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Manfred Kraus  
*Universität Tübingen*

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# Arguing by Question: A Toulminian Reading of Cicero's Account of the Enthymeme

MANFRED KRAUS

*Philologisches Seminar  
Universität Tübingen  
Wilhelmstraße 36  
D-72074 Tübingen  
Germany  
manfred.kraus@uni.tuebingen.de*

## ABSTRACT

In his *Topics* (§§ 54-55) Cicero describes a type of argument which he calls enthymeme, but which he also refers to as the argument *ex contrariis* (from contraries or incompatibles). This kind of reasoning he states is formally based on the third type of syllogism of Stoic logic, which may be formalized as follows:  $\neg (p \wedge q)$ ;  $p \rightarrow \neg q$  (e.g. not both it is day and it is night; but it is day; therefore it is not night). Cicero, however, illustrates this argumentative pattern by way of several examples he quotes from Roman drama. By these examples it is made clear that the argument is never meant to be expressed in its full tripartite syllogistic form, but in much more condensed phrasing that usually appears in the linguistic form of a rhetorical question (e.g. "How can you condemn a person whom you accuse of nothing?").

In this abridged form, not all parts of the argument are explicitly stated. I will argue that, for this reason, the traditional model of syllogistic logic is insufficient for an appropriate analysis of this type of argument, but that Stephen Toulmin's model of the structure of an argument has much better prospects to offer in this respect.

When analysed according to Toulmin's model, any argument of this kind turns out to be based on at least two implicit assumptions that serve as argumentative warrants. One of them is the formal validity of the syllogistic pattern, which may be granted off-hand. More essentially, however, the persuasiveness of the argument rests on the precondition that the claimed 'incompatibility' it is based on be in fact acceptable to the audience. This, however, is usually the weak point of arguments of this type in practical use, as the kinds of incompatibilities they have to proceed from are generally neither proven facts nor logical truisms as in the standard examples of Stoic logic, but assessments that can at best be called probable and would need further backing. I will further argue that this is the very reason for the preferred phrasing of such arguments as rhetorical questions. For the form of the rhetorical question ("How can you ...?") puts strong psychological or moral pressure on the audience to make them accept without protest what is highly debatable, but vitally needed for the argument to work.

Cicero explicitly states that this type of argument is as popular with philosophers as it is with orators, an assessment for which he offers ample proof both in his philosophical writings and in his speeches. By an analysis of a selection of examples of such arguments from both kinds of works I will show that the truth claims of the incompatibilities involved can generally be related to various standard topical arguments (such as analogies, *e contrario*, correlations, from-cause-to-effect, the *argumentum a minore* etc.), and that from these topics appropriate rebuttals for any such argument may be easily derived.

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