

Crises in Rhetoric, Crises in Democracy

Emmanuelle Danblon

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EDITOR'S NOTE

This English translation has not been published in printed form/Cette traduction anglaise n'a pas été publiée sous forme imprimée.

- A number of trends may be observed in contemporary work on rhetoric and argumentation. Some of this work analyses the correct way to conduct a debate, starting out from an idealised model comprising a set of rules which participants would be required to observe. We can see here the inspiration from the English-speaking world, of which the Amsterdam school is currently one of the main representatives. The first work in French by Frans van Eemeren and Rob Grootendorst (1996) is indeed significantly entitled *La nouvelle dialectique* (English title: *Fundamentals of Argumentation Theory*), thereby emphasising the authors' desire to distance themselves from an overly dangerous rhetorical option, as called for in 1958 by Chaïm Perelman in *La nouvelle rhétorique* (English title: *The New Rhetoric: Treatise on Argumentation*). The option from the English-speaking world taken up by the Amsterdam school is frequently criticised for excessive normativity compared with an option making a greater effort to describe the real productions of speakers, with no prejudices regarding the fallacious or "correct" nature of the productions. The descriptive approach is preferred in work on rhetoric and argumentation in French¹. The Brussels school for its part – still inspired by Perelman – is currently attempting to revive the traditional studies of argumentation inspired by philosophy and law by adopting the descriptivist approach inherited from the linguistic tradition. This theoretical attitude thus takes up the three-fold challenge of considering the argumentative phenomena according to an approach that by its nature is interdisciplinary – involving linguistics, law, literature, philosophy and psychology – but at the same time taking care to apply a process that is more

descriptive than normative, and at the same time trying to enlighten analysis of the discourse by a more general questioning of the argumentative function as a tool for human rationality². It is thus the ambition of this volume to report on the notion of crisis in democracy, by using rhetorical reflection.

- 2 It is said that crises are often the origin of changes in paradigm. In a sense, they are the manifestation of a passage or transformation from one state to another. It is nevertheless necessary to state what we mean here by “paradigm”. As a means of understanding reality, this notion supposes not only a set of representations of the world, but also a certain conception of knowledge. All in all, it is a way of thinking, or a “mentality” in the deliberately critical sense in which it is used by Geoffrey Lloyd (1993). The critical dimension is particularly pertinent for the approach adopted here, as it makes it possible to conceive the rhetorical model as a paradigm while assuming the limits of that conception. We shall see subsequently that this critical dimension will serve as a direction for consideration in investigating the notion of crisis in democracy³.
- 3 Rhetoric, based on the canons of logic, nevertheless needs to be persuasive. For Aristotle, the discipline deals with what is true, useful, beautiful, and their opposites. Regarding these subjects, humans gathered together are supposed to formulate judgments that in turn are supposed to lead to decisions. Thus within the paradigm – that of modern logic – people argue with a view to reaching decisions, but the discourse still needs to be persuasive. Has that always been the case, right from the origin of rhetoric?
- 4 In fact, rhetoric has evolved considerably since Aristotle’s day, doubtless on all its essential points – the object of its judgments, the conception of its proof, both technical and extra-technical – and the division of its genres. And yet, beyond this evolution, the rhetorical paradigm remains essentially unchanged. This art of persuasion makes it possible to represent the world and to make judgments and decisions. The ultimate aim of these various functions is to improve the living conditions of the community practising them. Seen in this light, exploring the notion of crisis from the viewpoint of rhetoric can enrich our thinking on the evolution of both societies and their ways of thinking. The ambition of this presentation will be to contribute to consideration of the notion of “crisis”, considered from the viewpoint of relations between democracy and rhetoric.
- 5 Like many other concepts essential to understanding social reality, the notion of crisis has a history that may cursorily be traced by its lexical uses. Etymologically, it is firstly the manifestation of an observable change, becoming subsequently the judgment – *krisis* – on some matter giving rise to a decision. In this active, human conception of crisis, it is human action that gives rise to a change in the world, and humans assume their responsibility for it.
- 6 Thus we may think of the “judgment” of rhetoric, as contained in the “critique” of opinions, as the ritualisation of an abstract, blind crisis, originally the manifestation of a sudden change. Considering the rhetorical framework in its anthropological and linguistic function as humanity’s effort to appropriate a part of what had previously escaped it makes it possible to throw light on these two aspects of crisis: from being distressing because of its nature as a sign of change, it becomes action and deliberation rhetorically speaking, and hence an area of freedom. This appropriation of change takes place as a result of the effect of a ritualisation which makes it possible, here as

elsewhere, to accompany the action. The first stage in this appropriation must involve a representation of the event. This means stating the problem and describing the situation by means of an account expressed publicly and shared by the community. Representation is therefore a condition of judgment, since it is what the judgment is based on. It is also, however, a cognitive act that places the event at a distance.

- 7 In both political and legal rhetoric, renouncing the event to be judged is a stage, essential in itself, during which judgment is suspended. Who knows whether everything will fall into place and return to normal, or whether on the contrary the community will undergo radical change once deliberation is complete? At any event, once judgment is delivered, order will be re-established – whether that order is new or old will depend on what has been decided by the group.
- 8 However, this idealised description of the system of rhetoric – representation, judgment, decision – would only be realistic in a disembodied conception of rhetoric. This is no doubt the ideal to which Plato aspired. However, since the time of Aristotle, it has generally been admitted that rhetoric is also a matter of emotions, testing, errors, doubts, and revisions. Thus each representation, each judgment, each decision may give rise to doubts or even serious disagreements. Rhetoric is indeed a human affair. Nevertheless, there are moments when the rhetorical system as a tool for regulating crises may itself be the subject of crisis, either because it appears to have lost its ability to represent the events, or because the means used to establish a judgment appear to be inappropriate, or because the methods leading to the decision are not acknowledged by the community⁴.
- 9 In those societies that claim to be democratic, the system of rhetoric is the preferred tool for decision-making, even though it is at the same time the subject of doubt, suspicion, and even on occasions downright distrust. It is this link between the rhetorical function and the use made of it in a democracy that needs to be observed, analysed, and understood. Is it possible to establish a link between crises in rhetoric and crises in democracy? Is the system of rhetoric endangered when society has to face an intense political crisis? Or is it the inability of the system of rhetoric, in certain cases, to assume its role of representation and judgment that leads to a political crisis? Seen in this light, the tool for thinking about society and making it take action becomes defective. How then can the crisis be faced other than by taking the full brunt of it?
- 10 Each of the authors who took part in this questioning dealt with one of the aspects of the crisis, emphasising either the representation, the judgment, or the decision aspect. Each considered the question from his/her own standpoint, yet actively embracing the proposed interdisciplinary approach. It is therefore more particularly these three aspects of representation, judgment and decision which will be discussed here, in considering rhetoric in a crisis situation.⁵

Is there a crisis in representation?

- 11 Is rhetoric able to represent? What happens to representation in a time of crisis? These are two questions addressed by Christian Biet, who compares the representation of the events which marked the Wars of Religion in the 16th and 17th centuries in Europe on the one hand, and the Second World War on the other. The author's first question is at the heart of the issue regarding representation. In both cases, society, after events of unheard-of violence had taken place, found itself faced with a question of a political

order – “Should catastrophe be represented?” An essential source of reflection is contained in the diametrically opposite responses made by society in these two instances regarding the issue of representation. On the one hand there is the duty to forget, included in the actual wording of the Edict of Nantes, and on the other there is the duty to remember, a duty well known to our contemporaries. These two options gave rise to differing treatment of representation by the society of the time. The political ban contained in the duty to forget conditions indirect representations which make it possible to consider the event by analogy with another event to which no such ban applies. In the second case, the duty to remember confers the weight of the ineffable on the event, which will find an escape route by aestheticising the representation. Christian Biet, who is a specialist in the representation of violence in the theatre, notes with great acuity that in the contemporary theatre representation has become auto-representation, which means that theatrical action stages the impossibility of representation⁶.

- 12 Whether it is forbidden or ineffable, representation is therefore not direct. Nevertheless, every society circumvents the bans placed on it, making no reference to the event when there is a duty to forget, and referring to the event when there is a duty to remember. These two types of circumvention give rise to radically different rhetorical options, however. The result is that a ban produces indirect representation, through mediation, while an obligation prevents representation, blocking it and turning it against itself. Mediation, the symbolisation of the world in words, is, however, at the very heart of rhetoric. Christian Biet’s reflections lead to a paradox that is strange for the rhetorical system. Would banning expression paradoxically promote the freedom to represent, by the need to circumvent it? Is the Edict of Nantes more “rhetorically correct” than the highly contemporary “duty of memory”? We can see that, behind the rhetorical question, there is an unresolved political question. Is there some escape route that contemporary rhetoric could take to avoid the risk of the ineffable?
- 13 That is what is proposed by Yannis Thanassekos, Director of the Auschwitz Foundation in Brussels, which has been able to gather and conserve a large number of first-hand accounts from people who escaped the Shoah. His contribution is in line with Christian Biet’s thinking, addressing the question of the representation of catastrophe in modern times. To do so, Yannis Thanassekos recalls that the ultimate representation was formulated by Jacques Derrida (2004) after the events of 9/11 – it is a feature of the events that they are in fact ineffable. This confirms the link between the duty to remember and the injunction regarding what cannot be represented. The exact corollary of the political obligation of representation is its ethical ban. In modern times, the rhetorical function of representation is directly placed in a crisis situation. The ethical ban blocks representation and silences expression, which today leads certain authors to declare that Auschwitz – taken as a metonym of catastrophe in modern times – has annihilated our capacity for representation. Here again, emphasis is placed on auto-representation as the escape route, in the form of “staging of the self” and “auto-referential discourse”. It has nevertheless been said that representation is first and foremost the capacity to mediatise the event in question. That is also why rhetoric, as a tool for keeping events at a distance through its symbolic function, is the enemy of Sade’s injunction to “say everything”⁷. And yet... How can we use language to mediatise an event that by its very nature is incapable of being represented? The

consequences for the entire rhetorical system are crucial. Without representation there can be neither judgment nor decision. Thus Yannis Thanassekos envisages what could indeed provide a way of resolving the aporia of representation – the art of giving an eye-witness account. This has the fascinating ability to transcend the aporia of representation. Because in one way it allows the mediatisation of the event and its symbolisation through discourse, without completely placing it at a distance. The eye-witness narrates the event by his/her real presence and corporeity; he/she is thus able to take the risk of representing an event, personally guaranteeing the authenticity of that representation. The enthusiasm for the eye-witness account noticeable now, at the start of the 21st century, is perhaps due to the intuition of a society that hopes to find in rhetoric the means of reaching beyond the aporia that appears to be caused by the duty to remember. But the last eye-witnesses are disappearing, and it will be necessary to find a way of ritualising their words so that the guarantee of authenticity may be retained beyond their actual presence. There is obviously an intellectual urgency to this.

Is there a crisis of judgment?

- 14 Judgment is an evaluation of representation. It is essential to the rhetorical function, as it is on the basis of its establishment that decisions are subsequently made. Thus it may be supposed that the difficulty in making judgments is in addition to the difficulty in representing the event in question. Marc Angenot leads the way with regard to the contemporary figure of resentment by referring explicitly to Max Scheler (1958). In the typology proposed by this specialist in the rhetoric of the social world, the figure of resentment represents one of the four idealised rhetorical types in present-day society, all involved in a “dialogue of the deaf”. The author immediately broaches the subject of society’s stakeholders’ ability to reach common judgments through debate, a question indeed shared by the rhetorical models of normative inspiration. If a failing in argumentative ability is noted in the partner’s speech, this implies that, even before the arguments are discussed, there is no acknowledgement that the partner is trustworthy. This dialogue of the deaf is a chronic revelation of the fact that many of the participants in the debate do not seem to share a common world, or even a set of pre-required conditions for holding the discussion. In a word, the “other person” – the person who does not think as I do – is deemed intrinsically irrational, which quite simply prevents any discussion with that person. From the disagreement that is theoretically the origin of all possibility of discussion and argumentation, we move on to condemnation and disqualification. On this point, Marc Angenot refers to a cognitive break, something much deeper than disagreement, since it actually prevents discussion taking place. Analysis of the figure of resentment, which seems to be particularly present these days, starts out from this observation of the absence of real debate. Indeed this form of the “privatisation of ethical and civic universals” affirms, by a method of reasoning which the author qualifies as specious, that “my failure is the indication of my merit”. This method of reasoning is intimately linked to the conspiracy turn of mind, and operates on the basis of conspiratorial thinking. This, like the method of reasoning based on abduction inherited from the rhetoric of enclosed worlds, has the immense advantage of being extremely effective in terms of persuasion: gathering together a group defined by its identity, it supplies in one movement a single cause for all the injustices and political disasters being experienced, a cause that is

indeed hidden, but irrefutable once it has been revealed. A normative conception of rhetoric would condemn this index-based method of reasoning as fallacious. Being abductive rather than inductive, it is not logically valid. It would then be necessary to look outside the rhetorical paradigm, towards the pre-Platonic, pre-logic – in a word, irrational – index paradigm. Even so, Marc Angenot emphasises that this method of reasoning is particularly useful these days, because it occupies the place left empty by the present context of “crisis” and the disintegration of the great promises of our times. Critique itself, the mainstay of modern times, is being replaced by its archaic corollary of storing up clues that reveal the Cause. Seen from this viewpoint, any attempt at critique is immediately interpreted as a new manifestation of the ignominy of the enemy. In psychological terms, it should no doubt be noted that such a practice is much more reassuring than the practice that consists of endless discussion on the basis of pre-required conditions – those of modernity – which appear to be at least in part placed in crisis⁸. Have the moderns we are “returned” to being irrational? Or are we discovering that we have never been rational in the way ideal rhetoric could have thought? The question remains unanswered.

- 15 For his part, Philippe Breton adopts the notion of rhetorical incompetence as not only the sign but also part of the explanation of clearly diagnosed democratic incompetence. More specifically, the author holds that rhetoric and democracy are the two component parts of a single matrix, that of a specifically human ability taking the form of “competence”. This would, in a way, be the functional description of the rhetorical paradigm. We find competence at work in places of words, empty-centred circles, representing an axis of symmetry, symbolising equality. Equality has no meaning unless it is actually granted in the right to speak. Expressed differently, equality – as is liberty, which is correlative to it – cannot be acquired without learning how to speak out. Without such learning, a degree of rhetorical incompetence would lead to real democratic incompetence. What does this competence comprise? “Rules” is Philippe Breton’s answer, aware of the fact that he could be accused of a certain form of normativity that includes a touch of elitism, which is ultimately irreconcilable with democracy. At any event, these rules comprising rhetorical competence should make it possible for citizens to make judgments with a view to making decisions, not in the capacity of experts, but in the capacity of citizens. This is evidently also a function of democracy. Yet Philippe Breton’s observation on the current state of this competence among citizens is not optimistic. Thus on the basis of a certain number of observations made during experimentation⁹, he draws up an inventory of incompetence (Breton, 2006).
- 16 What does this observation mean? Is society in crisis because it realises the discrepancy between its democratic ideal and its practical achievements? Or is society at an early stage of democratic competence, such that there is reason to hope that it will evolve? Here again, there is no conclusive answer.

Is there a crisis in decision-making?

- 17 A third type of approach involves thinking about the practice of argumentation in democracy, and more specifically in the deliberative function responsible for making decisions. Alban Bouvier, as a sociologist specialising in argumentation, asks the question clearly: “Is there is crisis in rhetoric or is there a crisis in democracy?” To

answer the question, he observes the way in which democracies treat decisions, seen as the result of argumentative deliberation. In this perspective, the author proposes a full definition of argumentation: a technique aimed at persuasion by using rational means including logic, but also aiming for effectiveness. The corollary of this definition is that rhetoric is also a technique aimed at persuasion, but without a criterion of logic. We must therefore see in every valorisation of argumentation by a given society a movement of rhetorical anti-crisis. The hypothesis of an anti-crisis in rhetoric is supported by the analysis of two examples. The first concerns the highly valorised notion of “deliberative” democracy. This occurs most frequently in proximity contexts of democracy, as a reaction to a crisis in political authority, and more specifically as a reaction to a crisis in its legitimacy. This ought to be improved by using processes for justifying decisions made by elected representatives and, at the same time, by giving citizens the possibility of contesting decisions. The case in question involves people living on the sites of major regional development projects. Alban Bouvier points out two criticisms levelled at these practices. The first, marginal but interesting in terms of theory, comes from American feminists who stipulate that deliberation is not democratic because people do not all have the same talent for oratory. However, this turns the practice of argumentation into a gift, rather than a competence within Philippe Breton’s meaning. If this criticism were to be intensified, we could see in it – Alban Bouvier emphasises – a crisis in rhetoric. Indeed this talent, given by Nature, could not in any circumstances be equated with the systematic learning of a series of rules. The second, more serious, criticism claims that such a practice is a masquerade, on the basis that the decisions would in fact remain independent of the deliberations. Claims of this kind involve policy, while presupposing the valorisation of the practice of argumentation. In this sense, it does not reveal any crisis in rhetoric.

- 18 The second example is that of the revalorisation of parliamentary debate. This comes from the United States, in the context of a political crisis suspected of promoting clientelism to the detriment of the common good. In such a framework, Alban Bouvier recalls that Jon Elster (1986) explicitly valorised the practice of argumentation in decision-making, in contrast to negotiation and voting. Here again this reveals a preference for the rational nature of deliberation, within Aristotle’s meaning. The author concludes by providing a specific answer to the question – there is a political crisis in which argumentation is valorised, and even used as a rhetorical anti-crisis.
- 19 Lastly, Benoît Frydman considers the contestation of popular juries for assize court hearings. This originated in a personal experience, as the law professor was involved as a legal expert in the reform of this institution. The article therefore begins with an account that refers to the concern and frustration experienced during the procedure. Benoît Frydman had had the clear impression that, for the legal experts, it was a matter of ratifying the decision that had already been made to do away with popular juries for assize court hearings. The researcher sees in this the clear sign of a two-fold crisis, both in rhetoric and in democracy. By way of explanation, he recalls that the popular jury constitutes one of society’s most radically democratic institutions. However, the distrust of it on the part of a section of society is at least partly due to a certain conception of rhetoric. From this point of view, he stresses the intimate link that exists between an anti-democracy attitude and an anti-rhetoric attitude, as inherited from Plato. A contrario, he proposes a return to a culture of eloquence, orality, the expression of emotions – in short, a culture of fully assumed, incarnated rhetoric. The

fact remains that such an experience of contesting popular juries expresses a paradox, since it goes against a current trend – also noted by Alban Bouvier – that consists of promoting situations of participative democracy. One of the reasons for this paradox is perhaps to be found in the fact that legal rhetoric constitutes the democratic institution par excellence where it is evident that the responsibility of rhetoric is crucial. As for any human activity, as soon as it appears conventional to the social stakeholders, it manifests thereby that it is not infallible.

Conclusion

- 20 Representing, judging and deciding are human activities that are necessary for the construction of social reality, and they need the rhetorical function for their completion. However, the framework of rhetorical activity has always been torn between the question of the criteria for its rationality and the question of its actual effectiveness. In a democracy, argumentation supposes the use by society's stakeholders of at least one of the functions analysed by the contributors to this presentation. Today, rhetorical reasoning appears to be challenged by its own functionality. Its practice reveals the chronic failings and limits of human ability to present the world, to formulate shared judgments, and hence to make decisions for the common good. This observation, whether or not it reveals a crisis, at any event sets the challenge of thinking about rhetoric, more particularly from the starting point of the failings and limits of its practice.

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NOTES

1. The work of C. Plantin (2005) in Lyon should be considered just as much as that of J.-M. Adam (2005) in Lausanne and R. Amossy (2005) in Tel Aviv.
2. See, for example, the work by members of the GRAL in Brussels (www.ulb.ac.be/gral).
3. We see a similar approach by D. Thouard (2007) when he seeks to achieve dialogue between various points of view on the "index paradigm" within the meaning adopted by C. Ginzburg (1986).
4. General and specialist literature currently offers many examples that allow us to think that these three functions are deemed to be in crisis by a section of society's stakeholders; the bibliography contains a number of examples.
5. The texts selected for this presentation on "Crises in rhetoric, crises in democracy" were first presented and discussed at an international colloquy with the same title, held at the Université Libre de Bruxelles on 10 and 11 May 2007, with the support of the FNRS and the Perelman Foundation.
6. For contemporary thoughts on representation, see for example Goody (2006) or Bougnoux (2007).
7. The opposition of the "symbolic" function of mediatisation by language and the "diabolical" reduction of immediate expression in perverse thinking has been emphasised very keenly by F. Ost (2005). This is still a matter of rhetoric.
8. On the crises of modernity, see for example M. Gauchet (2000), R. Sennett (1981), and B. Williams (2006).
9. Within the CNRS and at the request of the inspectorate-general for arts subjects at the French Ministry of Education, Philippe Breton carried out a study which was then the subject of a report drawn up in collaboration with B. Joerg, entitled *Expérimentation du "débat argumenté" en classe de seconde. Présentation, analyse et premiers bilans* (experimentation of "argued debate" in the first year of upper secondary school – presentation, analysis, and initial results) (June 2005). Available at <http://argumentation.blog.lemonde.fr/>

AUTHORS

EMMANUELLE DANBLON

Research group on rhetoric and linguistic argumentation (“GRAL”)

National Scientific Research Fund (“FNRS”)

Université libre de Bruxelles

edanblon@ulb.ac.be