves us to act for the sake of justice, might not succumb to forgetfulness of the good for oneself and one's own pursued by deliberative rhetoric. In demonstrating how anger might be mixed with deliberation, Aristotle models a way of navigating political life that involves a judgment informed by both reason and passion, a way that fosters deliberate choice and judgment in the midst of indefinite and changing circumstances. In addition, Aristotle raises our attention to the reality that a person grows angry only if and to the extent that he loves or desires something, for, as we noted, the way of anger is paved by the underlying (*huparchē*), already present passion (*Rh.* 1379a22).

Anger, as is powerfully apparent in the case of Achilles, is often aroused when the desire for honor, the recognition of one's nobility, is thwarted. By directing our attention

towards the love, especially displayed in Achilles' love of nobility that, thwarted, gives rise to anger, Aristotle moves us to consider the love of the noble that lies at the heart of political life, a love both veiled and manifest in the passion of shame. Considering the passion that accompanies love of the noble—shame—as well as the speech that both shapes and reflects our understanding of the noble—epideictic rhetoric—is necessary not only to understanding what “underlies” anger but also what motivates us to strive for virtues as individuals and as a city.

CHAPTER SEVEN

Shame's Speech: Defending the Beautiful (*kalon*)

Shame (aischunē, aidōs)

Love of the noble (*kalon*)¹ plays a central role in Aristotle's political science. His emphasis on this is in marked contrast to modern political theorists and systems of modern liberals such as Thomas Hobbes that emphasize the importance of self-interest over and against self-sacrifice in establishing and maintaining political life. As much as Aristotle recognizes the important role love of one's own plays in founding and maintaining community (even observing the way it can serve as a standard of judgment, as was noted in the previous chapter), this does not deter him from discussing and appealing to what is most noble in human beings. Through his appeals to nobility and the speech that shapes and reflects our understanding of it, epideictic rhetoric, Aristotle reveals the inestimable significance of the noble in political and moral life. Without the noble and without individuals willing to courageously sacrifice their lives on behalf of the community for the sake of the noble, the city would cease to exist. That which is praised by the community is held to be noble, and that which the community blames, ignoble. The desire to appear and to be noble moves citizens to act (and not to act) largely according to standards laid down by the community in what it honors and censures. This is true of contemporary America (visible, for example, in celebrations such as MLK day,

¹ There is an intransigent complexity in the translation of *kalon*, for there is no precise English equivalent. *Kalon* could be translated noble, beautiful, or fine in different contexts. See also Bartlett and Collins, *Glossary*, 312. I follow them in translating *kalon* as "noble" wherever possible and on occasion as "beautiful."

and in civic and soldierly awards, such as the purple heart) as it was of ancient Greece (for example, Homer's epic of Achilles). What is held in honor we understand to be noble or beautiful, and those who desire to be excellent long for these things.

The passion Aristotle most associates with the noble is shame (*aischunē, aidōs*), which, in spite its overwhelming significance and like most of the passions, is little discussed in his political works with the exception of the *Rhetoric* (see, however, his brief discussion in *NE* 1128b10-34). As shame is bound to the noble and the noble is a distinguishing mark of his political teaching, Aristotle's understanding of this passion has vast implications for his "philosophy concerning human affairs"—all the more in that shame emerges as a cause of trust in the rhetoric necessary for founding and maintaining the common understanding of justice and nobility that is required for "living well." Shame, Aristotle states, concerns what involves oneself or *those one cares about*, and is defined in relation to the nobility (*kalon*) that one longs both for his own actions, and also the actions of those he cares about, to manifest. Shame leads to the defense of the nobility or beauty of oneself and of those one cares about, both individuals and one's community. An audience's sense of shame is influenced by its regime through what is praised as worthy of emulation and what is blamed as worthy of reproach. Shame is deeply political.

Yet as his discussion of shame unfolds Aristotle quietly reveals that shame separates individuals from their communities as much as, perhaps even more than, it binds them to it. On one hand, Aristotle observes that only individuals, not the community, can pursue noble action (see *Rh.* 1359a1-7). While the community might admire—indeed, require—self-sacrificial actions like those of Achilles, the city itself must strive for common advantage. As Aristotle notices, epideictic speakers praise

Achilles precisely because “he went to the aid of his companion Patroclus in the knowledge that he would have to die, though it was possible for him to live; for him, a death of this sort was a more noble thing, though living was advantageous” (*Rh.* 1359a3-7). The noble is oft in tension with the good. More significant still is the way in which Aristotle reveals that shame directs citizens beyond conventional or political nobility and towards what is noble “according to truth” in his discussion of the relationship between friendship and shame (*Rh.* 1384b28). While an audience’s sense of shame will be influenced by its regime, some part of the passion will necessarily direct it beyond what is conventionally held to be noble or ignoble. Shame is as transpolitical as it is political in aiming at the noble, which is timeless.²

Aristotle’s understanding of shame’s complex nature permeates his account of it in *Rhetoric* Book II, for shame, much like love of one’s own, contains internal tensions not easily harmonized. Nobility is both necessary for the community and, through honors, bestowed by the city, yet we pursue it primarily as individuals. One’s sense of shame is informed by the community and, at the same time, transcends one’s community. Shame’s complexity is also manifest in Aristotle’s consideration of epideictic rhetoric, the speech that directs us, by praise and blame, towards the noble and away from what is shameful. In discussing both shame and the speech of shame, epideictic rhetoric, Aristotle moves us to see the passion initially spoken of as a pain or agitation about what is felt to be ugly or

² This is evident when Aristotle points to the close relationship between nobility and memory: memories, he argues, are pleasant, and not only memories of pleasant undertakings but “even some of the things that were not pleasant, if, later, what came after them was noble or good” (*Rh.* 1370b1-4). He quotes in support of this Homer’s lines: “Afterward, a man takes delight even in his sorrows,/ Remembering, he who has suffered and done many things.” *Odyssey* XV, 400-410.

shameful as something that defends what is noble or beautiful in both individuals and communities.

The Speech of Shame—Epidictic Rhetoric

Shame enters into Aristotle's account of rhetoric long before he considers it directly in Book II and is most notably present in his treatment of epideictic rhetoric in Book I. Epideictic rhetoric consists in speech about "virtue (*aretē*) and vice (*kakia*) and what is noble (*kalon*) and shameful (*aischron*)." Aristotle claims that these things "constitute the aim (*skopei*) of one who praises (*epainounti*) and of one who blames (*psegonti*)" (*Rh.* 1366a21-25). That is to say, epideictic speech aims to direct one's audience towards noble action (and away from shameful acts) by means of praise and blame. In his treatment of the three different kinds of rhetoric in Book I, the shortest and yet central section is devoted to epideictic speech, which takes a role of profound and largely unprecedented importance in Aristotle's account of rhetoric. His concise but penetrating consideration of this kind of rhetoric has the effect of rarifying the noble and noble speech; its very scarcity makes it precious. In addition, epideictic rhetoric, more than deliberative or forensic speech, is concerned with character (*ēthos*), for it is on the basis of virtue, of vice, of what is noble, and of what shameful that "we will be assumed to be people with character of a certain sort." Only by coming to understand these matters will we "be able to present both ourselves and someone else as trustworthy in regard to virtue" (*Rh.* 1366a27-28).³ Shame, Aristotle indicates here, is involved as much in our understanding and acquisition of virtue as it is in a speaker's ability to present himself

³ This parallels Aristotle's claim in the *Ethics* that "actions in accord with virtue are noble and are for the sake of the noble (*tou kalou heneka*)" (*NE.* 1120a23-24).

and his arguments as trustworthy. Judgment about a speaker's character is inseparable from judgment concerning his virtue or nobility, and what is understood to be noble is shaped in part by one's regime.

Aristotle's account of epideictic rhetoric is roughly divided into two parts, the first of which is primarily directed towards understanding what the noble is and the role the noble plays in promoting individual sacrifice on behalf of a particular community. The second part considers the way a speaker must seek to understand and appeal to a particular audience's view of nobility and sense of shame and lead "what is held in honor towards the noble" (*Rh.* 1367b11-13). While Aristotle speaks directly about honor and nobility, throughout this portion of the text he makes veiled references to shame, the passion that the rhetoricians he trains must appeal to and shape through their speech.

Noble Speech and Character

Aristotle's most expansive pronouncement on the meaning of the noble is found in his treatment of epideictic rhetoric.⁴ His definition and description of the noble there unveils the tension between nobility as an end in itself and, at the same time, something good, even necessary, for the community and without which the community would cease to exist. Aristotle's entire account of epideictic rhetoric and his treatment of virtue there is marked by his perplexing tendency to describe what is noble as something good and what is good as something noble. "The noble (*kalon*)," he proposes "is that which, being choiceworthy (*haireton*) on account of itself (*di' hauto*), is praised (*epaineton*), or which, being good, is pleasant because it is good" (*Rh.* 1366a35-36). The noble is something that

⁴ The significance of this definition and the discussion of the noble that follows is noted by Grimaldi when he observes that the "present chapter on *to kalon* is the most extended statement on the idea in A[ristotle] which we possess." Grimaldi, Vol. I, 194.

might be choiceworthy in itself *or* it might be something that is pleasant because it is good. Aristotle's account of nobility opens with this striking emphasis on *both* the praiseworthiness and the goodness and pleasure of nobility. While Aristotle's description acknowledges that one aspect of nobility is its being something choiceworthy in itself and thus not on account of its consequences, most of his account of the noble and of noble things emphasizes the *utility* of noble sacrifice for the sake of others, and the problem of the noble; for while the noble may be choiceworthy in itself, it involves inevitable risk and ultimately demands willingness to sacrifice of one's life—that is, one's good. Even a superficial reader might be compelled to wonder what the individual gets out of the deal.

Defining nobility and noble things in relation both to what is choiceworthy in itself and also in relation to the good is perplexing, to say the least. For as Aristotle later acknowledges, we admire noble actions precisely because they disregard what is in our interest or for our good (*Rh.* 1366b39-67a1). On one hand, nobility is chosen in itself and not for any benefits; on the other hand the noble is praised because of its goodness and the pleasure that accompanies it. This close relationship between the noble and the good is especially striking given that, not long before providing this definition of the noble, Aristotle observes that those who praise and blame “do not consider whether someone has performed advantageous or harmful actions, but often make it a matter of praise that, disregarding his own interest, he did some noble thing” (*Rh.* 1359a1-3). If an epideictic speaker is likely to emphasize an action's disinterested nature, how are we to reconcile this with Aristotle's emphasis on the goodness, even necessity, of nobility?

The perplexity Aristotle induces by juxtaposing the noble and the good in this fashion is, as his argument about epideictic will reflect, a response to the tension between

the city's need for noble sacrifice and the individual's good which is sacrificed on behalf of the community. Should citizens cease to hear the call to "more than self thy country lov[e]," the city would cease to exist.⁵ Virtuous action and noble deeds are crucial to epideictic rhetoric, which aims to produce both good deeds and the admiration an audience feels at seeing these things. Aristotle asserts that "things that produce virtue are necessarily beautiful" as are the "things that come from virtue" which are its sign and deeds. The city thus requires speech—speeches and images that inspire citizens to lay down their lives (or at the very least "support our troops" and abide by rule of law) for the sake of the community.

That Aristotle's initial account of the noble and noble things emphasizes the utility of nobility makes apparent the political importance of love of the noble: the city's absolute need for noble sacrifice on the part of its citizens. This problem is most pronounced when Aristotle subsequently defines virtue. Virtue is something noble that he describes in order to illuminate our picture of *the noble*; however, his illustration of nobility through virtue is more complex than first meets the eye. If the noble is what he claims it is—something chosen in itself or something good that is pleasant because it is good—it follows that virtue is noble because it "is praised for being good." The nobility of virtue hinges on its being something good, not on its being choiceworthy in itself, for virtue, Aristotle observes here, is "thought of (*hōs dokei*) as "a power of providing and safeguarding good things, as well as a power of conferring many great benefits" (*Rh.* 1366a34-38). This is a perplexing definition, especially when contrasted with that found

⁵ Katherine Lee Bates, "America the Beautiful," from *What So Proudly We Hail: The American Soul in Story, Speech, and Song*, eds. Amy A. Kass, Leon R. Kass, and Diana Schaub. (Wilmington, DE: ISI Books, 2011), 751.

in the *Ethics* where Aristotle famously speaks of virtue as “a characteristic marked by choice (*hexis proairetikē*)” (*NE* 1106b36). Whereas in the *Ethics* Aristotle emphasizes that virtue is *chosen*—being choiceworthy on its own account—here he praises virtue based on its *usefulness* in safeguarding good things and conferring benefits. It is precisely on account of the virtue’s utility that Aristotle deems it “noble,” for virtue is praised rather than blamed because it safeguards good things.

Aristotle’s presentation of virtue’s relationship to nobility at this point in the *Rhetoric* brings to light the practical inseparability of nobility and goodness in political life. There exists an inherent tension between the good of the individual and the good of the community in that the individual’s good must be put at risk for the sake of the common good in noble actions, as in the case of battle. One way that Aristotle emphasizes the practical inseparability of the noble and the good in matters of human action is by pushing the idea that virtue is choiceworthy for its own sake to the point of absurdity. That is, Aristotle pushes the self-sacrificial aspects of nobility so far that nobility begins to appear more and more like that which is useful, not for the individual but for the community. The beautiful becomes useful. This is evident when he praises “virtue and its parts,” amongst which “parts” of virtue praised in epideictic speech he names justice, courage, moderation, magnificence, greatness of soul, liberality, gentleness, prudence, and wisdom. The particular virtues that he briefly describes are limited by the initial definition of virtue as a power of safeguarding good things and of conferring many benefits (*Rh.* 1366a39-b2).

Aristotle alerts his audience to the problem of this initial definition of the noble by drawing our attention to its most extreme implications. He claims that “if indeed”

(*eiper*) virtue were simply a power of providing benefits to others, it necessarily follows from this definition that the greatest virtues would be those most useful to others (*Rh.* 1366b3-5). If this is the case, it follows that justice and courage, followed closely by liberality, will be most honored (*timōsin*) in a community. While his conditional construction suggests we ought to hesitate in accepting this as a complete understanding of virtue, Aristotle carries the discussion to its logical, if problematic, conclusion. Importantly, each of the virtues he defines in terms of or in relation to what is lawful or conventional. That is to say, the virtues are initially defined in a way that emphasizes their political benefit and relationship to law. He continually emphasizes the disregard for personal need that marks the noble actions of those that seek to confer benefits on others. Just and courageous people are praised, Aristotle observes, because courage is useful to others in times of war and justice is useful to others in times of both war and peace.

Each virtue he treats (justice, courage, moderation, liberality, greatness of soul, and prudence) is described in relation to the possible benefit that it might confer to others within a particular political community. For example, courage is described as “that by which people are capable of performing noble actions in dangerous situations, and as the law prescribes, and are willing to serve the law” while temperance is described as “a virtue through which people conduct themselves in the way the law prescribes in relation to the pleasures of the body” (*Rh.* 1366b13-17). What is virtuous, at least at this point in Aristotle’s treatment, is largely determined by law or convention (*nomos*) and the community directs the individual’s desire for nobility towards the common good by means of establishing laws about what is the mark of noble actions.

In its overwhelming emphasis on the country's need for noble sacrifice Aristotle's treatment of epideictic speech reveals the way an epideictic rhetorician must educate his audience's understanding of, longing for, and actions for the sake of what is noble. To accomplish this rhetorical education of his audience's desire for the noble, the speaker must primarily consider the deeds of virtue that are signs of nobility—for actions are signs of character, and hence the praise of certain actions as noble directs behavior towards the performance of these deeds. Thus, having affirmed the nobility of virtue and having described certain virtues, Aristotle asserts that enough has been said and the rest of virtue and its parts "is not difficult to see (*idein*)" (*Rh.* 1366b25). Aristotle goes on to list a number of instances of nobility, many, though not all, of which are standards laid down by a particular community. For example, things that produce virtue, things that come from virtue, the deeds and signs of virtue, and the things done and suffered by a good man (*agathos*) are necessarily noble (*Rh.* 1366b26-27). In addition, Aristotle calls noble also those things for which the reward is honor, things done for honor rather than money, things absolutely good (*ta haplōs agatha*) undertaken for the sake of one's country in neglecting of one's own interests, things "by nature (*phusei*) good and not good for oneself," honors more present in death than in life, all things done for the sake of others "since they are less for the sake of oneself," honoring one's benefactors, and all acts of kindness (*Rh.* 1366b36-67a1).

In short, the list of noble things Aristotle provides bears witness to the inherent tension of loving what is noble: the noble and the attaining of noble character requires a willingness to risk one's immediate good for a higher end; at the same time, much of what we understand as noble is determined by the very community that requires noble

sacrifice for its very survival. For an action to be called noble or a sign of nobility, it must reveal a love of something noble and good in itself, the preservation of which justifies the risk of protecting it. Citizens strive to perform actions and works that their community upholds and honors as noble, for individuals desire to appear and to be noble. Yet this understanding of what is noble cannot be had apart from speech. Accordingly, Aristotle's later advice to epideictic speakers is "if you desire to praise, look to what you would suggest and if you desire to propose, look to what you would praise" (*Rh.* 1368a7-8). By praising and blaming certain actions, speech directs the actions of a community. At the same time, certain things, Aristotle alerts us, are "absolutely" (*haplōs*) or "by nature" (*phusei*) good, even they are to the detriment of the individual and, perhaps, even contrary to the immediate good of the community (*Rh.* 1366b38, 39). What is noble is never simply determined by a community; it is the task of speech to lead what is held in honor towards what is noble.

On one hand, Aristotle establishes the independence of the noble from the good, which has the effect of elevating human desire: we love what is beautiful, not just our own; only this can explain an individual's willingness to sacrifice himself for the sake of a nobler end. Uselessness and self-disregard are the mark of noble and beautiful actions as Aristotle initially treats them in his account of epideictic rhetoric. On the other hand, Aristotle's account of the problematic nobility of virtue reminds us of the need for prudence in deliberating about and pursuing what is noble. If one's willingness to sacrifice on behalf of what is noble is simply directed by one's political community, which has need of noble sacrifice for its survival, virtue might come to be understood as loyalty without limits. By alerting his audience to this tension, Aristotle binds love of the

noble and a willingness to sacrifice to prudent deliberation about not only one's good but about the nobility one aims to achieve.⁶ In this way he encourages love of the noble and also careful reflection in his audience in their pursuit of noble ends.

Epidictic Poetry and Shame

Aristotle's account of epideictic rhetoric would be incomplete if he did not alert us to the significance of an audience's sense of shame, an awareness of which is necessary in order that a speaker direct his particular audience and what it holds in honor towards the noble. In the midst of describing noble things and signs of nobility, Aristotle mentions that in order to complete his account of nobility, it is necessary to grasp also those things people are ashamed of. Significantly, this sense of shame is educated and examined through poetry and literature, which are, like epideictic speech or perhaps as a kind of epideictic speech, concerned with character. Thus, even before he treats it at length in *Rhetoric* Book II, it is evident that the underlying longing of the passion of shame is for the noble that the virtuous actions that aim towards attaining it, for noble actions are "the opposites of things people are ashamed of" (*Rh.* 1367a8).

Aristotle introduces shame into his account of epideictic rhetoric's pursuit of the noble by citing Sappho's poetry, which illuminates the passion felt in relation to shameful things, for people "are ashamed of saying, doing, and intending shameful things" (*Rh.* 1367a9). To explain shame's significance in relation to nobility, he references a poetic exchange between Sappho and her apparent lover, the poet Alcaeus. There, Alcaeus

⁶ Aristotle's treatment of spiritedness (*thumos*) in the *Ethics* bears this out. There he suggests that while spiritedness resembles courage it ought not be conflated with courage, for while even an animal, when attacked, might display spiritedness in acting from pain or fear, courageous men "act on account of the noble" and in accord with reason (*NE* 1116b31-35).

addresses Sappho, saying, “I would fain say something but shame (*aidōs*) prevents me.” With this verse, Aristotle juxtaposes what seems to be Sappho’s own poetic reply: “Hadst thou desired what was good (*himeron*) or noble,/ and had not thy tongue stirred up some evil (*kakon*) to utter it,/ shame (*aidōs*) would not have filled thine eyes,/but thou would’st have spoken of what is just (*diakiō*)” (*Rh.* 1367a11-14).

These verses direct us to consider the relationship between shame, nobility, and justice. It is possible, even likely, that Aristotle rather than Sappho places these verses in dialogue, for these lines are found paired together only in his *Rhetoric*.⁷ In bringing together what is not necessarily joined, Aristotle deliberately chooses to investigate that aspect of shame that concerns speech; for here, shame renders Alcaeus speechless, and Sappho interprets this wordless blush as a sign of his having both ignoble and also unjust intentions.

Speech—and with it silence—has a peculiar relationship to shame, as Aristotle’s juxtaposition of these verses reveals. Shame is felt precisely because we possess the faculty of speech, which allows us to distinguish between what is “advantageous and harmful, and hence, just and unjust” (*Pol.* 1254). In his references to Sappho, it is as if Aristotle adds “and hence, what is noble and shameful” to the list things distinguishable by virtue of speech. Speech about what is just (*dikaiō*) is accompanied by an understanding of what is noble and shameful; roughly speaking, what is unlawful is considered shameful and what is honored by a city, whether in law or through the

⁷ Willis Barnstone argues that while it is uncertain whether or not Sappho’s rejoinder was a reply to this particular poem of Alcaeus, “there is little doubt that the rebuke of the poet is indeed by Sappho.” *The Complete Poems of Sappho*, trans. Willis Barnstone with Notes and Commentary (Boston, Shambhala Publications, Inc., 2009), 175. In light of this, it would seem that Aristotle may be responsible for the immediate juxtaposition of these two verses.

bestowal of honors, is considered noble. This passage illustrates Aristotle's claim that people are ashamed of saying anything shameful, that is, what is bad or ignoble, for, as Sappho states, shame is felt in relation to something that is desired but is simultaneously perceived as something base and thus opposed to what is noble or beautiful. Here, an inability or hesitation to speak accompanied by a blush is interpreted as revealing the belief that something desired is bad—unjust or unlawful. Ignoble intentions silence speech, according to Sappho, at least so long as one has a sense that one's intentions are shameful.

This feeling of conflict between what is desired and yet is apparently bad manifests itself physically in one's downcast eyes and in a hesitation to speak in a way that would reveal shameful thoughts, actions, or intentions. Through Sappho's interpretation of Alcaeus' shame, Aristotle illuminates one aspect of the passion, for shame is a profoundly political phenomenon in that it is intimately related to possession of speech. In the same way that man is a political animal by virtue of his capacity for speech, one might also say that human beings are "blushing animals" because of this same capacity, which allows for the exercise of judgment concerning what is noble or beautiful, judgment that Sappho's verses suggest is bound to a certain understanding of justice.⁸ Shame, which Aristotle later defines as "a certain pain or agitation felt over bad deeds, present, past, or future, that appear (*phainomena*) to bring one into disrepute (*adoxia*)," has much to do with sight—how things appear not only before others but also to oneself. While deeds may speak of one's virtue or vice more profoundly than any words, the agitation and pain that accompanies perception of baseness in one's self or

⁸ Alan Bloom, "Interpretive Essay" in *The Republic of Plato: Translated, With Notes, an Interpretive Essay, and Introduction* 2nd ed. (New York: Basic Books, 1991).

that which one holds dear is only, paradoxically, by virtue of speech, for when the person who is doing or has done something shameful feels shame, he is prevented from speaking. He wants to hide his shame and he does so by silence.

Shame is a political passion, though one that points to the limitations of the understanding of nobility enshrined in the laws and mores of any particular city. This is why Aristotle later observes that praise and advice have a “common form,” for what is praised are actions we as individuals or cities advise, and what we advise we praise as noble. Hence Aristotle suggests to his students that, should they desire to praise someone “see what you would propose” and should they desire to propose something “see what you would praise” (*Rh.* 1368a7-9). Shame shapes the actions of individuals as well as cities.

It is perhaps for this reason (shame’s political character) that Aristotle’s juxtaposition of these verses raises another perplexity in the context of describing what is noble, for they appear to be an exchange between two lovers. The matters that cause shame are not simply public matters of the city such as honor, justice, and law but rather more intimate matters of love and sex. Taken on its own terms and apart from Sappho’s reply, the suppression of Alcaeus’s speech appears to stem from his love of and desire for Sappho, but he hesitates in the wake of the feeling of shame (*aidōs*). It is not immediately obvious then that his shame is related to what is contrary to justice and is ignoble, but would, at least at first blush, appear to concern desire. In their exchange, both Alcaeus and Sappho refer to *aidōs* rather than *aischunē*. Importantly, Aristotle in the *Rhetoric* does not distinguish between *aidōs* and *aischunē*, yet in general usage *aidōs* connotes a feeling of mild embarrassment—almost reverence or piety—while *aischunē* connotes

public scorn at unlawful behavior.⁹ Thus, Alcaeus' choice of words indicates his shame is not at public or unjust behavior but rather at another kind of shame bound to erotic desire. It is Sappho's rejoinder (as Aristotle places it), however, that uses the same word, *aidōs*, to connect even the shame of love or reverence to ignoble and unjust desires and actions.

To the extent that Aristotle follows (or leads) Sappho in conflating the two meanings of shame (*aidōs*, *aischunē*), he suggests that shame, both in public and private matters, possesses an underlying unity in relation to the desire both to appear and also to be noble or beautiful. This vision is shaped not only in relation to the city through its institutions of law and honors but also in relation to those one holds dear, to those whom one loves and desires. Shame is experienced both according to convention and according to friendship, as Aristotle later explains in his extended account of shame in Book II. Thus, Aristotle notes an additional observation to his discussion of things that are noble, arguing that a certain striving accompanies the pursuit of noble things, a striving that Aristotle says is without fear. He refers to "noble things for which people strive without fear," (*Rh.* 1367a15-16).¹⁰ The striving that accompanies the pursuit of noble things (like virtue, friendship, honors, love) is motivated by shame, which Aristotle distinguishes from fear. For the eager striving that accompanies the pursuit of noble things is not accompanied by fear of punishment but rather by a sense that, should one fail to attain what one strives for, much would be lost (see *NE* 1179b5-19). Shame is not simply

⁹ See also Sachs, *Notes*, 163n51.

¹⁰ Grimaldi translates the meaning of *agōniōsi* as "to be distressed or anxious about." He claims that anything that "is the object of such anxiety is honorable since, as Aristotle goes on to say, this is a normal human experiences with respect to all things leading to renown." Vol. I, 205. I have chosen to translate *agōniōsi* as striving, for Aristotle uses it in a manner that emphasizes the *actions* that accompany shame rather than a *feeling* as contemporary usage of "anxiety" implies.

reflected in the fear of being bad or ugly (in speech or deed), it is also revealed in the desire to be beautiful or noble and to be known as such. Both civic honors and private relationships of love and friendship shape one's vision of one's own nobility. Shame is as private as it is public, though private and public shame differ in kind and in relation to truth, as Aristotle describes them later in Book II.

This initial, partial account of shame's role in epideictic rhetoric is marked by its close connection to what is considered lawful according to either custom or legislation, and the lawful is bound to what is praised as noble or blamed as bad. For example, honors are awarded by the city for the performance of deeds that it wants to encourage, largely those that promote the common good over and above the individual good. This is necessary for the life of the city and ennobling for the individual citizen. Yet even while Aristotle begins by speaking of nobility in connection to what is praised by the city, he gradually introduces a distinction between what is noble by nature and what is so by convention, as when he states that "the virtues and deeds of those who have a more serious stature by nature are more noble, such as those of a man in comparison to those of a woman" (*Rh.* 1367a17-18). While this assertion is qualified by the fact that a few lines prior Aristotle cited a woman (Sappho) as a poetic authority, it nonetheless points to a standard of nobility set outside of law or convention.¹¹ In making this distinction, Aristotle opens his account of both nobility and shame to revision throughout the course of the *Rhetoric*, for "things good by nature and not good for oneself are noble" (*Rh.*

¹¹ This passage brings to mind Aristotle's treatment of the relationship between the sexes and the way in which his initial claim that the naturally superior ought to rule the naturally inferior is qualified when he cites as evidence for this position a line from Sophocles's *Ajax*, "to a woman, silence is an ornament" (*Pol.* 1260a29-31). In Sophocles' play, Ajax speaks this line in response to his wife's beseeching him to calm his anger and excessive love of honor. "It is a madman, Aristotle suggests, who does not listen to the good advice of a woman." Mary P. Nichols *Citizens and Statesmen*. (New York: Rowman & Littlefield Publishers, Inc., 1992) 31-32.

1367a1). Even while he acknowledges (even highlights) both that standards of nobility are largely determined by convention and also that these play a significant role in educating the community, Aristotle suggests there is a standard of nobility and beauty according to nature that underlies any particular political idea about nobility found in a particular city.

Even as he points to nature as a possible standard of noble action, Aristotle explores the diversity of standards of nobility laid down by both law and custom. This strain of his argument comes to the fore when he observes the way in which Spartans understand useless possessions to be noble. In treating the apparent nobility of useless possessions, which are noble because they are “more befitting of free people (*eleutherōtera*),” Aristotle notes that there exist different noble things that “are peculiar (*idia*) to each group of people” and these things are “signs of what is praised among them” (*Rh.* 1367a28-30). The particular example Aristotle provides is that of the Spartans who find long hair on men noble or beautiful. Because it is difficult to do menial work with long hair, the Spartans, he asserts, understand long hair to be noble because it is a sign of freedom (*Rh.* 1367a30-32). The useless long hair is a sign of freedom for the Spartans because it displays freedom from menial work. While another city might find other hairstyles beautiful or a sign of nobility for other reasons and hence there is a great deal of variation in what is conventionally held to be noble, Aristotle draws his audience’s attention to what is most noble—the freedom from necessity, or leisure—in a particular city.

At this point, the overwhelming and largely understated importance of the audience of epideictic speech emerges as Aristotle’s primary focus. He reminds his

readers of Socrates' quip that "it is not difficult to praise Athenians among Athenians" and suggests that "one needs to speak as though what is held in honor among each group of people, whether Scythians, Spartans, or philosophers (*philosophois*), were actually present" (*Rh.* 1367b8-12). That is to say, the epideictic speaker must speak to what is best in his audience in such a way as to draw it forth and make it manifest. While Aristotle previously noted the important role a speaker's character plays in persuasion, here he indicates that a rhetorician's understanding of his audience's character is essential to making manifest his own character in a manner that makes his argument resonate. Each group finds most persuasive one who takes its own understanding of the noble as a standard of judgment.

Having worked up to this insight, Aristotle turns to the task of the rhetorician who must appeal to his audience's shared sense of shame. He argues that in general (*holōs*) it is necessary to "draw (*agein*) what is held in honor toward what is noble (*eis to kalon*), since they are in the same neighborhood (*dokei geitniān*)" (*Rh.* 1367b12-13). Rhetoric, insofar as it reasons from premises that need not be explicitly stated because they are shared, builds upon what is held in common. The rhetorician's aim must be to draw forth what is most noble in a particular community's understanding of nobility, virtue, and honor and lead it towards what is noble simply.

Aristotle's enumeration of what is noble by nature and what by convention speaks to the possibility that there may be another standard and underlying unity of nobility than simply that which is held by law, for we are ashamed "according to law (*ta pros ton nomon*) around strangers" while "according to truth" (*ta pros alētheian*) with those we know (*Rh.* 1384b28). We feel shame according to conventional standards around

strangers, yet around those that are known there is a different basis of judgment; that is, Aristotle asserts, there is another standard of judgment that emerges with respect to truth. By distinguishing between standards of nobility that are enforced by law or custom and those that exist in truth, Aristotle allows that what is praised as noble in any particular community might reflect some partial aspect of the noble. By understanding the laws and customs of a particular community—laws and customs reflected in what is praised and what is blamed—the rhetorician’s task requires that he not only see the particular understanding of nobility accepted by his audience, but also draw upon the timeless principle that is reflected in a particular understanding of the noble. The rhetorician helps us to see something true in a particular example, as in the case of Sparta, where Aristotle paints the esteem of long hair as a sign not simply of taste but of the way in which the Spartans value freedom from drudgery, or leisure. Rather than pointing out flaws in the Spartan regime (as he does elsewhere: see, for example, *Pol.* 1269a30-71b19), Aristotle reveals the underlying principle—freedom—that is reflected in the Spartan understanding of what is beautiful. By displaying the significance of a particular custom Aristotle himself draws what is held in honor (long hair) towards what is noble (freedom), modeling the very way of speaking he suggests his students adopt.

The possibility that there is a true standard of nobility that does not undermine but rather underlies conventional standards of nobility arises in his direct treatment of the passion of shame in Book II, particularly in light of his discussion of friendship there. The task of the epideictic speaker is not then to manipulate his audience’s judgment by understanding its sense of shame, but rather to draw forth what is most noble, to defend it, and thereby preserve and increase the possibility of living well.

Shame: Defending the Beautiful

As anger is aroused at unjust belittling of oneself or one's own, so is shame stirred when one's nobility or that of those one holds dear is placed at risk. Even before he considers shame's place in epideictic speech, Aristotle explicitly alerts us to the importance of this passion in the *Rhetoric* as early as its first chapter, where he speaks of rhetoric's capacity to defend oneself from what is unjust and ignoble by means of speech. In doing so, Aristotle employs his audience's sense of shame to reveal what they risk should they fail to develop their rhetorical capacity for speech and judgment. He addresses the common concern that the skills tied to the practice of rhetoric admit of manipulation by vicious people; that is, the concern that rhetoric in itself is bad and the rhetorician *qua* rhetorician is bad. He openly admits that those with malicious intentions might use speech in order to manipulate others. Yet rather than agreeing that potential misuse of speech ought to deter us from the study of rhetoric, Aristotle asserts that observing this should encourage us all the more to engage in that study with rigor. He does so by making manifest precisely what it is that we place at risk when we fail to foster our capacity for rhetoric and judgment: the nobility of our souls. Should we fail to develop our rhetorical abilities, we ourselves will be rendered incapable of defending ourselves and those we care for from unjust and ignoble accusations, against the slander of those who would speak in order to detract from our moral and political reputation. "It would be absurd," Aristotle claims, "if being incapable of defending oneself with the body were a shameful thing, when it was not shameful to be incapable of doing so with reasoned speech (*logos*), which is more distinctive (*idion*) of a human being than the use

of the body” (*Rh.* 1355a28-b4). If it is shameful not to defend the body, how much more shameful it is to be incapable of defending the soul!

From this highly moral beginning, Aristotle employs his audience’s sense of shame in order to prod them to rigorously pursue the study of rhetoric and thereby foster their own capacity for reasoned speech and judgment. Indeed, a willingness to encounter both sides of an argument in matters just, noble, and good, requires a certain amount of courage, a virtue inseparable from one’s sense of shame.

When in *Rhetoric* book II Aristotle directly investigates shame, he continues along these lines, presenting the passion as something good precisely because it defends the possibility of one’s own nobility. Initially, he defines shame as “a certain pain or agitation over bad deeds, present, past, or future, that appear (*phainomena*) to bring one into disrepute (*adoxia*),” and shamelessness as “a belittling (*oligōria*) and indifference (or “lack of passion [*apatheia*]”) toward these same things.” Specifically, the pain of shame is felt in relation to deeds perceived “either in oneself” or “in people one cares about, that appear to be ugly” (*Rh.* 1383b13-18). The feeling underlying the experience of shame is pain that arises when one imagines base deeds that appear to bring one into disrepute. This initial definition, however, needs filling out. Which kinds of deeds are base? Before what audience does the person feeling shame fear that their deeds will bring them into apparent disrepute?

As is the case with his examination of anger, Aristotle’s initial definition primarily addresses the distortion of pain that characterizes the experience of the passion. Shame is “pain or agitation concerned with one’s reputation” and, as Aristotle earlier reminded us, anyone in pain aims at (*ephietai*) or longs for something (*Rh.* 1379a13).

What, we must wonder, does one experiencing the pain of shame aim at or desire? Even more curiously, Aristotle speaks of the opposite of shame not as a passion, but as “a lack of passion” or “apathy.” The shameless person, presumably, feels no pain at bad deeds either in himself or in those he cares about. But would not a person for whom there are no bad deeds to imagine, in himself or in those for whom he cares, also be without shame? Such a person, moreover, would not necessarily be dependent on the opinion of others, as would the person who is ashamed. Would such a shameless person not be superior to the one who experiences shame? Aristotle’s discussion ignores this possibility, when he presents shame and its shameful opposite, the one a passion and the other a lack of a passion.

As Aristotle’s account of shame unfolds, so do the answers to these questions, as we shall see. By way of preliminary remarks, it is appropriate to observe that shame drives us in two directions at once, both away from and towards community, a tension Aristotle’s account of shame preserves. Shame distinguishes us from our communities insofar as it induces individuals to perform self-sacrificial actions that might require us to face death, as evident in Aristotle’s account of epideictic rhetoric. At the same time, shame binds individuals to communities by their need to discover the truth about themselves, a discovery that begins from examining the opinion (*doxa*) of others. The experience of shame presupposes the possibility that another’s opinion concerning one’s nobility, one’s desert of praise or blame, lends itself to self-knowledge. Indeed, one’s disgust at what is base or ugly presupposes a notion of the noble, even a love for the noble, inasmuch as one is pained by its lack in what is held most dear. One’s sense of shame is bound to a desire for nobility—the desire that the noble be reflected in one’s

own, whether in oneself and one's deeds or in those of another whom one loves. In his presentation of shame, Aristotle raises the possibility of building a community by fostering a shared sense of the noble and base and of what is noble and worthy of being defended: one's soul.

Shame and Deliberate Choice

While considering how an epideictic speaker ought to display what is noble in his speech, Aristotle draws our attention to the significant role deliberate choice (*proairesis*) plays in determining whether or not an action is truly praiseworthy. The epideictic speaker ought to display what is noble and hence to action that is chosen for its own sake because “an action in accord with deliberate choice is particularly (*idion*) the mark of a serious person (*tou spoudaiou*)” (*Rh.* 1367b22-23). For this reason, one who praises will do so most effectively to the extent that he shows the object of his praise was acting in accord with deliberate choice, as Homer does when he depicts the reflections that precede Achilles' reentry into battle in *Iliad* Book IX. In the case of praise, deliberate choice reveals a habitual disposition towards the good that is a sign of virtue. Yet praise has a counterpart, blame, which Aristotle does not explore at length until his explicit treatment of shame. While he listed noble and praiseworthy actions in his treatment of epideictic speech, Aristotle does not consider shameful actions until Book II. As in the case of praiseworthy actions, which are signs of virtue, the most blameworthy actions, which are signs of vice, are those connected with deliberate choice (*proairesis*). In order to praise and blame effectively, a speaker must show that a particular action is characterized by deliberate choice, just as what is most praiseworthy are noble acts in accord with deliberate choice, what is most blameworthy are base actions for which we are

responsible. An epideictic speaker ought to portray base actions as flowing from a vicious character.

Initially, Aristotle focuses on shameful actions that flow from vice—actions that reveal an active, deliberate choosing of what is base or ignoble. To illustrate his meaning, Aristotle lists a number of these kinds of vices, largely the corollaries of the moral virtues listed in Books III-V of the *Nicomachean Ethics*. The vices (cowardice [*deilias*], injustice, base love of gain [*aischrokerdeia*], licentiousness, stinginess [*aneleutherias*], flattery, softness [*malakias*], smallness of soul [*mikropsuchias*], and boastfulness) are listed in relation to the actions that signify vicious states of character. For example, Aristotle cites running away from battle as a sign of cowardice, embezzling money a sign of injustice, and adultery a sign of licentiousness. Each of these actions an epideictic speaker might depict as a sign of vice, for actions, Aristotle claims are signs (*sēmeia*) of character. For this reason, even the signs of vice (base actions) are considered “ugly and shameless things to do” (*Rh.* 1384a6-7). In the case of vice, signs manifest the true, base state of one’s character and thus one’s untrustworthiness. At the same time, such actions reinforce the disposition that they signify. Further, these actions—signs of vice—are held to be more disgraceful “if we ourselves are the cause of past, present, or future defects” (*Rh.* 1384a14-16). Like praise, blame is “based on actions” which in turn are deeds “in accord with deliberate choice (*kata ton proairesin*)” (*Rh.* 1367b22). Deliberate choice and with it moral accountability accompany actions—both actions that are from vice and those that fail to act for the sake of what is good and thus noble, for the noble is good (see *Rh.* 1362b6-9). In contrast, all deeds that result from vice are ugly, and vicious actions

seem to reveal vice in the soul. Vices are “degrading signs of a small soul” and vicious actions are thus “bad (*kakia*) and shameless things to do” (*Rh.* 1384a2; 6-8).

Yet not all shameful actions consist in deliberately choosing what is base.

Aristotle reveals that shame accompanies not only actions that pursue ignoble aims but also those that fail to be performed for the sake of the noble. Shame’s underlying desire is for the noble and the pain accompanying shame reveals that a person desires and even loves the nobility that is reflected in noble deeds. To the extent that someone is responsible for the condition of his own character—by choosing to act or not to act in a particular situation, and thus acquiring over time the habits that constitute character—he is more or less praiseworthy. While actions that flow from vice are ignoble, so too are unmanly actions marked by a failure to choose, act for, or defend what is noble. Failing to defend what is noble is blameworthy. For this reason it is significant that Aristotle divides his account of shameful actions that result from choosing base things and those that are the mark of failing to choose what is noble and good.

The examples Aristotle provides of this second kind of shameful action (or rather inaction) are both illuminating and puzzling. Aristotle observes two manifestations of this kind of shameful action. In each instance, one’s ability to claim responsibility for an action, one’s willingness or unwillingness to participate in noble and base actions, has a significant bearing on the moral worth of an action. The first example of noble actions that one fails to undertake involves education. In this case, Aristotle argues that indifference and inaction with respect to what is noble is also bad, for “it is shameful not to take part in those noble things that everyone, at least everyone...like oneself, does take part” (*Rh.* 1384a9-17). Should, Aristotle claims, one fail to pursue the education that

one's fellow citizens, friends, family connections, and "generally those of equal standing" do partake in, the burden of responsibility falls on oneself, for failing to pursue what is noble (*Rh.* 1384a9-13). Whether the result of active vice or incomplete virtue, shame is an appropriate response to the betrayal of one's responsibility to achieve what is noble. One capable of experiencing shame is also capable of reform, for awareness of lack could spur one to reform. Shame in this case would be ordered towards right action. One who is shameless would be apathetic towards Aristotle's admonition and would perhaps require more than rhetoric in order to reform, as Aristotle suggests at the end of the *Ethics*.

It is in considering this second kind of shameful action that Aristotle invites us to explore what proves the most perplexing dimension of shame—that which has the least to do with deliberate choice. In an account that emphasizes the importance of deliberate choice, Aristotle introduces the moral conundrum of the shame that accompanies suffering violence and maltreatment from others; shame accompanies even actions and sufferings that we undergo but do not choose. The complexity of shame consists in its being attached not only to voluntary actions but also to involuntary actions, particularly those involving force. In the *Nicomachean Ethics*, Aristotle states that understanding voluntary and involuntary action is useful for lawmakers with respect to awarding both honors and punishments. Involuntary actions, he notes, seem to result from either force or ignorance. He defines something forced (*biaios*) as being something whose "origin is external, since it is the sort of thing to which the person who is acting or undergoing something contributes nothing—for example, if a wind, or people who have control over someone, should carry him off somewhere" (*NE* 1110a1-4).

The question of whether an action is the result of force or deliberate choice is not always clear-cut. An example Aristotle provides in the *Ethics* is the case in which a tyrant might command someone to perform a shameful act while threatening to kill his parents or offspring otherwise. Much like questions about the noble, whether or not this kind of action is involuntary or not “admits of dispute” (*NE* 1110a5-9).¹² In spite of the ambiguity that attaches to such actions, Aristotle nevertheless maintains that whereas “voluntary [actions] elicit praise and blame,” “involuntary ones elicit forgiveness and sometimes even pity” (*NE* 1109b30-35). While to err in one’s judgment is possible in ambiguous cases, Aristotle is clear on which side the judge should err.

This kind of actions that people are ashamed of consist in those things that they suffer unwillingly, particularly in sexual matters and political tyranny, both of which involve outrages or “hubris.” Aristotle notices that people feel shame when “they suffer or have suffered or are likely to suffer things that tend towards dishonor (*atimē*) and censure (*oneidē*).” Importantly, the kinds of sufferings Aristotle lists include “acts of yielding (*ta eis hupēretēseis*) one’s body” and also those of “submitting to shameful actions (*ergōn aiskrōn*).” These actions are those that involve being “physically outraged (*to hubrizesthai*)” (*Rh.* 1384a16-18).¹³ While one who suffers outrage is not the cause of these actions he is somehow sufficiently involved so as to feel shame. These acts are both one’s own and somehow not one’s own. One is complicit, but not responsible.

¹² Ronna Burger insists that Aristotle’s account of shame in the *Ethics* is limited overwhelmingly by his focus is upon virtuous action and deliberate choice. She argues that because the focus of the *Ethics* is virtue and choice, Aristotle’s account of shame there is narrowly defined as something attached only to voluntary actions, rather than involuntary and imperfect actions, a limitation that she argues contradicts common experience. See Ronna Burger. “Ethical Reflection and Righteous Indignation: *Nemesis* in the *Nicomachean Ethics*,” in *Essays in Ancient Greek Philosophy IV: Aristotle’s Ethics* (New York: SUNY Press, 1991): 127-139. Here after, “*Nemesis*.”

¹³ See Grimaldi, Vol. II, 113.

Involuntary acts can be shameful, and it is precisely this phenomenon and its relationship to responsibility, praise, and blame that Aristotle invites us to explore. This is evident when Aristotle goes on to state that matters of licentiousness can be both voluntary and involuntary and yet are shameful; however, he goes on to stipulate that “the acts done under compulsion (*bia*) are involuntary” (*Rh.* 1384a19-20). The particular acts he seems to have in mind are both violations of right sexual conduct such as seduction and rape, and also failing to resist any kind of physical violence.

Those who are forced to undergo actions are not responsible and hence not blameworthy for the hubristic violation they suffer. At the same time, Aristotle encourages those facing evil to resist it to the utmost. Indeed, he goes so far as to claim that a failure to resist the shameful acts of another done to oneself comes from unmanliness (*anandrias*) or cowardice (*deilias*). That is to say, simply enduring evil without defending oneself might be morally reprehensible or blameworthy. Even while one might suffer unwillingly, part of complete virtue would include resistance of being outraged (*hubrizesthai*) by another (*Rh.* 1384a21).¹⁴ It is noteworthy that in general Greek usage, outrageous or “hubristic” actions include not only rape but any form of “outrage” or violation suffered at the hands of another. Once again, Aristotle shames his audience in such a way as to spur them to pursue virtue even in the most unfortunate of circumstances. Courage, a virtue Aristotle has repeatedly emphasized in his treatment of nobility and epideictic speech, requires a willingness to resist evil to the point of death.

¹⁴ [Grimaldi] “Thus, while acts of licentiousness which are, or could be considered, involuntary in a broader sense, are a source of shame, those done under compulsion are truly involuntary. But even as such they are a cause of shame to the person since yielding to the force (a21, *hupomonē*) seems to come from personal cowardice. It should be noted, however, that these truly involuntary acts are not the kind of actions Aristotle has been describing from [13]83b13 to here” 115.

The shame one feels appears to be over one's failure to resist to the death or one's willingness to permit the outrage rather than to die, which is the high standard to which our sense of shame prompts us in the case of outrages.

To understand what Aristotle means, it is helpful to reconsider the example of Frederick Douglass, the former slave, American statesman, and rhetorician who provides a powerful account of the moment he became his own master prior even to the American Civil War and the Emancipation Proclamation. This most momentous event in his life did not consist in his eventual escape from the institutional confines of slavery, but rather occurred the moment he refused to take an unjust beating from his cruel master, Mr. Covey. Douglass tells us of the resolve that finally overtook him when his master approached him in order to beat him into submission one evening:

[A]t that moment—from whence came the *spirit* I don't know—I resolved to fight; and, suiting my action to the resolution, I seized Covey hard by the throat; and *as I did so, I rose*... He asked me if I meant to persist in my resistance. I told him I did, *come what might*; that he had used me like a brute for six months, and that I was determined to be used so no longer. ...

This battle with Mr. Covey was the turning-point in my career as a slave. It rekindled the few expiring embers of freedom, and revived within me *a sense of my own manhood*. It recalled the departed self-confidence, and inspired me again with a determination to be free. The gratification afforded by the triumph was a full compensation for whatever else might follow, *even death itself*. He only can understand the deep satisfaction which I experienced, who has himself repelled by force the bloody arm of slavery. I felt as I never felt before. It was a glorious resurrection, from the tomb of slavery, to the heaven of freedom. My long-crushed spirit rose, *cowardice departed*, bold defiance took its place; and I now resolved that, however long I might remain a slave in form, the day had passed forever when I could be a slave in fact.¹⁵

¹⁵ Douglass. Narrative of the Life of Frederick Douglass, 39-40. Emphasis mine. Here after, Narrative.

Douglass tells us that to look at this episode is to see “how a slave was made a man.”¹⁶ It is precisely this experience of being willing to fight to the death rather than submit to the outrage of enslavement that Aristotle seeks to foster by distinguishing between willing and unwilling action in relation to outrageous and violent actions suffered at the hands of others. In encouraging manly resistance in the face even of unavoidable evil, Aristotle preserves the possibility of human freedom. It may be impossible always to choose the good, but it is always possible not to submit to evil, though this resistance may come at the risk “even of death itself.”

Nonetheless, we must wonder why it is that shame accompanies involuntary action. In what way can an unchosen action be considered shameful? If we cannot be blamed for an action, why would it make us blush? Aristotle maintains that both voluntary and involuntary acts of licentiousness are shameful, though those that are forced are not blameworthy (*Rh.* 1384a16-21). While one suffering an unwanted violence does not merit any blame, “for what is done under compulsion or in error is involuntary,” failure to resist evil does (*Rh.* 1377b6).

Shame as it develops in Aristotle’s account emerges as a passion that corresponds to the belief that a particular action is inherently disordered because it violates our ability to act according to deliberate choice (*kata ton proairesin*). Precisely because we are forced or unable to act morally in relation to matters we cannot control we feel shame. Failing to choose the noble and being unable to avoid what is bad is a source of shame, which always involves an awareness of what is lacking in ourselves and of just how little we are able to control. Unchosen actions then are intrinsically wrong and thus even if

¹⁶ Douglass, *Narrative*, 39.

they are forced (as in the case of rape or other forms of physical outrage as in the case of Douglass being whipped) these do not cease to be accompanied by shame. By encouraging his audience to act courageously in the face of suffering evils, Aristotle continues to present shame as a passion that defends what is or might become most noble in them: their souls. If it is shameful to fail to defend one's body from violence, how much more so is it imperative to study rhetoric in order to defend one's soul?

Shame's Wonder

Having investigated the things that make people ashamed—actions that reveal moral failings or participation (voluntary or involuntary) in base actions—Aristotle returns to an aspect of his initial account of shame that he has left unexplored: the way in which shame is bound to imagining how one looks in the eyes of those one respects. “Shame is an imagining involving disrepute (*peri adoxias phantasia*),” he observes, and is felt for its own sake “rather than for any consequences.” At the same time, shame is experienced in relation to those whom people “hold in account (*logon echei*)” because “no one cares about opinion except on account of those who hold the opinion (*tous doxazontas*)” (*Rh.* 1384a23-28). This restating of shame's qualities marks a transition in Aristotle's account of shame, directing our attention away from exploring what *actions* are considered shameful and towards considering before *whom* we feel ashamed, why we feel this, and whether this sense of shame bears any relationship to truth or is merely the product of political convention.

The thoughts of others, the reputable opinions (*endoxa*) of our friends and our community, have a tremendous impact on the way we view our own souls. For this reason, who it is we hold in account has tremendous influence on the way we experience

shame, and most significant among those we hold in account are those who evoke wonder and love. Amongst those whom we “hold in account” and thus whose opinions we care about Aristotle explicitly lists those we admire (*thaumazei*), those by whom we are admired, those by whom we wish to be admired, our rivals, and anyone whose opinion we do not disdain (*Rh.* 1384a24-34). Significantly, the word Aristotle uses here that translators of the *Rhetoric* typically translate as “admirer” is derived from the verb *thaumazō* (“to wonder” or “to marvel”) and is a word that assumes preeminence in Aristotle’s usage.¹⁷ To experience another person as an object of wonder and to be seen by another as such is a necessary condition of shame and it is also a source of philosophy, for to wonder (*to thaumazein*) is the beginning of philosophy, as Aristotle famously declares in his *Metaphysics* (*Met.* 982b12). In this way, Aristotle indicates that shame is bound to the desire to be both a wonderer and a source of wonder—an object worthy of philosophic inquiry.

To better understand Aristotle’s usage here, it is helpful to consider his treatment of wonder during his discussion of pleasure, which occurs during his treatment of forensic rhetoric. Aristotle’s treatment of pleasure reaches its apex when he turns to the delight that accompanies both learning (*manthanein*) and being in a state of wonder (*thaumazein*). Both conditions are, Aristotle argues, for the most part pleasant, for both are certain in-between states of having and not-having the object of study or wonder. While “in wondering there is a desire to learn,” in learning “there is a settling into a condition in accord with nature” (*Rh.* 1371a31-34). Wonder is a sign of the existence of a desire to know the thing wondered at for, “the thing wondered at is desirable (*to*

¹⁷ In fact, the Middle Liddel goes so far as to present the word as peculiar to Aristotle, though he is certainly not the first to use it. LSJ 359.

thaumaston epithumēton)” (*Rh.* 1371a3). Wondering at something implies its absence or distance, while learning connotes an enjoyable coming into possession of the desirable thing. When Aristotle notices that human beings feel shame both before those whom they wonder at or admire and also before those who wonder at or admire them, he suggests that shame accompanies an awareness of distance or a place where one is in need or incomplete. Shame then accompanies desire, which, tied to wonder, consists in an awareness of one’s lack; not only of lacking another person but also even lacking worthiness before another person.

Accordingly, when Aristotle turns to examine by whom we desire to be wondered or marveled at, the question of why we experience shame assumes a deeper philosophic significance in Aristotle’s “philosophy concerning human affairs” (*NE* 1181b15). In addition to those he has already named, Aristotle observes two kinds of people we wonder at: first, anyone who possesses anything good that is greatly honored (*tōn timiōn*); and, second, also those from whom we “urgently require something (*deomenoi sphrodra tinos*)” which it is within that person’s power (*kurios*) to give (*Rh.* 1384a29-30). The prime example of the second case is lovers (*erōntes*) who wonder at and desire to be wondered at by their beloved. In making these two additions to the list of those who inspire our wonder, Aristotle highlights the importance of both what is public and what is private in feeling shame and reveals how closely related these things are. Both what is publically honored (as is implied when Aristotle uses the word *timē*) and what is privately loved have a bearing on how we see ourselves—on whether we understand ourselves to be a source of wonder and an object of love. This is all the more evident when Aristotle explains that we wonder at our rivals precisely because they are similar to ourselves, and

thus become a source of emulation that inspires us to become more noble, for if someone like us is noble, we too may hope to become so.

With the addition of the theme of wonder to his discussion of shame, Aristotle's account of the passion assumes a more profound philosophic significance especially in relation to truth, for we admire those whose opinions we take to be truthful. We hold in account not just anyone's opinions, but the opinions of those we accept as true and therefore worthy of consideration, as in the case of elders and teachers (*Rh.* 1384a31-33). Indeed, as Aristotle later notes, no one experiences shame around those whose opinions seem to have little relation to the truth, as in the case of beasts or children (*Rh.* 1384b24). Human beings most wonder at and want to be marveled at by those whose opinions they believe correspond to the truth. The experience of wonder entails a desire to know and when this arises in relation to other human beings it involves longing not only to know but also to be known as a source of wonder. Yet, this longing is inseparable from the desire to know the truth about oneself, something that is in Aristotle's account accessible initially through sorting through the opinions of others.

For this reason it is noteworthy that Aristotle repeatedly employs the eyes and the faculty of sight as a metaphor in discussing shame's relationship to wonder and admiration, experiences that arise naturally yet are shaped by the opinions of and what is honored in one's political community. Aristotle observes that the "things that happen in front of people's eyes and out in the open cause more shame, from which comes the proverb about the eyes being the abode of shame" (*Rh.* 1384a3). The proverb is from Euripides' *Cresphontes*. Here, as when he quoted Sappho, Aristotle uses the two different

Greek words for shame, *aidōs* and *aischunē*, interchangeably.¹⁸ He seems again to be pointing to an underlying unity of both the “embarrassment” of *aidōs* and the “burning shame” of *aischunē* by indicating that both stem from self-understanding mediated through the eyes of another.

This emphasis on the underlying unity of shame, that shame reflects a vision of oneself as mediated through the eyes of one’s community, is consonant with Aristotle’s treatment of the context in which we are likely to feel “more ashamed.” Indeed, actions that are visible (that happen “in front of people’s eyes” and “out in the open”) cause shame, it would seem, because they allow another to form an opinion about the character of the one acting, and thereby contribute to his reputation. Indeed, we are likely to feel more ashamed in relation both to those who are always near us and to those who are assigned to “keep watch” over us, for “in both cases [we] are under the eyes of others” (*Rh.* 1384a38-b1).

To clarify what he means, Aristotle lists six kinds of people before whom one feels “more ashamed,” a list that revolves around the way one’s actions make one’s character an object within one’s community. People feel greater shame in the presence of 1) “those who will always be around them and those who watch over them”; 2) “those who are not culpable on the same grounds”; 3) “those who are without forgiveness (*suggnōmonikous*) toward apparent offenders”; 4) “those who tend to broadcast things to many others”; 5) “those whose pastime it is to dwell on the faults of their neighbors, the way jokesters and comic poets do”; 6) “those they have never disappointed” (*Rh.* 1384b1-

¹⁸ Here, Sachs attempts to explain this by noting in general *aidōs* connotes “an attitude of modest respect for the opinion of others” while *aischunē* implies a “burning shame felt at one’s own ugly behavior.” Again, Aristotle’s usage of the two words does not allow for such an interpretation, obscuring rather than pointing to any difference. Sachs, *Notes*, 204n119.

14).¹⁹ In each instance, the greatest shame accompanies a lack of forgiveness or understanding in those who have become the judges and spectators of one's character in seeing one's actions. When Aristotle divided rhetoric into three kinds, he observed that listeners of epideictic rhetoric are "spectators" or "onlookers" (*theōros*) who primarily judge the capacity of a speaker, and in the case of judging actions, those of the actor (*Rh.* 1358b6). Actions are visible to a spectator and thus their nobility can be judged. Insofar as a spectator's judgments are without forgiveness, they involve more shame; that is, greater fear and agitation at imagined disrepute.

The trustworthy opinions of a spectator of one's actions, signs of the "active condition of one's character," reflect the character and nobility of one's own soul (see *Rh.* 1367b22-25). Encountering the reputable opinions of others, for the most part, marks the beginning of searching for the truth about one's soul. To the extent that a spectator's opinion is capable of affecting either someone's reputation or, more deeply, his self-understanding, that person is likely to feel more shame in his judge's presence. This is all the more true if one's judge is someone we hold to be truthful, a theme Aristotle weaves throughout his treatment of shame and that is developed fully only when he turns to the way shame changes in relation to a friend.

Friendship's Shame

One's actions, both political and private, should they become known, place one squarely on the human stage, allowing spectators to become judges of one's character. Yet Aristotle repeatedly notes that others' opinions about one's soul can be more and less

¹⁹ This list of the kinds of people that cause others to be "more ashamed" parallels lists the kinds of people that are liked in Book II chapter four, only people like exactly the opposite kinds of people that they feel more ashamed towards. See *Rh.* 1381a26-b14.

reliable depending on the degree of friendship one has with a particular spectator, as is evident when he notes that one's shame is greater in relation to one with whom he desires friendship and also in relation to old acquaintances (*gnōrimōn*) who do not know (*suneidotes*) any of his faults (*Rh.* 1384b15-17). Still further, Aristotle goes on to note that people feel ashamed of even speaking of shameful deeds not only before those they do not know well but all the more so in the presences of those who will make their faults visible (*dēlōsontas*) to themselves, "as is the case with servants and friends," that is, those whose eyes we are most often under (*Rh.* 1384b18-22). That is to say, by Aristotle's account the knowledge of a friend's soul includes an awareness of his faults, the revelation of which is inseparable from the experience of shame in those capable of responding to what is noble.

Yet one's proximity to his friend allows for a different kind of judgment, one that does not simply rely on either the opinions of others or upon conventional ideas about what is noble, but rather upon the knowledge gleaned from the familiarity with another's faults and virtues, which accompanies friendship. Examining epideictic rhetoric revealed that Aristotle maintains a distinction between conventional notions of nobility and what is noble in truth, when describing the task of the epideictic speaker to be one of leading what is held in honor towards the noble. Even while notions of nobility are accepted and instilled according to convention and what is promoted through law (*nomos*) both written and unwritten, these can be more or less in accord with what is truly noble, as is evident when Aristotle speaks of the Spartan understanding of beauty.

The difference between shame according to convention and according to what is truly noble becomes all the more evident in Aristotle's treatment of the relationship

between friendship and shame. In keeping with the method he employs in his investigation of anger, Aristotle's treatment of shame shifts the focus away from an initial description of the instinct to fear or conceal what is ugly and towards the higher aim of revealing the noble or beautiful. The one who occupies this position of being admired, then, experiences shame when he is in need and "is asking [his acquaintance] for anything for the first time" (*Rh.* 1384b13). In this situation, shame is felt not so much because what is being asked for is base or vicious (*kakos*), but rather because until this point others "have beheld only the best" in him (*Rh.* 1384b17), and now perceive his neediness.

Shame accompanies the reality of human need, weakness, and failure. Admitting that one is in need requires relinquishing any pretenses to the flawless and god-like attributes that the position of being admired or wondered at seemingly does not admit. Just as anger accompanied the belittling of one's worth by another, so too shame accompanies the revelation of one's defects to another. This is why Aristotle later notes that "at times when people are in misfortune"—that is, when people are most in need—"they do not want to be seen by those who emulate (*zealōtai*) them, since these are their admirers (*thaumastai*)" (*Rh.* 1385b35-85a1).²⁰ In the case of those who feel shame in the presence of those whom they have never disappointed, Aristotle attributes the cause of shame to the fact that people have never shown their weakness to the one never disappointed and thereby occupy the position of "being wondered at." That is to say, one

²⁰ Aristotle goes on to note that "People would also feel shame whenever they have past deeds or acts of their own, or of their ancestors or any others with whom they have any close connection, on which they would bring disgrace and generally on behalf of those on whom they themselves would bring shame; these include those mentioned as well as any people their own actions would be a reflection on, people whose teachers or advisors they have been, or any others like themselves there may be with whom they compete for honor since many things that people do and refrain from doing come from feeling shame toward others of that sort" (*Rh.* 1385a2-8).

who is ashamed of his need believes that his lack or incompleteness renders him less marvelous, or really, nothing to be wondered about at all.

Yet friendship, as Aristotle has raised the subject here, involves an awareness of another's faults to such an extent that a friend might bring to light something we would rather not see. Moreover, he depicts the shame experienced in friendship to involve coming to see the truth about oneself. A friend likes and is liked in return by another and "shares a pleasure in good things and pain at distressing things" with his friend (*Rh.* 1380b38-1381a5). In treating friendship (*philia*) and feeling affection (*philein*), Aristotle lists the kinds of people who are loved, including those before whom we do not feel shame for faults condemned by public opinion. That is, certain people we like because they do not hold us to merely conventional standards of nobility or beauty. While we feel affection for those who do not shame us for conventional faults (like wearing socks with sandals), Aristotle observes that we like those "before whom we are ashamed for faults that are bad with respect to what is true (*ta pros alētheian*)" (*Rh.* 1381b19-22). That is, Aristotle would have us believe that people love not only those who do not shame them for unconventional idiosyncrasies, but also those before whom they feel shame, not at what is popularly thought bad, but what is in reality a fault. Still further, he observes that people like those who do not dissemble with them "such are those who even tell them their own faults (*phaula*)" (*Rh.* 1381b28-30). Even while we might feel greater shame around those willing to reveal our faults to us, their doing so does not preclude and might even deepen our love for them.

Aristotle goes so far as to argue that if someone feels shame at what is conventionally held to be noble or shameful before another it is a sign he is not a friend.

At the same time, someone who does not feel ashamed at conventional faults before another is likely to feel friendship for him and to be his friend (*Rh.* 1381b30-33). That is to say, people feel shame differently according to whether someone they are with is a friend or a stranger, or rather, whether he is known or unknown to us and we to him. Still further, Aristotle notes that there are different forms of friendship that give rise to different relations. “Companionship, living in the same place, ties of kinship, and all such things are forms of friendship (*eidē philias*)” (*Rh.* 1381b35-36). In each situation friendship begins in relation to human need. Shared need then constitutes the basis of a friendship in the fullest sense, the trust and loving that allows for a greater understanding of what is noble according to truth rather than simply according to convention.

Friendship makes manifest a distinction between conventional shame and true shame; that is, it allows us to distinguish between what is merely conventionally noble and shameful, and what is so in truth. Around those that are known (*tous gnōriomous*) we feel shame over things that seem truly shameful (*pros alētheian*) while around strangers or those who are unknown (*tous agnōtas*) we feel shame about things that are conventionally (*pros ton nomon*) blamed (*Rh.* 1384b5-7). The knowledge involved in friendship, one that veils neither one’s virtue, nor vice, nor human failing, nor need, allows for a true understanding of the nobility of one’s soul. Shame does not disappear in friendship but assumes new relevance in relation to truth. The desire of anyone who experiences shame, Aristotle reveals, is to know himself as noble and beautiful, a worthy object of not only wonder but of love.

Moreover, shame corresponds to our political nature in both public and private experience. In the presence of mere acquaintances or even fellow citizens, shame reflects

a desire to be seen as conventionally noble. Yet in the presence of true friends, it is not the desire simply to appear noble, but rather to be noble, that is manifest. In friendship, shame takes on a different meaning, for the knowledge of friendship allows for the communication of what can be revealed only in trust—a trust that allows for correct judgment about one’s own actions. The absence of conventional shame in friendship is not shamelessness (the absence of feeling, *apatheia*), but is rather shame with a different measure—truth. While shame has the ability to guard against what is ugly or bad, it has the more essential characteristic of directing one towards sharing what is noble or beautiful in the proper context—that is, friendship. Shame both reflects and reveals what is held to be noble, not simply according to convention, but according to that which transcends convention in light of what is truly noble.

What are the implications of this distinction between conventional shame and shame in truth? What does it mean to say that shame is altered in the presence of a friend? What implications does this have for our study of rhetoric, politics, and judgment?

First, Aristotle’s treatment of shame points to the possibility that shame, a deeply political passion, has pre-political origins and transpolitical implications. While one’s community undoubtedly provides certain standards of what is noble, Aristotle suggests that there exists a standard of nobility that goes beyond any mere conventionality and touches something we might call truth. If there are true faults that our friends behold, there are also virtues and hence a standard of nobility. The question of whether there exists a transpolitical standard of nobility that corresponds to the experience of shame parallels Aristotle’s treatment of the possibility of a transpolitical existence of justice in

relation to the passion of *nemesis* or “righteous indignation,” as we shall see in the next chapter.

The second point that has emerged from Aristotle’s articulation of shame’s relation to friendship is the way in which the experience of shame might draw us back into the very community from which it separates us. Love of the noble, accompanied as it is by a sense of shame, in many ways separates individuals from their communities, as we saw in examining epideictic rhetoric at the beginning of this chapter. Love of the noble and its attendant fear of shame sets us apart from the community in leading us to perform courageous, self-sacrificial actions that require us to face death alone even as it draws us back into the community in searching for the truth about oneself through the eyes of a friend. Shame binds individuals to their communities, for only through encountering and sifting through the reputable opinions about nobility and one’s own soul might one begin to search for and see the truth of his own soul, a truth Aristotle suggested is revealed fully only in the light of friendship’s love. The origin of shame is not simply the fear of being bad but rather the desire to appear and to actually be noble. This desire, while certainly shaped by one’s community, can become a gateway to philosophy when it encounters the wonder of another human being and of one’s own soul. That is to say, not only wonder but also shame’s desire to be wonderful lies at the heart of Aristotle’s philosophy of human affairs; a philosophy that must depart from in order to return to one’s own and to defend the possibility of true nobility: being a source of wonder and an object of love.

CHAPTER EIGHT

Justice Speaks: Nemesis, Forensic Rhetoric, and Common Law

Nemesis (righteous indignation): The Passion for Justice

Hope that the good will be rewarded and the bad punished is an ineradicable longing of the human heart and one that poses no small problem for political life. This longing is bound to the passion Aristotle calls “nemesis” and might be translated “righteous indignation.” Nemesis, unlike anger, hopes for justice not only for oneself and one’s own but also for the entire cosmos. For this reason it is the only passion that human beings attribute to the gods and that involves hope (*elpidzein*) in Aristotle’s account. The way in which political life and institutions shape and are shaped by this passion has tremendous significance in Aristotle’s treatment not only of nemesis but also forensic rhetoric, speech that aims at finding justice by means of accusation and defense. Forensic rhetoric is most obviously found in law courts where speeches about past actions are signs of wrongdoing weighed by judges whose personal interests are not immediately involved. This kind of rhetoric more obviously than any other aims at judgment, for successful speech is determined by whether the judges decide for or against your cause. So great is the appeal of rhetorical success in law courts that, as previously noted, at the outset of his investigation Aristotle sets forth his concern that most teachers of rhetoric focus on this forensic speech alone. Aristotle moves his audience to see the significance of his own investigation of rhetoric even for the immediate way in which rhetoric is practiced in Greek political life.

Even while Aristotle begins from more immediate political judgments about what is deficient in Athenian democracy, as his account of forensic rhetoric unfolds it becomes clear that this form of rhetoric is not only practiced in but underlies every political attempt to establish justice in its laws and institutions—especially law courts. This becomes especially evident in his consistent references to Sophocles’ *Antigone*, which serves as a model speech about the existence of a transpolitical standard of justice that we as Aristotle’s audience are compelled to judge. Antigone appeals to a notion of justice that serves as a standard by which to judge the laws of any particular regime, which Aristotle eventually calls “common (*koinon*) law.” Unlike our contemporary English common law tradition, based as it is on the accumulation of habit, custom, and tradition, common law as Aristotle speaks of it is a law of justice common to all regimes, even if instituted differently by each. He describes common law as the unwritten laws that “seem to be agreed to by everyone” and that, even while human beings do not communicate or agree about the particulars, “all divine” with respect to the existence of justice and injustice (*Rh.* 1368a8-9). As in the case of shame, the search for the object of nemesis, complete justice, is marked, then, by a concern to discover a transpolitical standard by which we might judge our own laws and institutions.

Nemesis, as Aristotle treats it, drives human beings to question—and perhaps even doubt—divine justice and, at the same time, to work to achieve the justice that they themselves can accomplish by means of the rule of law and in the courts, where actions are exonerated, forgiven, or punished. Aristotle’s investigation of justice through forensic rhetoric, however, begins with a profound concern for injustice in the cosmos, the

existence of which is a scandalous obstacle to any single hope of simple justice on earth and an unavoidable political dilemma.

Forensic Rhetoric: Justice in Court and in Common

It is in addressing the relationship between speech, justice, and law that the question of the justice of rhetoric becomes prominent, that is, of whether rhetoric is in reality a disguise for tyranny and injustice, a tool of force—that is, whether rhetoric is simply a veil for tyranny, as suggested in the Ring of Gyges tale in Plato’s *Republic* (*Republic* 358e-361d).¹ As Aristotle observes, one of the reasons people commit injustice is because they suppose they can get away with it without facing a penalty. In particular, he mentions that those who are skilled speakers are likely to suppose themselves able to escape notice in the committing of injustices because their speech will be able veil their deeds (see *Rh.* 1372a1-14). Similarly, those likely to suffer injustice are those who lack skill in speech, for they are left without means of self-defense and to be defenseless in the face of unjust and ignoble speeches is shameful (*Rh.* 1355b1-3). At the heart of Aristotle’s treatment of forensic rhetoric is the question of whether speech has a tendency to promote or, instead, to frustrate justice. This question points to the core theme of Aristotle’s treatment of rhetoric: is truth really “stronger than its opposite”? Is it revealed through speech as he claims, or is speech able to manipulate appearances rather than reveal an underlying truth, thus making justice inaccessible in ordinary human life? And if speech is able to manipulate the appearances of reality, might it not even undermine any common law as inscribed in and appealed to by particular laws?

¹ Citations to *Republic* are to Alan Bloom’s *The Republic of Plato*, 2nd ed., Translated with Notes, Interpretive Essay, and Introduction. (Basic Books, 1991).

In order to address these overarching questions, Aristotle outlines a procedure that he follows closely. In order to understand accusation and defense, the rhetorical components of forensic speech, it is necessary to understand three things: why people commit injustice (the “that for the sake of which” (*tinōs heneka*) they act when they commit injustice); the dispositions that lead them to do so; and finally the likely recipient of injustices and what condition these are in (*Rh.* 1368b3-6). These matters, however, can be understood only after defining injustice, not only with regard to particular civil laws, but also to the common law, that is, “all those unwritten laws that seem to be agreed to by everyone (*homologeisthai*)” (*Rh.* 1368b7-8). Aristotle then proposes that our investigation of forensic rhetoric begin with an extended discussion of injustice and the motivations and dispositions that lead human beings to commit unjust acts. Do people commit injustice because they have bad characters, or are acts of injustice the result of necessity and force and hence always forgivable? How, in a work that aims at coming to judgments about indefinite and murky matters that mark political existence, could responsibility be attributed to people who often seem to act unjustly not out of choice but out of chance or necessity?

At stake in Aristotle’s treatment of justice and injustice is the *Rhetoric*’s purported aim: increasing our capacity for judgment. The possibility of correct judgment (along with the notion that rhetoric is not tantamount to force) hinges on the question of whether there is a natural standard of what is just by which human actions in particular communities may be judged.

In pursuit of this end, Aristotle begins, not by defining justice, but rather by defining its opposite, injustice: “let doing injustice (*to adikein*) be willingly doing harm

contrary to law (*para ton nomon*)” (*Rh.* 1368b7). As injustice is defined in relation to law, it becomes necessary to define what it means for something to be lawful. Thus, Aristotle explains that there are two kinds of law: particular and common. Particular (*idion*) law is comprised of “those written (*gegrammenon*) laws by which people are ruled politically (*politeuontai*),” while common (*koinon*) law consists in “all those unwritten laws that seem to be agreed to by all” (*Rh.* 1368b8-9).² For a transgression of the law to be willing it must be done knowingly and not from force. Aristotle explains that the things people “do knowingly are not all done by choice,” yet all things done by choice are done knowingly, “since no one is unaware of what he chooses” (*Rh.* 1368b10-12). For example, people compelled to commit injustice by a tyrant can act knowingly but not willingly if their actions are forced. In other words, unjust action does not necessarily reflect an unjust character. One judging a forensic speech must take this into account.

Justice cannot be understood without looking at its contrary, injustice. Injustice in turn cannot be defined without reference to transgressions of law, for it is in relation to law, particular or common, that actions are judged as just or unjust (see *Rh.* 1374b2-7). At the same time, the justice of a particular action must be judged in relation to the willingness of that action; that is, whether an unjust act involves deliberate choice and thus whether it merits forgiveness or punishment. Aristotle posits that people willingly chose contrary to law to do base things for two reasons: either on account of vice (*kakia*)

² In introducing the distinction between particular and common law, Aristotle uses the first person singular “I say/mean” (*legō*) to explain what each term connotes. In doing so, Aristotle introduces a concept that is particularly his own and makes it common. In the *Rhetoric*, a particular understanding of common law is made common. Further, it is not until he returns to this theme in *Rh.* I.13 that it becomes clear that common law is common to mankind.

or on account of lack of self-restraint (*akrasia*) (*Rh.* 1368b14). Yet, human beings with different character flaws will struggle with a variety of vices and lack self-restraint in relation to different objects. For example, a stingy person (*aneleutheros*) will be vicious or lack self-restraint regarding money, a licentious (*akolastos*) will be so concerning bodily pleasures, and a lover of honor (*philotimos*) will be so on account of honor (*Rh.* 1368b14-21).³ Aristotle sets aside these matters of vice and lack of restraint because he says they are clear from what has been said about virtue and from what will be said concerning the passions. However, his initial comments are enough to show just how much one's habitual disposition, a disposition formed largely by law, will affect one's character, and how much one's character will affect one's moral responsibility in the eyes of a judge. Accordingly, vice, which flows from deliberate choice, must be distinguished from lack of self-restraint, which flows from a particular love—be it of money, of pleasure or of honor—with a view to understand the motives of one who acts unjustly (*Rh.* 1368b24-27).

Why Be Bad? The Causes of Action and the Motives of Injustice

The underlying motivation of human action, “that for the sake of which (*tinou heneka*)” one acts, contributes to our apprehension of both injustice and also Aristotle's understanding of human action in general. Moreover, it is only in treating acts of injustice that Aristotle discusses the causes of human action and also provides a definition of pleasure, which human beings so often pursue and which is almost exclusively the aim of unjust action, whether in the form of seeking pleasure or of avoiding pain. In forensic rhetoric, one who makes an accusation must concern himself with the nature and number

³ For the complete list see *Rh.* 1368b15-24.

of motives in the accused person (*Rh.* 1368b28-30). While virtue, passion, and character greatly influence the actions that people undertake or abstain from, the more essential distinctions to be made are those concerning the things people long for (*orgegomenoi*) and those they flee from (*pheugontes*) when they act unjustly or, rather, when they act at all.⁴ For this reason the primary theme of Aristotle's discussion of forensic rhetoric is pleasure, the aim of many actions and the opposite of which (pain) people flee from most of all.

Before things we long for and flee from can be grasped, Aristotle turns to the underlying causes (*aitia*) of human action: chance (*tuchē*), nature (*physis*), force (*bia*), habit (*ethos*), calculation (*logismos*), spiritedness (*thumos*), and desire (*epithumia*) (*Rh.* 1369a5-7). The causes of action he names have primarily material origins, some internal and others external, for the list is derived from Aristotle's observation that some actions are one's own doing and caused by oneself, while others are not (*Rh.* 1368b37).

The overwhelming focus of Aristotle's list of the origins of human action is the remarkable lack of control human beings have over the causes that move them to act. Actions caused by chance or by necessity (and necessity consists in force or nature) are the results of external matters over which human beings have no control (*Rh.* 1368a32-b6). If human beings exercise no control over these matters, they have no responsibility for their actions, as in the case of someone being forced by a tyrant to commit a wrong under threat to his family. In this case the necessity of protecting one's family would

⁴ In contrast to contemporary schools of psychology, Aristotle cautions against reliance on the "psycho-social determinants of behavior" (age, social status, wealth) in order to understand human action (*Rh.* 1369a00). While these play a certain role (one that he explores in *Rhetoric* Book II.12-17), they are not properly speaking the cause of human behavior. For example, the poor will desire wealth because of their lack of it yet it is desire that "will be the mainspring of their action" rather than wealth or poverty (*Rh.* 1369a11-15). Insofar as the desire for wealth is present in the rich as well as the poor, poverty does not seem to be the cause of injustice.

seemingly excuse blame. Can the people acting be held responsible for actions that result from these external sources? For it seems that there can be no choice if the cause of something is chance or necessity (*Rh.* 1368b35-39). If this is the case, can unjust actions ever be blameworthy?

A similar problem also exists in the case of the internal causes of action, habit, calculation, spiritedness, and desire (*Rh.* 1368b37). Even while a human being might be the origin of the cause of action, it is not always clear that he exercises choice. The internal causes of action Aristotle names (habit, calculation, spiritedness, and desire), are matters over which human beings seem to possess little control, particularly in the case of spiritedness and desire. These passions move us to act very often in ways contrary to prudence. Does naming these as causes of action lessen the possibility of choice? Less obvious is the absence of control in matters that arise from habit and calculation; however, in this instance Aristotle describes actions that arise from habits as being the result of repeated actions while those the result from calculation are performed because “they appear to be expedient either as an end or means to an end, provided they are done by reason of their being expedient” (*Rh.* 1369b8-10). Though one might choose his habits, habits might also be blind, instilled by law and custom over time rather than from choice. Thus, as Aristotle describes even the internal causes of action, he emphasizes the absence of control over the origins of human acts.

Indeed, whether the cause of an action is external or internal, the list of causes Aristotle provides has apparently little to do with deliberate choice. How then can one be held responsible for acts of injustice? While all actions could be said to be a result of these seven things, every action could be argued to be a result of or some combination of

all seven. In this way, Aristotle raises the question of whether any human action can be considered blameworthy, for if any action involves chance, nature, or force, how can anyone be blamed for actions undertaken in the face of such constraints? In a work aimed at making judgments about the indefinite matters involved in human action that admit of variation and uncertainty, Aristotle's emphasis on the absence of control over that causes that move us to act in his treatment of justice is troubling, for if human beings cannot control their actions, they cannot be held responsible for them, and thus cannot be punished for unjust actions, only exculpated. Can there be freedom if a mixture of chance, necessity, and desire play a part in every action?

Aristotle's description of matters that occur as a result of chance, nature, and force provides insight into his understanding of the possibility of human freedom in the face of human limitations. Aristotle defines the things that happen as a result of chance as matters the cause of which is indefinite (*aitia aoristos*), that happen not for the sake of anything (*mē heneka*), and that happen neither always (*aei*) nor for the most part (*epi to polu*) nor regularly (*tetagmenōs*) (*Rh.* 1369a33-35). Aristotle concludes his statements concerning chance by observing, "it is clear out of this definition (*horismos*) of chance what concerns these things" (*Rh.* 1369a36). In other words, chance follows no regular pattern or intention.

In making a judgment about the possibility of human freedom, Aristotle's peculiar wording must be taken into account, for here, he gives a definition (*horismos*) about the indefinite (*aoristos*) (*Rh.* 1369a35). To define what is indefinite is to bring matters otherwise unknowable (or at least indistinguishable) within the scope of human reason. To notice what is left up to chance is not to claim the ability to control chance but rather

to take its role into account in making judgments about the justice of a human action. This in some sense is knowledge of ignorance, for to understand chance as Aristotle defines it is to recognize that certain things are beyond the limits of human control and comprehension. At the same time, to define chance in itself allows for a certain amount of comprehension and control, not of chance but of the way in which human beings are capable of choosing to respond to chance circumstances. In a work aimed at judgment, Aristotle thus models a way of defining and thus being capable of judging and acting within the indefinite circumstances and conditions that admit of variation and uncertainty in which human beings flourish.

A similar mode of defining the limitations of human action and reason occurs in Aristotle's brief definition of nature and force, both of which constitute "necessity" in the *Rhetoric*. "Things that happen by nature," Aristotle posits, "are those things whose cause is within themselves" and which "follows a regular pattern; for they always turn out the same way, or do so for the most part (*ē gar aei ē hōs epi to polu*)" (*Rh.* 1369b1-2). Things that happen by nature are, in a sense, the opposite of those that are the result of chance.⁵ Whereas so often throughout the *Rhetoric* nature is something that directs man towards his end, and it is a form of praise to say something is according to nature (*kata phusin*), here nature holds either always or for the most part and thus admits of being knowable, for we have scientific knowledge of things that are always or for the most part. Actions that are the result of force, which are those things contrary to the desire (*par' epithumian*) or the reasoning (*para tous logismous*) of those who perform an action, are made

⁵ As for things that happen contrary to nature (*para phusin*), Aristotle argues there is no need to explore precisely the question of whether something that happens is in accord with nature (*kata phusin tina*) or has some other cause. However, he does observe, "it would seem that chance is responsible for this sort of thing too" (*Rh.* 1369b3-4).

comprehensible to human reason by Aristotle's definitions (*Rh.* 1369b5-6).⁶ Defining what is otherwise unbounded is a way of beginning to know and act in relation to it.

While we might obtain a limited amount of freedom by means of considering external causes of action beyond our control, Aristotle raises the question of what moves us to act on our own, when we are neither forced nor compelled to do so. Aristotle's discussion of human actions leads him to the remarkable conclusion that all things we do of our own accord or willingly are either "good or appear good, or else are pleasant or appear pleasant" (*Rh.* 1369b19-21, 25-26). This observation suggests that even while the causes of human action originate in matters beyond human deliberation, the objects of human action are presented as always what is good or pleasant. While human actions largely originate in constraint, they do not end there.

The Problem of Pleasure

Having treated what is good or advantageous in deliberative rhetoric, Aristotle here embarks on his extended account of pleasure, the primary aim of committing injustice. In his *Nicomachean Ethics* Aristotle raises an unresolved perplexity of whether people act for the sake of pleasure or for the sake of the good (*NE* 1175a18-22). In a similar vein in the *Rhetoric*, he treats pleasure as a primary motive in unjust action and a possible motive in all action. Importantly, he proposes an understanding of pleasure that is bound to nature, presenting the hypothesis (*hupokeisthō*) that pleasure (*hēdonē*) ought to be understood as "a certain kind of motion (*kinēsin*) of the soul," and "a sudden and perceptible settling (*katastasin*) into its proper natural condition (*eis tēn huparchousan*

⁶ Even so, while force may be contrary to certain desires or calculations, it is not inherently (at least as defined by Aristotle) contrary to one's good, as in the classic case of children and their broccoli.

phusin), and that pain is the opposite” (*Rh.* 1369b34-36). Nature in this hypothesis provides a standard that allows us to judge what is pleasant. What is natural becomes a measure or object of what is pleasant and pleasure is found in both motion and rest (“settling”).

Even while nature provides a standard in determining what is pleasant, what is natural admits of a certain degree of flexibility. Aristotle gradually qualifies his initial definition of pleasure when he argues that, because what produces pleasure is pleasant too, “it is necessary that going into a condition in accord with nature (*kata phusin*) is pleasant for the most part.” Things are all the more pleasant “whenever the things that go on as a result of that condition have been restored to their own natural state,” (*Rh.* 1370a2, 4-6). Habit is the first kind of pleasant thing that Aristotle names in accord with this understanding of pleasure. He reasons that a habit is akin to what is natural for “that which has become habitual has become as it were natural” (*Rh.* 1370a6). The reason that habit (*ethos*) is like nature, Aristotle claims, is because what is ‘often’ and what is ‘always’ are close together, and “nature belongs to the idea of ‘always’ and habit to that of ‘often’” (*Rh.* 1370a7-8). Importantly, this understanding of what a habit consists in corresponds to Aristotle’s definition of matters caused by nature, which hold either “always” or “for the most part” (*Rh.* 1369b1-2). What is habitual is then pleasant precisely because it is so close to natural as to become something of a “second nature” (*NE* 1103a15-b25). Like nature, habits cause our actions to be almost always or for the most part, and, insofar as they are not contrary to human nature, can become familiar and pleasant. By means of this definition, Aristotle binds his understanding of pleasure to what is either pleasant by nature or is pleasant insofar it is “neither by nature nor contrary

to nature” but becomes familiar as nature as in the case of virtue (*NE* 1103a24-25). Still further, Aristotle observes that “what is unforced is also pleasant, since force (*bia*) is contrary to nature (*para phusin*)” (*Rh.* 1370a9-10). What is unnatural is unpleasant, and force is, Aristotle contends, unnatural.

Aristotle thus introduces two principles that underlie his entire treatment of pleasure: pleasure corresponds to nature, and what is unpleasant corresponds to what is unnatural. Yet the particular example he uses to illustrate this admits of a great deal of complexity. Aristotle argues that cares, studies, and intense efforts are painful precisely because they are “necessary and forced” and remain so “unless they become habitual” (*Rh.* 1370a12). This raises a question about the beginning of habit, for what might begin as something necessary and forced can become habitual and pleasant, as in the case of study and exercise. To the extent that what is pleasurable takes its bearings from what is natural, it would seem that nature admits of a certain amount of variation, holding for the most part, and that habits can sometimes overcome it and, along with it, its pleasures.

Pleasure in Aristotle’s account is the mark of a movement towards the completion of human beings, for “completing (*epitelein*) anything that is lacking” is pleasant (*Rh.* 1371b26). Insofar as nature is a standard of what is pleasant, and nature acts for an end, it follows that pleasure is directed towards an end: completion (see *Physics* II.7-9). The fluidity of pleasure becomes further manifest when Aristotle lists many pleasant things, many of which are almost exactly opposed to one another—a complexity that corresponds to the reality that human beings exist in time, in the imperfect tense.

Aristotle articulates two underlying components of the pleasure that human beings experience: desire (*epithumia*) and perception (*aisthanontai*), both of which are altered by

virtue of their relationship to the human faculty of speech. Aristotle defines desire, one of the underlying causes of action, as “a longing for what is pleasant” and argues that there are two kinds of desire: rational and non-rational. Non-rational desires are all things people desire not as a result of thought but rather because they are “by nature” as in the case of those desires that “are present on account of the body,” like hunger, thirst, sex, as well as “objects of touch in general, as well as to smell, hearing, and sight” (*Rh.* 1370a19-25). In contrast, rational desires (“desires with reason” [*meta logou*]) consist in “all the things people desire as a result of being persuaded and are combined with reason, for people desire to see or acquire many things from hearing about them and being persuaded” (*Rh.* 1370a26-27). In both instances, desire corresponds to human need or lack and thus is a sign of incompleteness and imperfection. At the same time, the pleasure that accompanies desire and the fulfilling of desire is something that accompanies a movement of human beings (who exist in time) towards completion. Pleasure accompanies completion. Thus, pleasure, like nature, directs us to our end.

That pleasure directs human beings towards completion is all the more evident when Aristotle treats the delights of perception in both memory and imagination. All people who remember or anticipate some good or pleasant thing can experience pleasure, whether in memory or in hope, since perception is present in the experience of imagination, and imagination is “a certain kind of weak perception” (*Rh.* 1370a28-32). Pleasure, Aristotle emphasizes, accompanies perception of undergoing a change and movement towards completion. From this it follows that all pleasant things are in “the perceiving, as present, or in the remembering, as past, or in the anticipating, as future, since people perceive things that are present, remember things that are past, and

anticipate things in the future” (*Rh.* 1370a33-70b1). Pleasure, like the noble, is not limited by time for human beings, because it unites present, past, and future. For this reason, even memories of what has been painful can be pleasant if later on what came from them was beautiful or good (*Rh.* 1379b1-3). Moreover, Aristotle here introduces us to the pleasure of nobility. While noble deeds may be painful to perform, Aristotle reminds us that few things are more pleasant to remember, for there is pleasure in the overcoming of obstacles that increase a sense of self worth. Pleasure as it accompanies the memory of what is noble is itself ennobled.

It is because pleasure is related to the completion of incomplete, that is, to *needy* human beings, that the concept and thus Aristotle’s “hypothesis” concerning it admit of tremendous fluidity.”⁷ In listing a number of things that are pleasant, Aristotle addresses this complexity, often indicating that pairs of opposites are both pleasant. For example, the having and not having of longing and also continuity and change are examples of pleasant but apparently opposite things.

To take the case of change and continuity, Aristotle argues that “doing the same things often” is pleasant, as in the case of habit, yet immediately following this he observes that, “to change is pleasant too” (*Rh.* 1371a26). Both “what one is accustomed to” is pleasant and also change (*metaballein*) and surprises (like “sudden reversals”) are pleasant “because they are sources of wonder” (*Rh.* 1371b11). What one is accustomed to,

⁷ Aristotle even gives several accounts of pleasure, in Books VII and X of the *Ethics* as well as here in the *Rhetoric*. Pleasure admits of a great deal of fluidity, which is perhaps why Aristotle proposes a “hypothesis” (*hupokeisthō*) concerning it rather than a firm definition (*estō*). See Grimaldi, Vol. I, 243. In fact, the very changeability of pleasure leads Grimaldi to speculate that “the fact that [Aristotle] made a number of [statements on pleasure] which seem to differ is indicative of the difficulty which he experienced with the concept.” Vol. I, 244. Noting the variety of statements Aristotle makes concerning pleasure in the *Rhetoric* and throughout the *Ethics*, Grimaldi argues, “there is no radical disjunction of thought between the two passages [in the *Rhetoric* and in *EN X*]. In *Nicomachean Ethics* human pleasure is joined to the activities of man’s nature. In the *Rhetoric* pleasure is joined to man’s nature.” Vol. I, 246.

as in the case of habit, is pleasant because it resembles nature, which holds always or for the most part. At the same time, “Change in all things is sweet,” as Aristotle observes, citing Euripides, precisely because “changing (*metaballein*) happens in the course of nature, since what is always the same makes for an excess of the established condition (*tēs kathestōsēs hexeōs*)” (*Rh.* 1371a24-28). Here, nature remains a standard or measure of what is pleasant. Yet nature, holding always or for the most part, admits of a certain amount of variety owing to our living in time, which allows for and necessitates the possibility of human development. Both continuity and change are part of nature and thus part of human nature and its delights.

The contradictory nature of pleasure is also evident when Aristotle speaks of the pleasure that accompanies desire, both in remembering past delights and hoping for delights in the future. He contends that “a certain pleasure goes along with most desires,” all of which correspond to a wished for good (*Rh.* 1370b16-18). Friendship and erotic longing are among the most telling examples of the pleasure of desire that Aristotle provides. A friend, he observes, “is also included among pleasant things,” yet a friend is not an absent good since complete friendship develops only in the context of living together (*Rh.* 1371a17; see *NE* 1156b25-32). Yet there is something sweet in longing for a friend. Pleasure then accompanies not only having present but also the anticipation of having present, an apparent contradiction inherent in the experience of pleasure. This is true of the pleasure that accompanies the longing for any deep need of body or soul as in the case of those afflicted with hunger, thirst, or love-sickness. Aristotle focuses in particular on the longings of those who erotically desire another human being and who “get enjoyment from talking about, writing about, and constantly doing something having

to do with the one they love,” if only because in performing these actions “they are recollecting the beloved” (*Rh.* 1370b19-23). “This,” Aristotle declares, “is where the beginning of love (*erōs*) comes from for everyone, when they delight in the person not only when present, but also when absent, though remembering also brings them pain at not being with him” (*Rh.* 1370b23-25). There is delight in both the having and not having final possession of the object of one’s love, the reason for which Aristotle explains more fully in his treatment of the pleasure of wonder, which, as we saw in his consideration of shame, is never far from loving or being loved. Shame arises from the sense of incompleteness that accompanies the awareness of one’s faults and limits found in friendship that, nonetheless, leads to wonder about oneself and one’s friend in a promise of the infinite.

Again, as noted in the previous chapter, Aristotle’s treatment of pleasure reaches its apex when he turns to the delight that accompanies both learning (*manthanein*) and being in a state of wonder (*thaumazein*). Wonder and learning are in between lacking (desire) and possessing (perception of enjoyment). Something wondered at is desirable and sought through learning, which aims at a settling into our natural state of completion. Desiring to know in wonder and learning the thing wondered at are never complete, yet are directed at the completion of human knowledge, which, unfolding in time, can never be simply complete or perfect, the condition of the god (*NE* 1154b26-27). At the same time, pleasure accompanies both the desire and the attaining of a greater completion in time.

Motion and rest are both a part of human nature, and pleasure accompanies both states to the extent that they lead towards the completion available to human beings.

Human beings experience pleasure neither wholly in motion nor wholly at rest; this is why, we are pleased by apparently contrary things, both to pleasures tied to motion and also those tied to rest. Both are part of the fulfillment of human nature that, existing in the incomplete condition of time, strives for completion in and through time. Human beings who live in time cannot readily become perfect, and, were they to do so, time would also cease for them; yet without a standard of being (completion), becoming loses its direction and thus its pleasure. Pleasure, though it is largely what human beings aim for in acting or refraining from action, is in each instance Aristotle cites something that accompanies something fundamentally good (activity) and directs man towards his completion. For this reason the pleasure of certain activities “perfects the activities, and therefore perfects life, for which all men long. Consequently, human beings correctly therefore aim at (*ephientai*) pleasure, since [pleasure] perfects for each his life, which is a choiceworthy thing” (NE 1175a17-18). For this reason “pleasure completes activity” (NE 1175a16).⁸

In every example Aristotle provides, pleasure accompanies a movement towards completion, be it in desire, in memory, in learning, in love, or in friendship. Pleasure accompanies and completes activity. Precisely because Aristotle leaves unresolved the extent to which pleasure (and life) lies in motion or rest, change or continuity, completion

⁸ The list of pleasures Aristotle provides is extensive: there is pleasure in memory, anticipation, and sensation (past, future, present), a pleasure that accompanies most desires, pleasure in revenge and victory and thus a certain pleasure in play—both in games of dice and in serious athletic competition, pleasure in argument and competitive debate, pleasure in honor, pleasure in friendship (both in loving and in being loved), pleasure in continuity and change, pleasure in rarity and in familiarity, pleasure in learning and being in a state of wonder, pleasure in doing and receiving good things, pleasure in the imitative things (painting, sculpting, and poetry) because of their relationship to learning and wondering, pleasure in sudden reversals and narrow escapes because these are a source of wonder, pleasure because everything like us by nature is pleasant (like to like), pleasure in friendship with self, pleasure in things of one’s own (deeds, words, and children), pleasure in completing what is lacking (because it is one’s own work), pleasure in ruling (*to archein*), pleasure in being thought wise, pleasure in fault finding with neighbors, pleasure in devoting time to anything one excels at, pleasure in amusement and every kind of relaxation, and pleasure in laughter and the objects of laughter (*Rh.* 1370a1-72a3).

or incompleteness, this account remains complex and at the same time accords with the complexity of human experience and allows for an appropriate ambiguity in the understanding of the pleasures that accompany human nature. To attempt to resolve human happiness into either motion or rest is to misunderstand what can be understood only as a paradox owing to the human condition in time and to misunderstand the complexity inherent in Aristotle's treatment of human action as it unfolds throughout the *Rhetoric*.

Framing Injustice: Who is bad? Who gets hurt?

But most importantly, pleasure is the primary aim of injustice. In treating pleasure, Aristotle does not lose sight of his overall focus: justice and the speech that is directed towards it, forensic rhetoric. The emphasis of this account of pleasure is on justice, for in nearly every instance there is an example of doing and being done, the active and the passive, giving and receiving. In other words, the pleasant human activities that Aristotle mentions all occur in relation to other human beings. Justice permeates this account of pleasure, for every pleasure is tied to a certain action, and every action is either undertaken in relation to another or received from another. That is to say, Aristotle's account of forensic rhetoric is deeply political. Given the goodness of the pleasures named, Aristotle leaves his audience with a startling conclusion: "such are the motives of injustice" (*Rh.* 1372a4). There is an ambiguity in Aristotle's account then, for many of the pleasures he names are those for which even the most equitable person would long. For this reason, one of the underlying considerations of Aristotle's treatment of forensic rhetoric and law is whether committing an act of injustice means that a person is fundamentally corrupt or vicious.

In opening his account of forensic rhetoric, Aristotle claims that people commit injustice either on account of vice or on account of a lack of self-restraint (*Rh.* 1368b14). Yet in treating the frame of mind (*pōs d' echontes*) of those who commit injustice, this account is complicated, for people will tend to commit injustice, he claims, largely because they suppose that they “can go undetected in the action, or if not undetected not pay the just penalty” (*Rh.* 1372a5-6). Here, Aristotle seems to have in mind Glaucon’s contention in Plato’s *Republic* that, given the opportunity, all human beings, both those considered “just” and “unjust,” would commit injustice if they possessed a ring that veiled their unjust actions from the eyes of others and would willingly commit injustice (violate divine and human laws) for the sake of personal gain. “Indeed, all human beings suppose injustice is far more to their private profit than justice,” as Glaucon had put it, and one who had such a ring and failed to use it “would seem most wretched to those who were aware of it and most foolish too” (*Republic* 360c-d). The kind of invisible ring Glaucon has in mind involves rhetoric, for “the extreme of injustice is to seem to be just when one is not.” Moreover, he argues “if, after all, [the unjust man] should trip up in anything, he has the power to set himself aright, if any of his unjust deeds should come to light, he is capable both of speaking persuasively and of using force, to the extent that force is needed, since he is courageous and strong and since he has provided for friends and money” (*Republic* 361a-b).⁹ Clever rhetoric and the use of force are both effectual tools of the tyrant who would avoid blame for his injustice.

⁹ Glaucon’s brother, Adeimantus, only bolsters Glaucon’s challenge, reinforcing the ring’s connection to rhetoric. Claiming to imitate someone who claims it is easy to get away with injustice he observes that “as to getting away with [injustice] we’ll organize secret societies and clubs, and there are teachers of persuasion who offer the wisdom of the public assembly and the court. On this basis, in some things we’ll persuade and in others use force; thus we’ll get the better and not pay the penalty” (*Republic* 365c-e).

Aristotle too is concerned with the frame of mind of one who commits injustice. Like Glaucon, he argues that people commit injustice when they suppose they can go undetected, but adds they might also do so when it is simply in their power to commit injustice, when they believe they will not pay a penalty, or the penalty is less than the benefit gained in the crime (*Rh.* 1372a6-7). Aristotle's list of those who most believe they can commit injustice without paying the penalty begins with people who have skill in speaking, that is, those who use speech to manipulate in disregard of the truth or justice. In addition, Aristotle names those with practical skills, those experienced in conflict, as well as those with many friends and much wealth as kinds of people who also believe themselves capable of committing and getting away with injustice, or, as Glaucon says, those who even if caught are "capable both of speaking persuasively and of using force."

The close relationship between speech and the committing of injustice becomes all the more evident when Aristotle lists different qualities of people likely to be detected or undetected in the committing of wrongs and also the qualities of those likely to suffer injustice. Those most likely to commit injustice (detected or undetected) are those with some skill at speech, while those most likely to suffer injustice are those who are somehow lacking such skill. Those Aristotle names includes those "who are not careful or on guard but are trusting," those "who have been slandered, or who are easy to slander," and also "those with no friends, and those who are not skilled at speaking or at acting" (*Rh.* 1372b29, 36-38, 1373a6-8). The trusting (*tous pisteutikous*), Aristotle explains, are easily violated because "all such people are easy to take things from," those who have been slandered because they either choose not to prosecute or cannot persuade the judges because they are disliked and resented, and those without either skill at

speaking or friends because they either make no attempt to prosecute, or they reconcile easily, or simply accomplish nothing (*Rh.* 1373a4-7). In each case, the absence of the ability to speak is accompanied by the suffering of injustice.

Moreover, Aristotle recognizes and is concerned with the likelihood that those without skill in speaking or friends with whom to speak are without means of self-defense. His earlier observation that it would be absurd if being unable to defend one's body was shameful and being unable to defend one's soul against accusations of injustice and ignobility were shameful precisely because speech "is more distinctive (*mallon idion*) of a human being than the use of the body" (*Rh.* 1355b1-4). Nothing could be more shameful or, in Aristotle's account, more politically problematic than a failure to develop one's capacity for speech, the faculty that only human beings possess and upon which Aristotle bases his unique account of political life. The full flourishing of political life is possible only when citizens are capable of engaging in robust speech about advantage and harm and hence justice and injustice. While this is evident in Aristotle's treatment of shame, his consideration of forensic rhetoric makes clear the implications of failure of learning to defend oneself in political life. If evading just punishment is made possible by speech, avoiding unjust treatment is impossible without cultivating the speaking faculty. To render oneself helpless in the face of manipulative speech is in effect to let injustice run rampant in the city.

Aristotle's observations about the relationship between speech and injustice, both speech's potential to shroud injustice and to defend from it, raise the concern of how laws and institutions can help in defending justice, a question that Aristotle treats again in discussing nemesis (*Rh.* 1386b8-87b22). If speech might be used to veil tyranny, success

in guarding against it will succeed only if the faculty for speech and judgment about justice is deliberately cultivated, and the institutions established by laws (speech without passion) are one way of defending citizens from the unjust use of speech and avoidance of punishment. Yet as Aristotle observes in his *Ethics*, justice exists only “for those for whom there is also law pertaining to them, and law exists among those for whom there is injustice. For justice (*dikē*) is a judgment (*krisis*) about the just and the unjust” (*NE* 1134a30-32). Justice is defined by law and in relation to what is unjust. In addressing the underlying causes of action, the motives of injustice, the frame of mind and disposition of those who commit and who suffer injustice, Aristotle raises the question of what law is, the very subject with which he began his treatment of forensic rhetoric, and he returns to his treatment of *Antigone*.

Nemesis, Common Law, and Equity According to Nature

Only after observing the universal existence of injustice, its causes, motives, and conditions, does Aristotle turn his inquiry to the ubiquitous presence of law and the belief in the existence of justice that marks all political life, for “all people divine (*manteuontai*) a notion of what is by nature just and unjust, even if there is neither community (*koinōnia*) nor agreement (*sunthēkē*) among them” (*Rh.* 1373b7-8). Particular laws established by different regimes, in spite of their differences, all acknowledge justice and injustice. They therefore all acknowledge of injustice: namely, the existence of a cosmic order that is violated by acts of injustice. This desire for cosmic order is the hidden assumption or judgment inherent to the passion of nemesis. Only if particular law is based on a standard that transcends time and circumstance can justice be understood as more than the creation of positive law and judgment exercised in accord with truth (see

Rh. 1375a25-33, 75b6-7). Aristotle answers positivists like Hobbes by his appeal to human passion and desire, which cannot be explained simply within the confines of particular conventions, but which explain the conventions or laws that attempt to institute justice.¹⁰ While the irrepressible longing for pleasure certainly drives many to injustice, our abiding longing for justice drives communities to deter unjust and base action by means of law.

The universal quest for justice manifest in particular laws directs us to search for what Aristotle calls common law. As Aristotle defines it, the common law divined by human beings in fact “comes from nature” (*ton kata phusin*) (*Rh.* 1373b7).¹¹ Just as pleasure, largely the object of unjust acts, is defined in relation to nature (as the soul’s “sudden and perceptible resettling into its proper natural condition”), common law is defined as the law that accords with nature (see *Rh.* 1369b34-36). Nature, while it admits of a certain amount of variation and uncertainty, nonetheless provides a standard by which common law—principles of justice that transcend the particularity of individual regimes—might be grasped. At the same time, nature also serves as a measure of equity, which Aristotle emphasizes in his section on forensic rhetoric, as I discuss below. He means by equity the corrective useful to the law, insofar as law, like the enthymeme, holds only for the most part. Equity is incorporated into the rule of law by means of institutions like the law courts that require arbitrators and judgment, for “the equitable

¹⁰ It should not go unnoticed how much this differs from the understanding of justice’s relationship to law set forth by Thomas Hobbes, whose claim is that there is no justice prior to civil society: “To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law: where no Law, no Injustice.” Hobbes, *Leviathan*, 188.

¹¹ See also Sachs, *Notes*, 179n86.

thing seems to be just, and an equitable thing is something just that goes beyond the written law” (*Rh.* 1374a26-27). What “goes beyond the written law” can be achieved only if equity is promoted alongside rule of law. For this reason nature provides both a standard for the institutionalizing of a notion of justice through particular law and also the measure of forgiveness—that is, equity—that ought to accompany its enforcement.

In noting the existence of a law that transcends the particular laws established by various regimes, Aristotle attempts to supply an account of a principle by which judgments about justice enshrined in particular law might be made. Because common law is not limited to the conveniences and customs of particular regimes, it can serve as a principle according to which particular laws might be judged.¹² Justice exists exclusively “for those for whom there is also law pertaining to them” and law exists where there is injustice; that is, in relation to another (*NE* 1134a30-31). If injustice is found everywhere, then law must exist in the same way—everywhere. Further, in the case of particular laws, the injustice that law aims at guarding against is of two kinds: either accusations against the community (*to koinon*) or accusations against a private person (*to idion*) (*Rh.* 1373b37). This is because unjust actions can be performed either in relation to the community (as in the case of draft-dodging) or against a definite member of the community (as in the case of adultery) (*Rh.* 1373b19-25). Laws then aim at the deterring of acts of injustice, which in turn are defined by or in relation to the community that seeks to defend itself from injustice.

¹² Aristotle’s treatment of natural justice in the *Nicomachean Ethics* follows a similar course. Whereas in the opinion of some people, “all [just things] are of [conventional] character, because what is by nature is unchangeable and has the same capacity everywhere, just as fire burns both here and in Persia, whereas they see the just things being changed. But this is not the way it is—or rather, it is this way in a sense: while among the gods, at any rate, it is perhaps not at all this way, among us there is in fact something that is [just] by nature, though it is altogether changeable. Nevertheless, in one respect it is by nature, in another it is not by nature” (*NE* 1134b25-30).

Both particular law and common law have as their aim the preservation of justice by means of defending human beings from acts of injustice. Aristotle contends there are two forms of justice and injustice that correspond to the two kinds of law (written and unwritten). Both written particular laws and unwritten laws can be violated; however, there are two kinds of unwritten laws: unwritten common law (that which all human beings divine) or unwritten particular laws, which might be described as customs or, to borrow the language of Alexis de Tocqueville, “mores.” Accordingly, Aristotle argues that there are two kinds of just and unjust actions with respect to unwritten laws (*Rh.* 1374a18-19). The first consists in “things that involve surpassing virtue or vice (*ta kath’ huperbolēn arêtes kai kakias*), and for them there are reproaches or praises and expressions of dishonor or honor, and awards” (*Rh.* 1374a21-22). Extraordinary virtue and extraordinary vice are matters that escape the confines of what can be proscribed or prescribed by written law. In other words what can be commanded and forbidden by written law is limited to external actions. It cannot command the excellence or nobility that unwritten laws like those established by what is upheld as noble within a community encourage us to perform.

The second kind of violation of unwritten law consists in “things left out of the law that is particular and written” (*Rh.* 1374a26). The explanation Aristotle provides for this involves the introduction of a notion that he has not mentioned until this point: equity. The “equitable thing,” he argues, is something that “seems to be just,” yet “an equitable thing is justice that goes beyond the written law” (*Rh.* 1374a26-27). Like the common law, equity is unwritten though it acts as a corrective to written law.

Aristotle speaks of equity two ways, first in relation to actions of surpassing virtue, which he describes as “the equitable things” characteristic of the equitable or “decent” person.¹³ While the law aims at maintaining justice, Aristotle’s introduction of equity into his treatise indicates that law alone is not enough to secure justice or rather to curb our appetite for base and excessive pleasures. Actions of either superior virtue or vice exceed both the prescriptions and proscriptions of lawful conduct. While one might perform a virtuous action (act in accord with virtue) the actions of a particular virtue alone are not enough to establish the possession of a virtue. Virtue is complete only to the extent that it moves beyond exterior actions and affects one’s interior disposition, as is reflected in Aristotle’s account of superior virtue, virtue that goes beyond virtuous actions. For example, equity consists in “having gratitude to someone who has done you a favor, for doing a favor in return to someone who has done one, for being quick to come to the help of one’s friends,” and other things of that sort (*Rh.* 1374a23-25). Equity emerges here as going beyond virtue or at least beyond what is required of a virtuous action.¹⁴ In this way, Aristotle suggests that there are limits to what can be asked of ordinary virtue and hence to what can be required by general laws. At the same time, the goal of virtue is not simply right action but a certain kind of disposition of soul expressed by the equitable person, whose expressions of gratitude and generosity exceed what strict justice demands, and yet are altogether just. The justice of equity goes beyond external actions to one’s interior character and disposition. In order to encourage this disposition

¹³ *Epieikēs* is commonly translated as “decent.” While this is an acceptable translation it fails to capture the link Aristotle establishes between equity, equitable actions, and the equitable person.

¹⁴ In some cases it is even opposed to certain virtues, particularly in the case of magnanimity. Whereas the magnanimous person prefers to forget what he has received, the equitable person strives to remember and commemorate this through expressions of gratitude and reciprocal actions (see *NE* 1124b9-17).

in citizens, a community must be careful about the unwritten laws of honor it establishes through praise and blame and also institute a means of distinguishing human failings, which allow for forgiveness, from actions that result from vicious character, which do not.

The second way in which Aristotle speaks of equity concerns the necessary limits of written laws established in any particular regime. Equity can be sought, but not strictly speaking demanded by law. At the same time, equity is the aim of law, and justice in turn is the aim of equity. This is manifest in Aristotle's explication of the second kind of just and unjust actions concerning unwritten laws, namely, those that are "deficiencies (*elleimma*) in the law that is particular and written" (*Rh.* 1374a25). The deficiencies of particular and written law are, Aristotle claims, both willing and unwilling and are attributable to lawgivers. Lawgivers unwillingly make laws deficiently when "it escapes their notice" and they lack foresight. On the other hand, lawgivers willingly make law with deficiencies "when they are not able to make a distinction but are under the necessity to speak in universal (*katholou*) terms about something that is not universal but is the case for the most part" (*Rh.* 1374a29-32).

Written law is necessarily imperfect not only because of failings on the part of the lawmakers but also because of the nature of written law. Aristotle makes this evident when he expands upon the "willing" deficiencies of law. Willing deficiency in the law occurs with respect to those things that "are not easy to distinguish (*diorisai*) owing to the infinity of cases" (*Rh.* 1374a33). A single lifetime "would leave one still counting" the possibilities (*Rh.* 1374a34). In short, the human variety that comes to be in time has a way of poking holes in any simplistic formula about what justice and virtue require

through law. As an example, Aristotle suggests the case of Athenian bans on iron weapons used to inflict bodily harms. To show how this general law might fail to account for the exigencies of particular circumstance, Aristotle suggests the case of someone who is punished harshly for raising his hand against or hitting someone while wearing an iron ring (*Rh.* 1374a37-38). According to Athenian law “[e]ven without striking a blow, one could be considered guilty of assault with a deadly weapon.”¹⁵ For “by the written law he is subject to punishment and commits an injustice (*adikei*), but according to the truth (*kata de to alēthes*) he does not commit an injustice.” To make this distinction is “the equitable thing (*to epieikes*)” (*Rh.* 1374b1-2). Although a particular and written law may ban deadly weapons, an iron ring, though iron, ought not be subject to punishment even if violates the proscription of the law in the precise sense. Equity then distinguishes between the written law’s demands and the aims of the lawgiver.

In spite of the imperfection enshrined in written law, it is precisely because of the unpredictable nature of political life and action that “it is necessary to speak for the most part.” That is, it is necessary to establish written laws that provide general limits on human action in order to deter injustice and promote virtue. If the case is indeterminate (*aoriston*) but at the same time “one ought to make a law,” lawmakers must speak in a general way that entrusts more nuanced judgments to future judges (*Rh.* 1374a35-36). Initially, in introducing a distinction between deliberative and forensic rhetoric, Aristotle argues that lawgivers ought to leave as little as possible to the judgment of those who in the future will be involved in legal disputes. “The laws ought to make the judge authoritative over as few things as possible,” because for both the member of an

¹⁵ Sachs, *Notes*, 181n89.

assembly and the juror, “love and hate and private advantage are often directly involved, so that they are no longer capable of seeing adequately what is true, but their private pleasure or pain clouds their judgment” (*Rh.* 1354b9-11; 13). Even there, however, Aristotle acknowledges the limits of lawmaking and why it is a necessity to leave matters that lawmakers are not capable of foreseeing up to the future judges (*Rh.* 1354b14-15). Here, in treating equity, Aristotle provides an account of why those same lawgivers necessarily leave certain judgments to judges in unforeseeable future circumstance, and thus why the written law falls short of exact justice. In the same way that common understanding supplies what is missing in the enthymeme, so too do unforeseeable and unpredictable circumstances supply through equity what is lacking in the written law (see *NE* 1137b13-14). The primary concern of a lawmaker with respect to justice is then finding a way of instituting equity through courts of law. Equity, Aristotle makes clear, is the object of courts and indeed of forensic rhetoric.

Aristotle’s overarching concern in his treatment of equity is to point out the failings of law, which is liable to punish human failings and weakness rather than true injustice. In all cases and controversies, a dispute (*amphisbētēsis*) concerns whether one’s unjust, unlawful action is an indication of depravity or simply a result of human failing and weakness—that is, whether unjust action is indicative of an unjust person or is due to forgivable human weakness (*anthrōpinōis*) and error, for “the forgiving of human weaknesses is equitable” (*Rh.* 1374b10-11). Equity allows for human error and allows for forbearance in the execution of general rules in particular cases. For this reason equity considers matters “for which one ought to make allowances,” which “is the equitable thing to do,” rather than “to consider mistakes (*hamartēmata*) and injustices (*adikēmata*)

worthy of the same punishment” (*Rh.* 1374b4-6). While mistakes “are not unforeseeable but do not come from badness (*ponērias*),” injustices “are not unforeseeable and are from badness” (*Rh.* 1374b8-10).

In distinguishing mistakes from injustices, Aristotle raises the question of the relationship between one’s character and one’s deeds; that is, whether one’s soul is simply defined by or visible in one’s actions. The concern underlying this question is the role of character and deliberate choice in action. This is evident when Aristotle observes that the accused often admit to having carried out an action, but deny any charge of unlawfulness, as in the case of those who admit that they took something, but deny having stolen it (*Rh.* 1374a1-3). This is because depravity and injustice of character are present in one’s choice, and for this reason defendants attempt to avoid being indicted with charges like “hubris” and “theft” as these words “have an implied reference to deliberate choice (*proairesis*)” (*Rh.* 1374a10-13). If deliberate choice is present in an unjust action, it is taken to be a sign of a vicious soul in need of punishment.¹⁶

Aristotle’s distinction between error and injustice in judging of human actions necessarily escapes the law, which governs actions without reference to the state and disposition of soul, or character, of the one who has committed an action proscribed by law. In cases where the punishment due an injustice does not fit the reprimand due a mistake, he argues that it is “an equitable thing to forgive (*sugginōskein*) human failings (*anthrōpinoi*)” for what is engraved in the letter of the law does not necessarily

¹⁶ One might call to mind the plot of Victor Hugo’s *Les Misérables*, in which the protagonist is imprisoned for having stolen bread while starving. The audience is lead to the judgment that under those conditions Valjean’s taking of the bread did not constitute theft, while his pursuers are convinced it is a sure sign of his depravity. Aristotle’s argument is that actions from error, weakness, and in this case necessity might not be conflated with those from vice, which is marked by consistent choosing of what is base.

encompass the intention of the lawgiver. For this reason, equity entails looking (*skopein*) not “to the law but to the lawmaker, and not to the word but the thought of the lawmaker, not to the action but to the intention (*proairesin*), not to the part but to the whole, and to consider not the sort of person someone is at a moment but the sort of person someone always was and is for the most part” (*Rh.* 1374b10-15). Law is incomplete without equity, for the law necessarily looks at action rather than at the intention and character of the wrongdoer, for law without equity is unable to distinguish between grave injustice and mistakes due to human weakness. While law requires looking at the actions of a wrongdoer, equity requires looking at his character, which as a kind of second nature, holds “always” or at least “for the most part.” Law thus requires equity, and equity, judgment.

Aristotle’s treatment of both common law and equity are concerned with the unavoidable deficiencies of the written, particular laws that govern a community. While equity is an unwritten corrective to written law, what we understand as equitable takes its bearings from common law, which in turn relies on a sense of natural justice. Both common law and equity are unwritten principles of justice that particular and written laws can achieve only for the most part. Equity has recourse to the best intentions of a lawmaker, while common law relies on what we sense is best according to nature rather than what we expect of divine justice. By directing his audience towards forgiveness and away from punishment, Aristotle models a way in which nemesis’ desire for justice might be mitigated by, and also satisfied in a limited way through, political institutions.

Significantly, nature rather than the gods to whom we attribute nemesis provides a transpolitical standard of justice aimed at by both institutions of equity within a

community and appeals to justice that is beyond the community's laws. It is this sense of natural justice that Aristotle explores in his references to *Antigone* and his consideration of the underlying passion it evokes: nemesis.

Justice Completed: Nature, Poetry, and Antigone

Beneath the manifold trappings of the laws and political institutions of any community lies a question about the nature of justice: whether justice is strictly the construct of convention or, instead, principles of justice exist in spite of and even when contradicted by particular laws. Does the longing for justice that accompanies nemesis have any basis in nature or, rather, must we resign ourselves to understanding nemesis as the unwarranted expression of frustrated hope in divine justice? The potential tension between common law's (as well as equity's) implicit appeal to law by nature, on one hand, and the demands of written laws instituted by particular regimes, on the other, is best illustrated in the play *Antigone*, which Aristotle uses both to explain and to probe our sense of natural justice. Aristotle's account of the common law and equity is in fact couched between two references to the play.

The explanation Aristotle provides for the existence of common law, as we have seen, is that people always divine a notion of what is naturally just and unjust. To illustrate what he means by the verb "divine," Aristotle at first makes passing allusions to the principles of natural justice highlighted in the works of three authors, a poet, a philosopher, and a rhetorician, each of which explains a different facet of principles that might be derived from common law (*Rh.* 1373b1-74b23). It is this common notion of what is by nature just and unjust—shared by all people and requiring neither community nor agreement in order to exist—that is expressed in Sophocles' *Antigone*, in the verses

of Empedocles' *Purification*, and also in Alcidamas' speech, the *Messeniacus*.¹⁷ Each reference to another author highlights an element or principle of the common law respectively: its transpolitical nature, its presupposition that life is good and worthy of preserving, and its assertion of that slavery is unnatural.¹⁸ Since the other texts Aristotle cites as sources of the principles of common law are not extant, I will focus on his treatment of Sophocles' *Antigone*.

In the first of his two references to *Antigone*, Aristotle presents his reader with the dramatic dialogue between Antigone and the king, Creon. The tragedy's central conflict revolves around Creon's edict prohibiting the burying of Antigone's rebellious brother, Polyneices, who attempted to overthrow the king's rule. Creon's command is on some level an attempt to reassert the justice and divinely approved nature of his reign, demonstrating that the spirits of evildoers like Polyneices will not be allowed to rest but will be doomed to roam the earth, as is the fate of those who remain unburied. Antigone, when we meet her in Aristotle's *Rhetoric*, has defied Creon's orders, poured dirt over her brother's corpse, and is faced with the wrath of her king, whose edict she has broken.

¹⁷ See also Sachs, *Notes*, 179n87.

¹⁸ In addition to Antigone's assertion of the existence of a common law that is authoritative over particular laws, Aristotle describes two other principles of common law that he finds in other writings, one concerning the inherent goodness of life, the other concerning freedom. This is also the sense in which Empedocles speaks about not slaughtering anything with the breath of life in it, because it is not that this is just for some people and not for others, 'But what is lawful for everyone under the wide watchful/ Sky stretches unbroken through the boundless light of day,' and the sense in which Alcidamas says in the *Messeniacus* 'the god has left everyone free; nature has made no one a slave'" (*Rh.* 1373b9-18). Each allusion highlights a different aspect of the common law: the intrinsic evil of taking innocent life and the principle that slavery is contrary to nature and freedom in accord with it. In the former case, Aristotle is endorsing the principle of respect for innocent life, but leaves its application open to particular circumstances, for example, whether he would support Empedocles' endorsement of never slaughtering animals. Neither of these principles is dependent upon particular law but constitute "what is lawful for everyone." Arguably, to the extent that particular law fails to recognize these underlying principles, it fails to achieve justice. Sachs notes that the speech of Alcidamas, a pupil of Gorgias, praises the Messians who gained their freedom after nearly three centuries of enslavement to Sparta as helots. Sachs, *Notes*, 179n87.

Antigone is obviously speaking of something like common law, Aristotle paraphrases, in saying that “it is a just thing, though forbidden [by Cleon], to bury Polyneices, since that is just by nature (*phusei*).” Aristotle then provides his readers with Antigone’s exact answer to Creon’s demand that she explain her action of burying her brother: “For this is not something of today or yesterday, but for all time/ It has its life, and no one knows from whence it came to light.”¹⁹ Creon’s edict is, Antigone argues, contrary to what is commanded by a law that transcends the fleeting commands of particular laws. In Sophocles’ account, Antigone divines the existence of an eternal law that leads her to defy her king’s temporal command. Her words highlight both the timelessness and the unknown origins of the commonly known principles of justice.

Yet Aristotle’s retelling of Antigone’s dispute with Creon brings with it a telling addition: nature. It is Aristotle rather than Sophocles’ Antigone, who asserts that nature provides the standard of judging Creon’s law. This addition on Aristotle’s part is striking because it forms the basis of his entire account of the common law and equity (found in the previous section of this chapter), both of which take their bearings not from written law but from nature. Nature becomes in Aristotle’s account the fully articulated basis of a transpolitical standard of what is just.

Aristotle’s addition of the idea of nature to Antigone’s justification for defying Creon’s law is all the more telling when he returns a second time to Antigone’s dialogue with Creon, when examining the question of equity instituted through actual law courts (*Rh.* I.15). A forensic speaker, Aristotle argues, must understand and know how to

¹⁹ *Antigone* II.ii.456-457. References to *Antigone* are drawn from Sophocles. *Antigone*. (New York: Dover Publications, Inc., 1993).

effectively appeal to laws when speaking about the justice or injustice of a particular case. In a court of law, a speaker must have recourse to the law's underlying principles in pleading on behalf of a defendant whose prescribed punishment is not warranted by his particular offense (as in the case of the man who raises his hand against another while wearing an iron ring). Aristotle observes that "if the written law is opposed to the fact," one ought to make use of "the common law and of what is more equitable and more just" (*Rh.* 1375a28-29). To illustrate the implications of this statement, Aristotle refers to the oath taken by all Athenian jurors to make a decision "in one's best judgment" (*Rh.* 1375a30). The juror's oath, Aristotle explains, requires that he "not use the written law exclusively," for "the equitable always remains and never changes, any more than the common law does, since it comes from nature, while the written laws change frequently" (*Rh.* 1375a30-33). Neither equity nor the common law changes, for both are according to nature rather than defined by fleeting standards of positive law that are ever changing in accord with circumstances. Hence it is a juror's duty to abide not simply by the letter of the law in pursuing just judgments.

It is here that Aristotle again has recourse to *Antigone*, to supply a basis for the Athenian law commanding that jurors vow to decide a case according to their "best judgment." The Athenian jurors' vow requires not simply that they use the written law, but that they also judge according to underlying principles of justice that might escape the exact written law. To explain this, Aristotle reintroduces *Antigone*, in a manner that serves to elaborate his initial treatment of the play. Here, he argues that Antigone's actions in the tragedy stem from a primordial understanding of the common law known through encountering nature. Antigone, Aristotle contends, "defends herself on the

grounds that she carried out the burial contrary to Creon's law but not contrary to the unwritten law" (*Rh.* 1375a33-35). Hence Aristotle finds in Antigone's lines a distinction between written temporal laws and unwritten eternal laws rooted in nature. Antigone's willingness to disobey Creon is the result of her reliance upon intuited principles of common law and her sense that positive law alone does not define justice.

Aristotle once again cites part of Antigone's appeal to unwritten law in her reply to Creon: "'For this is not something of today or yesterday but for ever and ever... / And I [am] not willing [to owe the penalty of that kind of injustice] on account of any man'" (*Rh.* 1375a33-b2). Once again, Aristotle's additions to Antigone's account of her own defiance are significant. In the context of Sophocles' play, Antigone is here replying to Creon's inquiry following her confession of having buried her brother: "And you made free to overstep my law?"²⁰ Creon here questions the basis of Antigone's bold defiance of the edict of a divinely ordained king. In citing this, Aristotle repeats one line he mentioned previously when introducing his explicit treatment of common law ("this is not something of today or yesterday but for ever and ever") and exchanges Antigone's statements that "It has its life, and no one knows where it came to light" for her claim that she would be loath to follow the prescriptions of a mere man contrary to true justice (*Rh.* I.13).

Aristotle's second appeal to *Antigone* has an added layer of significance. Whereas his initial reference to the play concerns nature's role in guiding our understanding of what is just, Aristotle's second allusion highlights the role equity plays in guiding and correcting our interpretation of written law in actual law courts. That is, Aristotle directs

²⁰ *Antigone*, II.ii.448.

us to investigate the basis of human laws that govern our own way of life. The implicit question Aristotle raises is what an appropriate response to the conflict between what is just by nature and what political justice requires. Does such a conflict lend itself to reform, repeal, or defiance? Do his allusions to Antigone's actions in theory not in reality encourage rebellion in practice?

In this second citation to the play, Aristotle's focus is Antigone's claims concerning the limits to the penalties that can be inflicted by human law. In light of this, the parts of Antigone's reply to Creon that Aristotle omits from his own discussion of common law and equity are telling. Unlike Antigone, Aristotle does not refer to what he is calling the common law as having any relationship to the Homeric gods. In Sophocles' play Antigone's full reply to Creon is as follows:

“Because it was not Zeus who ordered it/ Nor did Justice, dweller with the Nether Gods,/ define such laws (*hōrisen nomous*) for men./ Nor of so much binding force did I deem your,/ ordinance, as if the unwritten and steadfast law of the gods/ a mortal man were able to prevail against./ For this is not something of today and yesterday, but for all time./ It has its life, and no one knows from whence it came to light./ Not for fear of the mind of any man am I willing to owe a penalty to any of the gods for breaking these [unchanging, unwritten ordinances].”²¹

While Antigone mentions Zeus and other divinities, she does not suppose they are the source of this timeless and unwritten law she appeals to in disobeying Creon's law.

Aristotle, in drawing from Antigone's lines, likewise appeals to the underlying, unchanging, and unwritten principles that Antigone appeals to in providing an account of why she refuses to obey Creon. While Antigone argues she is unwilling to “owe the penalty (*dikēn*)” to the gods in order to please any man, Aristotle omits her direct reference to the gods and fear of penalty. In contrast to the concern with divine

²¹ *Antigone* II.ii.449-460.

punishment manifest in Sophocles' play, Antigone as Aristotle presents her is not concerned with what is owed to the gods as much as she is concerned with what is just by nature and would rather die than commit an act contrary to the common law, what is just by nature. Her deed is traceable not to fear of the wrath of Homeric gods as it is to the love of justice, in Aristotle's account, and to the desire that action be in accord with true justice.

In light of Antigone's example, Aristotle makes a pronouncement on the role of the judge that follows from the understanding of the deficiencies of written law. The task of the judge, "like an assayer of silver," is to "distinguish between counterfeit (*kibdēlon*) and true (*alēthes*) justice" (*Rh.* 1375b6). The duty to distinguish between true and counterfeit justice requires that one not adhere to the letter of the law at all times, but to its spirit, for it is "the mark of a better man to use and stand by the unwritten laws rather than the written ones" (*Rh.* 1375b7-8). Aristotle lists a series of situations in which deciding contrary to the written law will be necessary, including cases in which written law is "opposed to a well-regarded law," in which it is opposed to itself, or in which the law is ambiguous. In these instances "one may turn [the law] and see which way of taking it fits what is just or advantageous and then use that" (*Rh.* 1375b9-13). In other words, in cases where the written law is contrary to justice, "it may be argued that what is just is true and advantageous, but what seems just is not, so that what is written is not law, since it does not do the job of law" (*Rh.* 1375b4-5). Here, Aristotle is not advocating the sophistical manipulation of law, but rather preserving the possibility that positive law might be judged according to truth, and that this must be contested in these terms, that is, by an appeal to one's inherent sense of what is right.

Yet even while Aristotle with the aid of *Antigone* teaches us how to interpret our innate sense of and desire for justice, he probes us to wonder what we as his audience find so compelling about his appeals to natural justice. To what in us does he appeal that makes his argument persuasive or at least worthy of serious investigation?

Nemesis, the passion that corresponds to our thirst for cosmic justice, is a significant movement of soul that drives us to investigate the meaning of justice both political and natural. For this reason, Aristotle's treatment of forensic rhetoric would be incomplete without his investigation of that passion and with it the risks and possibilities it poses for political life.

Nemesis' Hope

An ennobling hope in cosmic justice accompanies the pain-filled judgment of nemesis that an unjust person is prospering contrary to what he deserves. Aristotle praises that passion as a sign of good character and goes so far as to claim that "one ought" to feel it, and, indeed, that not to experience nemesis is itself a sign of base character (see *Rh.* 1387a1-3). This passion, as we have seen, is marked by the hopeful expectation that the good will be rewarded and the bad punished, each according to his respective worth. It is on account of the question of worth, the sense that our dignity is something divinely bestowed and hence must be divinely recognized, that Aristotle claims nemesis is the only passion we attribute to the gods who recognize our worth (*Rh.* 1386b15).²² Nemesis is the passion that leads us to hope that the divine will act as much on earth as in heaven and, should our expectations about what divine justice entails be thwarted, leads to the

²² The word Aristotle uses and that is here translated "worth" (*axios*) might also be translated "desert" or "deserving." I use these English words in this section to attempt to capture what is embedded in the Greek meaning of the word.

most troubling questions about not only divine but also political justice. As we shall see, Aristotle raises nemesis' relationship to divine justice only to gently drop any explicit consideration of that question from his discourse and direct our focus instead towards matters of justice in human affairs. Nonetheless, an awareness of the way longing for divine justice affects political life suffuses his account and culminates in his veiled allusions to Achilles' nemesis, and in his suggestions as to how one who shares Achilles' sense of worth and love of justice might be tamed by rhetoric.

Strangely enough, the passion Aristotle most associates with a longing for order is introduced in the most disorderly way possible. Aristotle begins his treatment of nemesis not from a clear definition but rather from stating its relationship to two other passions: pity and envy. This might appear unremarkable but for the fact that nemesis, the ninth of the eleven passions Aristotle highlights in the *Rhetoric*, marks a striking departure from his heretofore consistent method of treating the passions, one he outlines in his introduction to Book II and that he has habituated his audience to receive (see *Rh.* 1378a23-27).²³ For the sake of ordering what appears to be a deliberately disordered treatment of the desire for cosmic order, I will treat, first, nemesis' longing in relation to pity, second, the personal disinterestedness that it shares with envy, and, finally, the perennial problem nemesis poses for political life that Aristotle prompts us to ponder.

Pity's Justice

Pity is the passion that most corresponds to and is simultaneously opposed to (*antikeimenon*) nemesis, as presented in the *Rhetoric*. While pity (*eleos*) consists in being

²³ Aristotle departs from his habit of defining passions by means of the imperative *estō*. Instead, nemesis' formal definition (and also that of envy) follows directly from the *estō* used to define pity at *Rh.* 1385b14. Aristotle does not use *estō* in describing either nemesis or envy. See also Grimaldi, Vol. II, 151.

pained at another's undeserved adversity, nemesis consists in "being pained at undeserved prosperity" and is thus in a sense [pity's] opposite (*Rh.* 1386b8-10). The word Aristotle uses to describe the relationship between nemesis and pity is verb *antikeimai*, which can be translated either "to be set over against, lie opposite" (connoting opposition) or it can mean "to correspond with." Nemesis is both like and unlike pity. In one sense, nemesis is opposed to pity inasmuch as believing that someone deserves pain or punishment would squelch a judge's feeling of pity. Yet in another way nemesis corresponds with pity, for both are essentially marked by concern for justice.²⁴

The critical point of convergence between nemesis and pity is that both passions are marks of noble character. Aristotle asserts that the one who experiences pity is likely to experience nemesis, for nemesis "stems from the same state of character" (*Rh.* 1386b11). Aristotle claims that both pity and nemesis are marks of good character (*ēthos*) precisely because both passions are marked by a sense of what is just and a corresponding expectation of what another justly deserves. Each passion shares the underlying presupposition that "it is unjust (*adikē*) for something to happen contrary to what is deserved (*para tēn axian*)" (*Rh.* 1386b14). In treating nemesis, Aristotle aims to cultivate and to speak directly to a certain kind of noble soul (like that of Achilles) whose sense of worth could lead either to greatness of soul or to great destruction. Perhaps for this reason, he begins by emphasizing that pity too might correspond to the same sense of justice that drives a noble soul to grow angry at injustice.

²⁴ LSJ 78. The fact that Sachs translates the verb form as "most exactly opposite" and that Freese translates it as "antithesis" may indicate that Aristotle's treatment of nemesis implies that he has something of both in mind and hence the *Rhetoric* admits of either interpretation.

Character plays a crucial role in the passions of pity and nemesis and for this reason provides an underlying unity between the two in Aristotle's account. Aristotle observes that in order to experience pity, someone must suppose that there is such a thing as an equitable person. That is, in feeling pity, we assume another person is decent or equitable and hence does not deserve the suffering he undergoes (*Rh.* 1385b34). Likewise one must suppose that bad people deserving of punishment also exist in the case of nemesis, when one is indignant at a bad person's prospering. In each instance, both pity and nemesis are aroused by the belief that the fulfillment of justice requires that each receive what he is owed according to his worth. The character that unites experiencing pity and nemesis, as is fitting—each of which is a mark of the good character (*ēthous chrēstou*) that Aristotle praises—is one that hopes (*elpizein*) in the possibility of justice (see *Rh.* 1386b32).²⁵

It is at this point that Aristotle makes the remarkable observation that due to this belief that injustice is what happens contrary to desert, “we attribute nemesis even to the gods” (*Rh.* 1386b15). That is, in expecting divine rewards and punishments for good and bad deeds, we implicitly assume that the divine thinks and feels as we do when the unjust prosper and the just suffer; surely, we presume, the divine *must* intervene in situations where unjust men prosper, for that is exactly what I would do if I, as an all-powerful divine being, saw a mere mortal transgress what I regard as just. Nemesis, like pity, is an instinctive protest against the apparent undeserved-ness or injustice of the lot that befalls someone. It contains the expectation that the transgression of divinely ordained moral conduct will be divinely punished and the faithful devotion to the same laws will be

²⁵ This desire and hope in divine justice is one that Burger claims is the hidden catalyst of the *Nicomachean Ethic*'s exploration of virtue. See, “Nemesis,” 133-34.

divinely rewarded. Nemesis is, then, aroused when we see the unjust prosper contrary to their worth because it seemingly calls into question the very foundations of these divine orders; for surely the divine is capable of enforcing (and hence must enforce) its edicts. This assumption, Aristotle indicates, is at one and the same time as noble as it is problematic, for little experience is required to see that our expectations about justice and its deserts are not met. While Aristotle does not explicitly raise the subject of the divine again in considering nemesis, wrestling with the political and moral implications of the unmet expectations suffuses the account.

While nemesis corresponds with pity in its assumption about deserts, it is simultaneously opposed to pity as an emotional experience. Feeling nemesis can stifle pity precisely because one who is persuaded that punishment is deserved will not feel pity for one who suffers just punishment (see *Rh.* 1387a4-5, b19-22). In fact, seeing the unjust suffer ought to make the equitable person “rejoice” (*charein*) or at least not feel the piteous pain one feels when bad people suffer punishment (*Rh.* 1386b27-32). When Aristotle initially treats pity in Book II, chapter eight, he defines it as “a certain pain at apparent (*phainomenos*) evil of a destructive or painful sort, when it strikes someone who does not deserve it (*anaxiou tugchanein*)” (*Rh.* 1385b13-16). Pity, Aristotle makes clear in treating nemesis, depends on our sense of justice and so can be blocked by this same thing.

There is, however, one important way pity and nemesis differ: that is, with respect to how each passion concerns oneself and one’s own. Pity is never far from fearful expectation that the apparent and undeserved evil that befalls another could also affect oneself or someone one cares for (*Rh.* 1385b14-16). Thus, even while it stems from the

same character, nemesis departs from pity at this point, because it has nothing to do with immediate self-interest or harm. In fact, with respect to the question of self-interest and justice, nemesis is closer to envy. Envy, while it stems from a base rather than a noble character, takes no interest in immediate personal gain, and like nemesis is felt primarily when one who is considered an equal prospers.

Envy's Injustice

While pity and nemesis both have a noble quality that Aristotle praises, both share a base counterpart: envy (*phthonos*) (see *Rh.* 1387a23-88a30; see also *Rh.* 1386b11-12). Those of noble character experience pleasure and pain at the sufferings of another according to that other's desert or merit, for matters that happen in accord with what is just "make an equitable (*epieikēs*) person rejoice" (*Rh.* 1386b33). In contrast, base characters fail to distinguish merit. Aristotle argues that the same person will be both envious and malicious because "someone who is pained when something happens or is present," as in the case of envy, "must necessarily be happy when the same thing is lost or destroyed" as in the case of malice (*Rh.* 1387a1-3). The person of base character will instead be pained at the prosperity of anyone, without distinction (envy) and pleased at the suffering of anyone, without distinction (malice). As Ronna Burger observes "[p]ity and righteous indignation share the presupposition that nature itself should be governed by an order in accordance with the standards of human justice, and it is this that separates them from envy and [malice]."²⁶ Envy and malice, unlike pity and nemesis, is characterized in Aristotle's account by a failure to consider justice in judging the fittingness of external goods and honors appropriated to others.

²⁶ "Nemesis," 129.

Like nemesis, envy is pain or agitation that is directed at another's prospering. Yet unlike the pain that accompanies nemesis, which stems from a desire for justice, envy arises simply because another is one's equal (*isos*) or like one's self (*homoios*) not because his prospering has any immediate effect on oneself or one's own (*Rh.* 1386b20). That is, unlike anger, which is aroused in relation to the unjust belittling of oneself or of one's own, envy and nemesis are not limited to being aroused on occasions that immediately affect oneself or one's own. If anger is aroused in relation to one's own, nemesis and envy are aroused in relation to what is other. I might grow angry if someone hit me unjustly, yet I would feel nemesis if I heard about someone getting away with a similar unjust action occurring on another continent.

To make the likeness of nemesis and envy clearer, Aristotle emphasizes the disinterestedness in one's own good that marks both passions. Aristotle defines envy as "a certain pain at the prosperity of those like oneself" with respect to certain good things—for example, family, age, character traits, reputation, or possessions—"not in order to get anything for oneself but just because they have it" (*Rh.* 1387b23-29). Neither nemesis nor envy arises from any direct need (as with fear or anger), or the "closeness" of suffering (as in the case of pity), but rather on the basis of likeness and similarity. As Aristotle points out, should the pain and agitation arising from supposing that another's prosperity entail some harm for oneself, the passion experienced would cease to be nemesis or envy and would instead be fear (*Rh.* 1386b21-27).²⁷ Envy assumes that all honors and goods awarded to others like oneself necessarily detract from one's own

²⁷ Fear (*phobos*) is one of the passions treated in the *Rhetoric*. See *Rh.* 1382a20-83b11. Like anger it is related primarily to the good of one's self or one's own and in this way differs from nemesis.

honor and goodness. In a word, envy fails to judge whether another's receiving honors or possessing external goods is just and fitting; it fails to discriminate.

While Aristotle's comparison of nemesis to pity accentuates its concern for justice, his juxtaposition of nemesis and envy highlights nemesis' distance from any immediate threat to oneself or one's own. Indeed, the pain that accompanies nemesis stems not from fear for oneself, but from hoping (*elpizein*) for justice, a hope that corresponds to and perhaps informs the thirst for justice that human beings experience. Aristotle's comparison of nemesis to envy underscores, on one hand, its disinterestedness in immediate personal gain and advantage, and, on the other, its relationship to equality and similarity. Aristotle contends, as noted, that someone pained at the sight of those who suffer undeservedly will rejoice or at least not experience pain at the sight of someone who deservedly suffers adversity or punishment (*Rh.* 1386a27-32). Deserved rewards and punishments, on the other hand, are both considered just and "make an equitable person (*epieikēs*) rejoice, since he cannot help hoping (*elpizein*) that what happens to someone like (*homoios*) him will happen to him as well" (*Rh.* 1386b34-35).

Nemesis, then, is characterized by a longing that stems not from fear of destruction but hope of reward; and given the limited nature of even the highest political honors, can we help but hope for eternal reward? The experience of disappointed expectations, one that Aristotle has reproduced in altering the expected order of treating the passion of nemesis, necessarily qualifies the hope upon which nemesis rests, for justice rarely conforms to the delicate contours that human wish. This in turn raises a number of questions, including whether such a hope of reward (of being treated according to merit or the hope that "what happens to someone like him will happen to

him as well”) is justified or has a basis in reality, and also whether what is actually hoped for is not simply justice in a particular situation, but rather the fulfillment of justice in each and every situation (*Rh.* 1386b34). All of this in turn leads to looking anew at the relationship between the desire for justice and the hope of reward that could be fully fulfilled only by an all-powerful and just divinity concerned with human affairs, a perplexity Aristotle himself raises explicitly in treating nemesis.

Taming Achilles: The Education of Nemesis

A substantial problem underlies the entirety of Aristotle’s account of nemesis: the problem of worth in political life. In a democratic age this might be called an inversion of the problem of inequality, for as Aristotle presents us with the possibility that some might be more worthy or prospering in certain ways than others, in the *Rhetoric*, we might call it the problem of Achilles. The problem is this: those who do not deserve to prosper, often do; those who deserve to prosper do not, or at least not in any way we might hope for. Is this not a problem for political life? Might the lack of reward for prospering call into question the possibility of divine justice for one whose hope, like that of Achilles, demands manifest divine reward? Still further, if virtue is without divine reward, what is left to sustain our pursuit of it?

The problem of worth and reward, Aristotle suggests, is the hidden root of the wrath of Achilles, whose words and deeds form the veiled source of Aristotle’s treatment of nemesis. In contrast to modern democratic politics, which are marked by the assumption of fundamental equality, the perennial problem of political life in the experience of nemesis is the problem of a fundamental inequality. When it comes to the virtue of courage and strength in battle, Achilles is no man’s equal and deserves as much

political honor as anyone might hope to obtain. If Achilles, the greatest of the Achaians, is not rewarded for his virtue, what is left for the rest of us to hope for?

That Achilles' words and deeds in the *Iliad* form the backdrop of Aristotle's account of nemesis is evident in Aristotle's description of the kind of person prone to experience nemesis, in his final reference to another significant character from Homer's epic, Hector; and in the careful distinction he makes between nature and convention in considering the problem of merit and political reward. That Aristotle's intention is to educate an Achilles is evident from examining these same things.

The kind of human being likely to experience nemesis is not one with a small soul but rather one inclined to greatness and who loves justice. First, those who are prone to nemesis include those who "happen to be worthy of the greatest goods or happen to possess them," but who happens not to possess these things. Should someone who is not similar to them be deemed worthy of the same goods, it would be unjust (*Rh.* 1387b5-7). An example of this could very well be Achilles' wrath arising from his encounter with the manifestly unworthy Agamemnon, who, in spite of his lack of virtue, possesses rule of an army, the honor of his troops, and the gall to shame the best of men.²⁸ Equal honor awarded to each would be unjust. The second kind of person prone to experience indignation is one who happen "to be good and of serious excellence, because that means [he] judge[s] things well and hate injustices" (*Rh.* 1378b8-9). Again, this would also arise in the case of the relationship between Achilles and Agamemnon in the *Iliad*, for the "best of the Achaians" would experience anger not only because he himself has been done an injustice, but also because he hates injustice. Third, Aristotle notes that nemesis

²⁸ *Iliad* XVI.

is also likely to arise in ambitious people who crave certain positions, “especially when they are ambitious for those positions that others have attained without deserving” (*Rh.* 1378b10-12). Finally, in general, those who suppose themselves worthy of the same good things of which they consider others unworthy are also prone to feel nemesis, and this too applies to Achilles (*Rh.* 1378b13-14). All of these characters prone to nemesis are united in the belief in their own excellence and worth, a belief that necessarily corresponds to a sense of justice and the hope that they might receive a just reward.

Even while nemesis in its radical inegalitarian sensibilities might pose certain problems for the city, Aristotle does not advocate any attempt to rid human beings of their desire for justice or the passion of nemesis. Indeed, a lack of nemesis, he argues, is the mark of a slavish, worthless, and unambitious person (*Rh.* 1387b15). Failing to make distinctions of justice is blameworthy, even “slavish,” not only because it is a failure to exercise reason, the distinguishing human capacity but also because it is marked by a willingness to accept wrongdoing rather than oppose it or defend oneself. It is marked instead by a sense that one is worthy not of honor but of suffering. Apathy towards matters of justice is the mark of those who are slavish because they have surrendered their hope of justice; it is characteristic of the mistaken belief that one is unworthy of any good thing. From this apathy follows a failure to act to attain anything good, for one who is worthless assumes he deserves nothing and hence acts for nothing; perhaps because he assumes there is nothing for which to act.²⁹ Should he have surrendered his sense of justice and worth, Frederick Douglass would have lived much more of his life in chains

²⁹ Whereas in the case of shame apathy was the mark of a shameless person indifferent to the noble and also to the base that might be reflected in matters relating to oneself or one’s own, apathy in the case of nemesis is a failure of hope. Apathy in both cases is subhuman and is the mark of the absence of conviction that there exists something noble or just for the sake of which one must act.

and lived without the dignity he gained from resisting the implicit judgment of slavery, namely, that he was subhuman and incapable of moral judgment. Failing to make a judgment about justice is to act as if one were less than human. If this is the case, how then Aristotle does educate nemesis and the sense of justice from which it stems in his audience?

The way Aristotle desires to guide the kind of character prone to nemesis becomes evident when he describes the occasions that arouse nemesis, a description that refers us once again to the *Iliad*. First, he observes that our desire for justice corresponds to our longing for what is proportional (*analogia*) and fitting (*to harmotton*) to be manifest. It would be unfitting, for example, if a beautiful weapon were given to a just person rather than a courageous one, Aristotle says. Should one who is good fail to attain what is fitting, this would also be a cause of nemesis, and is likely the sentiment of the *Iliad's* audience contemplating Achilles' plight (*Rh.* 1387a27-30).

Yet there is an even more telling occasion that gives rise to indignation, namely, when a lesser person challenges one who is greater, all the more so if they are engaged in the same pursuit (*Rh.* 1387a31-33). To illustrate his meaning, Aristotle refers to the occasion in Book 11 when Hector deliberately avoided facing a superior warrior, Ajax, in battle lest he incite Zeus's indignation at his attempting to fight a better man (*Rh.* 1387a5-6). The lines quoted are "He steered clear of battle with Telamonian Ajax,/ For Zeus would have been indignant with him if he fought with a better man" (*Rh.* 1387a34-35). As Sachs observes, the second line of Homer Aristotle cites here concerning the nemesis of Zeus is absent from any Homeric manuscript we currently have and suggests it might

belong to the ancient oral tradition.³⁰ It is also possible that Aristotle attributes to Homer something that he wanted to emphasize: the disproportionality and thus the hubris of a lesser man challenging a greater man in battle is enough to pain one who perceives and judges rightly the difference between the two. This example is all the more amazing because Hector eventually does fight a man he supposes is Achilles; and, after considerable resistance, Achilles himself.

Here we come to the root of Achilles' wrath and the problem that a sense of worth, one that Aristotle does not deny corresponds to reality, poses in political life: the best has no equal and no one can contend with him. As the best, Achilles may possess virtue, or at least the capacity for virtue, but virtue is not happiness unless it is put to work (*NE* 1098a7-17). Achilles however cannot put his virtue to work unless he has an equal with whom to contend; he decisively beats Hector and with him all of Troy. If this is the case, it follows that the best man cannot be happy, and that Achilles' withdrawal from action stems in part from his experience of nemesis and the sense that the pursuit of excellence ends, unfittingly, in tragedy. Even the honor that Achilles ought to receive from political activity could not be reciprocal and thus could satisfy his desire neither for justice nor to be active in accord with complete virtue. If this is the case, Achilles wrath is not simply anger (connected to his own plight) but is also tied to nemesis and is a protest against the world's inability to satisfy his thirst for justice and the honor that ought to belong to him.

This recipe for tragedy could be understood as such only if virtue is understood as physical might and courage in battle. Even while Aristotle recognizes this dilemma, he

³⁰ See Sachs, *Notes*, 211n126.

offers a fuller understanding of human excellence than we find in Achilles' physical might and courage in battle. After all, happiness, as he defines it in the *Ethics* is an activity of soul in accord with virtue, and if there are several virtues, in accord with the most complete (*NE* 1098a15-17). The *Ethics* illustrates more than one virtue, some more complete than others, and the *Rhetoric* expands the scope of virtue's activity, for example, by gentling nemesis in the way I have been discussing. Yet given that Aristotle's own account of complete virtue begins with moral courage in the *Ethics*, the importance of fostering moral courage cannot be overstated in the development of philosophic inquiry and spurring the quest for more complete virtue, one that cannot be divorced from the intellectual virtues. That is, Aristotle powerfully alerts us to the wonder of political life even while gently drawing our attention to its limited ability to satisfy our deepest longings. This is as sobering as it is hopeful, for Aristotle's observations both modify our expectations of and demands for political justice even while spurring us to search for more complete virtue.

The final way in which Aristotle's account of nemesis educates those prone to experience that passion is by drawing his audience's attention to the distinction between what is just or deserving by convention and what is so by nature. This account is not unlike his treatment of the difference between conventional shame and the shame of friendship that corresponds to truth, and serves to draw his audience beyond convention through an appreciation of its importance. Here too, the problem of worth and inequality comes to the fore. If nemesis consists in being pained at one who apparently fares well and does not deserve to prosper, then, Aristotle observes, it is not possible to feel nemesis in relation to the distribution of good things (*Rh.* 1387a8-10). This is because nemesis

corresponds to our ideas about justice, and justice assumes that each good thing is not suitable for everyone who happens upon it but rather for those who are worthy of it. A beautiful classical guitar, for example, would be wasted on someone without the skills to play it. This is especially true in the case of virtue, since “if someone is just or courageous, or acquires any virtue, no one is going to be indignant at that” (*Rh.* 1387a10-13). While people may not feel nemesis in relation to what is just and fitting, little political experience is required to observe that the primary objects of nemesis, wealth (*ploutos*) and ruling office (*dunamis*), are not always, and are perhaps only rarely, distributed in accord with worth (*Rh.* 1387a14). That is, the occasions that arouse nemesis are legion in ordinary political life. Aristotle suggests that citizens are likely to assume equality where there may be none, in virtue or worthiness to rule. On the other hand, he indicates that one who is worthy and in some ways unequal, as in the case of Achilles, might not receive a fitting external reward.

This leads Aristotle to observe that of the matters that most arouse nemesis in the city, the kind that most contributes to nemesis consists in those things that are newly acquired. Those who are newly rich, he observes, “cause more annoyance than those who have been rich a long time,” not necessarily because they do not deserve riches, but because the very acquisition of new wealth calls into question the justice of the old order, one that appears to be established by nature. That is, in political life, “what is of long standing has an appearance somewhat close to what is natural, as between those who possess the same good thing, people necessarily feel more indignation at those who happen to have newly attained it and are prospering on account of it” (*Rh.* 1387a16-23). The source of annoyance felt towards the newly rich is that those who have long been

rich seem to possess things that are properly theirs *by nature*, “since something that has always appeared a certain way seems true (*alēthes dokei*).” The result of this is that those who have become rich, acquired ruling office, or honors recently, in contrast, “are thought to have things they are not entitled to” (*Rh.* 1387a24-26). The problem Aristotle highlights is that what we hold to be natural we hold to be just. The acquisition of new wealth seems unnatural because it is contrary to what is like nature, what is old and of long standing. Accordingly, the newly rich do not seem to deserve what they possess because their acquisition seems to contradict nature and natural justice.

Conclusion

What would Aristotle have us glean from this attempt to distinguish what is by nature and what is by convention in searching for justice in the city and educating a lover of justice prone to nemesis? Given the unavoidable tension between different claims to rule and to enjoy wealth, each of which concerns one’s worth or desert, are we right to demand manifest political reward? Aristotle walks a narrow line between sobering his audience’s expectations about securing final justice (the justice only the divine could secure) in political life and encouraging them to seek the justice available to them as human beings. Political justice has its limits. At the same time, there is a great deal that political justice provides, especially when it affords human beings the opportunity to deliberate about their respective claims to worth and rule. Indeed, the exchange of speech about advantage and harm leads to speech about justice. Human flourishing depends on and deepens with the development of this possibility. Thus Aristotle encourages his audience to pursue justice by teaching its members to deliberate about it in a fitting way, one that accounts for both the limits and the possibilities of justice in political life. By

distinguishing between what is by nature and what is left to human judgment, Aristotle reveals the possibility that nemesis can move lovers of justice toward active concern for political affairs even while appreciating its limits.

Aristotle gently opens his audience to acceptance of the political reality of the limits of justice even as he encourages them to pursue it. Moreover, Aristotle's efforts address Homer's account of nemesis, for whereas Achilles' wrath leads him (in Book IX) to inaction, a choice that could never satisfy him, Aristotle points to the possibility that it could lead instead to an alternative, more productive, vein. While the gods are mentioned in Aristotle's opening remarks about nemesis, by the end of his investigation Aristotle has redirected the conversation towards a consideration of what is just by nature rather than simply by convention or, similarly, according to the whims of Homeric gods. In the same way he revises *Antigone* (replacing references to Homeric gods with references to nature), Aristotle revises the assumed being behind the justice nemesis demands from gods to nature. In so doing, he prompts us to wonder about and search for a standard of justice beyond one's own regime.

In Aristotle's account, then, nemesis might be educated in a manner that directs us away from the Homeric gods and instead towards the freedom available to us; a freedom that strives for the justice that is available to us. This is perhaps why in his account of nemesis, more than of any other passion, Aristotle reminds his audience of his overarching topic: rhetoric. Nemesis, as we have seen, might be roused in order to quash the pity a juror might feel towards one who has done injustice. To the extent that nemesis is opposed to pity, a forensic speech might block a juror's inclination to feel pity by providing reasons that the defendant *in justice* ought not be pitied. The plaintiff might

show that punishment or suffering is deserved. To the extent that one can demonstrate that a defendant ought not be pitied, he will arouse nemesis and will make it “impossible for the judges to have pity” (*Rh.* 1387b19-22). This task is however left up to one capable of deliberating about justice and about responsibility, for to suppose a justice that affords punishment exists one must presuppose the existence of human freedom to choose or refrain from choosing good and evil. To feel nemesis is to sense that human beings are free and that however limited that freedom they ought in justice to be held responsible for their actions. Through his treatment of nemesis, Aristotle educates that passion in a way that leads to encouraging just action in the city; he educates an Achilles. This is not a benign resignation but the activity of hoping that part of justice involves human freedom to choose what is just.³¹

³¹ Aristotle’s treatment of nemesis here differs in significant ways that found in the *Ethics*. There, Aristotle treats nemesis as a mean between envy (pain at anyone faring well, regardless of merit) and malice/spite (a deficiency in pity that leads to delighting in the misfortune of others). See Burger, “Nemesis,” 130-134.

CHAPTER NINE

Epilogue

Aristotle and Modern Political Discourse

As we have seen, Aristotle's *Rhetoric* contains an extended account both of speech (*logos*), the faculty that allows for the noblest possibilities of political life, and also of that faculty's political education through deliberation, which culminates in the refinement of judgment. Judgment is shaped and informed by the laws and customs of a particular community and is exercised and developed through deliberation. Shared speech about justice and advantage has its expression in the formation of laws for the community that directs citizens towards some actions and away from others. The enacting of these judgments about justice and advantage enshrined in laws directs the passions of human beings by informing, more and less consciously, their actions and hence their opinions about good and bad, just and unjust, noble and base. The highest possibility of political life becomes manifest in shared deliberation about advantage and justice and in the shared passions that result from inscribing these judgments in law and supporting them with force.

Yet these observations leave the relevance of Aristotle's treatment of rhetoric to our own age somewhat ambiguous. Indeed, we began this dissertation in hopes of addressing the contemporary problem described as a crisis of confidence in reason's capacity to make trustworthy moral judgments. This crisis is evident in modern, and particularly in American, political life: polarizing rhetoric, increased partisan division,

futile bi-partisan efforts, and even intra-party strife, all of which contributes to a largely inarticulate sense that politics concerns power to the exclusion of justice—a supposition that has led members of both the left and the right to use speech as a form of political force rather than a means of persuading other citizens in matters of advantage and justice. In what way can Aristotle’s treatment of rhetoric speak to these problems, particularly as they are manifest in the American regime? What can we learn from this philosopher of human things concerning our own time and circumstance?

I introduced this dissertation with the claim that Aristotle’s political science provides a firmer foundation for public life than many theories of contemporary politics do because he begins not from rational abstractions but from our innate concern for what is our own. This starting point allows for a more robust political discourse than do contemporary understandings precisely because Aristotle does not dismiss the rudimentary moral opinions (*endoxa*) from which judgment begins, but allows that these judgments are a necessary starting point for political speech that might be refined through the process of deliberation. While judgment requires education in order to avoid the parochialism and even barbarism of unreflective moral opinion, beginning with these partial judgments about justice rather than by imagining a universally acceptable standard of justice, allows for greater diversity and unity within a political community. For to begin, as Aristotle does, from a concern for one’s own and the justice of one’s own way of life allows both for a greater diversity of opinions to air in deliberation and hence for a greater unity to emerge. Moreover, the airing of certain opinions in speech will require the rejection of some in favor of the acceptance of others. Allowing for and even promoting this possibility would avoid the tyrannical abstractions and abstracted, hollow

citizens required to maintain a system of justice that begins from the exclusion of certain fundamental questions from deliberation. In allowing that deliberation in a robust community begin from the more and less naïve and even parochial judgments that human beings make in every day life (in spite of attempts to eradicate this faculty, the success of which is particularly evident on college campuses), Aristotle provides a way by which we might educate rather than eradicate the faculty of judgment, both as individuals and communities.

Yet there is a critical impediment to any attempt to superimposing Aristotle's understanding of political life and discourse on our own way of life in hopes of reviving and civilizing public speech. That is that contemporary liberal democracies are founded, at least in part, upon the notion of a "scientific" and hence "value neutral" politics. Political systems are not meant to make people good or bad, they are intended to keep individuals safe so that they might pursue whatever "lifestyle" or rather whatever "concept of existence, of meaning, of the universe, and of the mystery of human life" they find appealing any given Tuesday.¹ Much of contemporary liberal theory presupposes the ultimate equality of all values and man's consequent inability to attain true judgment about the best way to live, and as we have seen, judgment qua judgment requires making choices between better and worse. The very existence of any reasonable, objective criteria by which one might judge and choose between various lifestyles, the morality of which is seemingly beyond scrutiny, is supposed the long dead intolerance of ages, thankfully, past.

¹ Planned Parenthood of Southeastern Pa. v. Casey 505 US 833 (1992), 851.

This moral outlook is informed and reinforced by “scientific” prejudice, which lends itself to the belief that only the fact of something’s existence can be known, not its worth; any claims to the contrary (claims that assert the superiority of a particular way of life and implicitly suggest the inferiority of others) are the result of “bias” and a lack of “objectivity.” The purpose of the State as articulated by early proponents of scientific government and liberal democracy is then to secure every individual’s right to pursue his own private choices, irrespective of the effects of these choices on his neighbors. The state must have no influence on the private behavior of individuals, so long as these individuals abstain from murder and pay their taxes. The value neutral state lends itself to the production of value neutral (or rather value indifferent) citizens, for what equal citizen could judge another citizen’s equally chosen life?

Paradoxically, it is precisely this value-neutral state that has produced a new kind of morality, one that increasingly protects the “rights” of individuals over and against the claims laid upon them by a variety of communities, religious, civic, and familial. The moral void left by the value neutral, or rather the morally vapid, state has produced a new kind of moralism, one that, while masquerading as nonjudgmental value neutrality, must increasingly pursue the eradication of the competing moral claims that intermediary institutions (families, churches, civic) lay upon individuals. The state must eventually aim at the eradication of all difference in the name of the “diversity” and “equality” of each and every single individual.

Perhaps what is most striking about this is that partisans of such value neutrality regularly make morally indignant and impassioned claims about what the State owes to individuals, their rights, and of course their lifestyles. In short, in the name of a morally

neutral state, many contemporary political scientists and politicians make assertions about advantage, justice, and nobility, claims that are and ought to be recognized for what they are: moral judgments.

The first thing we must own in attempting to grasp the potential relevance of Aristotle's political thought to contemporary discourse is then the necessary limit of any attempt to superimpose Aristotle's understanding of political discourse onto modern liberal democracy. For by acknowledging that we largely operate within the framework of modern liberalism, we implicitly own that we live within a fence built by those who very deliberately rejected Aristotle's understanding of human beings as political animals, animals who ought to speak about advantage and justice in community if they are to flourish. Rather, we live in a regime in which human beings must abide by the exacting premises of a more "scientific" politics that, for the sake of safety and comfort, removes the most fundamental political question—"who should rule?"—largely out of public reach and beyond debate. To have recourse to Aristotelian political thought in hopes of salvaging a declining public discourse could be to gloss over the profound differences between Aristotle and the intellectual founders of modern regimes, especially Hobbes, and hence to fail to realize that the decline of public discourse may be due precisely to the modern attempt to remove the capacity for judgment from the public sphere. As Bryan Garsten notes, Hobbes employed rhetoric effectively not in order to elevate public deliberation but rather "as a way to close off deliberation so that his advice would not be merely another opinion but the founding and final one. [Hobbes] sought to persuade citizens to alienate their judgments to the sovereign, to agree to abide by its

determinations on controversial matters rather than judging for themselves.”² The aim of the founder of modern liberalism was to remove all but the most trivial judgments from the public sphere. Indeed, the near elimination of this capacity for judgment in contemporary political animals seems not to be the accidental byproduct but the necessary precondition and intended effect of modern political systems, an effect necessary to achieve their limited aims of security and commodious living. For this reason any attempt to salvage the public discourse of liberal democracy with the aid of Aristotle would amount to a good hearted but ultimately superficial attempt to bandage a foundational wound.

Yet to notice the limits of “applying” Aristotle to contemporary politics is in no way to suggest that Aristotle has nothing to offer us by way of facing the present state of politics. Above all, his *Rhetoric* offers us the rediscovery of an innate capacity to see and judge moral claims for what they are, even if these claims market themselves in the public square in the trappings of “value neutrality,” and hence to rediscover a primordial and timeless vision of the human things. To the extent that we retain the capacity to see and judge political life, we require in addition a rediscovery of the kind of education that would make us more able to contemplate political things as they are.

Moreover, if this capacity remains intact despite contemporary attempts to limit and even eradicate it, it also would be possible to have a shared vision of timeless political questions as they were, are, and shall be: competing questions and claims about what is good, just, and noble. Indeed, to the extent that the study of Aristotle’s *Rhetoric*

² *Saving Persuasion*, 27. In observing this, Garsten notes his indebtedness to Leo Strauss’ work on Hobbes’ political theory. See Leo Strauss, *The Political Philosophy of Hobbes: Its Basis and Its Genesis*, trans. Elsa M. Sinclair (Oxford: Clarendon Press, 1936), xiv-xv.

educates the faculty of speech and judgment it allows us to clearly the present state of political things and would allow us more readily to engage in the perennial task of “political philosophy”—the adjudicating of disputes about equality and difference, competing claims about justice, in political life (*Pol.* 1282b22-24). If such a community of shared vision and hence of shared speech about justice were still possible at present it would mark a new beginning for political philosophy and a new opportunity for a kind of political community. This community, should it come into being, would exist in spite of, not because of, the constraints on discourse and judgment instituted by modern liberal regimes. Nonetheless, such a community would in its very existence reveal the limitations of certain modern foundations of our own regime and its exile of speech from the public square.

Yet even this rare possibility of a community of speech would be aided if its members were educated in virtue from a young age and their souls “prepared beforehand by means of habits” for virtue and the study of political things (*NE* 1179b25-26) And the best way to secure the correct rearing that would lend itself to virtue is to ensure that the laws provide for the education of the young. But the laws rarely, especially in a liberal regime, attend sufficiently to education.

It is in light of this problem of education that Aristotle’s writings can be brought to bear most directly on the contemporary crisis of reason. That is, Aristotle is aware that that the kind of moral education necessary to promote the robust understanding of virtue and citizenship, one that would facilitate the kind of public discourse necessary to political flourishing, is nearly always neglected by the regime. Aristotle explicitly raises the question of the relationship between speech and political life in the conclusion of the

Nicomachean Ethics when he notices that only noble and free youths governed by a sense of shame will respond to the appeals he has made to virtue throughout the text. In contrast to these the many are governed by fear of punishment rather than a noble sense of shame (*NE* 1179b5-15). Law is thus a necessary supplement to speech about justice in that it might direct the many towards virtue, or at the very least deter vice in such a way as to let the just flourish. “The laws,” Aristotle argues, “pronounce (*agoreousi*) on all things, in their aiming at the common advantage” (*NE* 1129b12-13). The laws prescribe virtue and proscribe vice by commanding and forbidding (*NE* 1129b20-26). Law is then the first teacher of virtue and vice, and by shaping our behavior, more or less consciously shapes our understanding of what is good, just, and noble. Despite this, the laws almost universally neglect those they ought most to educate, the young. Only the Spartans thoroughly attend to the education of the young, he observes, and Sparta is hardly beyond criticism in how it does so (see *Pol.* 1269a30-1271b19). In other words, there is hardly anything new in the neglect of education by the regime.

Aristotle’s account of law’s relationship to education raises particularly vexing questions about law in modern liberal regimes in light of the manifest attempt of liberal democracy to avoid moral education. Yet, seen in light of Aristotle’s understanding of law, modern liberal regimes educate even as they attempt not to do so; they instill precisely the “non-judgmental” and subhuman disposition to avoid speaking about and searching for justice and truth.

While Aristotle’s conclusion to the *Ethics* is often understood to mark a direct transition to the *Politics*, a work aimed at understanding the regime and the making of good laws, to the extent that his treatment of the noblest possibilities of political life

stems from his understanding of the human capacity for speech, it seems that this ending supplies just as much of a beginning for the questions posed the *Rhetoric* as it does for the *Politics*. Though Aristotle suggests that under the best of circumstances the regime would promote virtue in its citizens by means of good laws, he admits that even while this is what we might wish for, there is a limited likelihood that it will occur. Good laws require good legislators to found and good statesmen to maintain, both of whom must be concerned most of all with the virtue of citizens. For this reason, Aristotle suggests that when “cities utterly neglect the public care, it would seem appropriate for each individual to contribute to the virtue of his own offspring and friends, or at least to make the choice to do so” (*NE* 1180a30-33). To this end “becoming a skilled legislator” would be most useful, for doing so would allow one to shape educational laws for one’s family and friends that would in turn shape the community. Hence, at the end of the *Ethics* Aristotle directs us to that part of political knowledge necessary for understanding good laws contained in the *Politics*. Yet he simultaneously directs us towards rhetoric, which supplies what is almost inevitably lacking in the laws of a given regime. Absent the ability to legislate directly on behalf of the political community as a whole (something neither always possible nor always desirable), a political order would have its legislative task at least partly accomplished through rhetorical education. Indeed, Aristotle himself owns that whether the laws that direct us to virtue “are written or unwritten would seem to make no difference, nor whether through them, one person or many will be educated” (*NE* 1180b1-3). Rhetoric itself supplies what is lacking in law, provides a foundation for judging and deliberating about the law, and allows for a freedom to search for justice and

the best way of life, despite laws that would direct us towards the contrary: a speechless public and private life.

It is this legislation, the liberating legislation made possible through rhetoric, and its capacity to educate and ennoble the human capacity for judgment that Aristotle's *Rhetoric* seeks to supply no matter the particular circumstance. Indeed, it would be more shameful to be incapable of defending one's soul with speech than one's body with deeds. Rhetoric makes possible a new beginning, allowing us to see what might be otherwise, reopening a way that might seem old, furnishing us with the ability to reject what is lacking at present, and providing a possibility to search for orders more in alignment with nature and human happiness.

The possibility of a flourishing political community depends on rhetoric and the way it might educate our judgment. It is perhaps in reminding of us, through his discourse on rhetoric, of the noblest possibilities of our nature that Aristotle supplies us with the memory of our deepest longings and the capacity to strive for what is noble and reject what is base even in the midst of profound political limits on these.

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