

# UPDATING CLASSICAL STASIS THEORY: THE INVENTORIES OF CHAIM PERELMAN

David Goodwin

Contemporary scholarship hotly debates whether the classical tradition aids or impedes the development of rhetoric within the modern academy. Some scholars argue that classical rhetoric "must be frontally assaulted and the texts that include [it] must be shown to be foreign to the modern mind" (Knoblauch and Brannon 79); others, that it is the "most completely developed body of rhetorical theory, [and] provides a touchstone against which all other theory and practice can be measured" (Connors, Ede, Lunsford vii.). My own view lies somewhere in between. If classical precepts and practices are revived as points of meditation--that is, as opportunities to reflect on, and by reflecting, question contemporary discourse and communication--then the so-called "tradition" is, indeed, central to our discipline. The converse of this relationship also holds: that part of the value of contemporary thought is its ability to call into question past modes and theories of discourse.

In this vein, then, I plan to discuss ancient concepts of rhetorical stasis. Stasis theory played an important role in the development of classical rhetoric, allowing, as it did, the transplanting of forensic procedures into the more general issues of *inventio*. By briefly outlining this development, I hope to show how current beliefs in diverse world-views--something central to the rhetorical theories of Chaim Perelman and Kenneth Burke-- render the concept of stasis highly problematic. I say "problematic," however, and not "irrelevant" or "impossible" because, as I will argue, a re-examination of Perelman's concept of the loci and Burke's pentadic ratios may well provide the grounds for a new theory of stasis, one which might explain how different viewpoints intersect, conflict with, and modify each other.

## I

What remains tacit in everyday conversation must be rendered overt in a court of law. Courts must formalize turn-taking and prerogatives of introduction and closure; must respond to a legal

disagreement with more than an undefined or casual sense of annoyance, relief, or pleasure. They must decide about guilt and innocence, about liability or the lack of it, about sentencing, or, in civil suits, about the assessment of damages. Presumably, legal procedure--and indeed laws themselves--are designed to help judges and juries decide cases fairly and expediently. A fair decision requires a clear charge, not a vague feeling of disagreement between people, or between a person and society; an expedient system requires conflicting parties to locate their differences at the outset of proceedings. Knowing exactly which legal questions need to be asked and answered, what evidence needs to be presented, which side needs to discharge a burden of proof or, conversely, garner presumption--these considerations are all essential to legal reasoning and argumentation.

Take the example of a criminal trial, a murder case. The first issue the courts must resolve is: what evidence exists that a murder was committed? The second issue, does the act fit the definition of first degree murder (as opposed to, let us say, manslaughter)? Third, are there mitigating circumstances or attendant concerns (such as the accused protecting himself)? And fourth, should formal procedural action be taken and is this the right court to take it in? Obviously, the questions are interrelated, with some contained by, or subordinate to, the others. For example, if no convincing evidence is found that a crime occurred, the questions of extenuating circumstances or legal jurisdiction are not only secondary but irrelevant.

Once the courts answer these questions, and if they decide to start proceedings, the accused, too, must identify an issue and develop a defense. The defendant might, for instance, concede the fact as well as the definition of the crime, but plead circumstances: that ten years of physical abuse by the victim compelled him or her to do it. The decision to argue from extenuating circumstances opens up an entire range of secondary issues: questions, for instance, about temporary insanity, the use of reasonable force, and so on.

Classical stasis theory rose out of, and helped address, three fundamental legal needs. First, the need to establish whether a true legal conflict or impasse exists (two people arguing about completely different issues or, equally, taking the same side on the same issue would waste the court's time). Second, to establish the exact charge

by the prosecution or action by the plaintiff. And third, to establish a successful strategy of rebuttal for the accused or the defendant.

Hermagoras of Temnos, in the second century B.C., was the first rhetorician to formalize a series of issues and questions designed specifically to answer these needs (Nadeau 370). Based on Greek concepts of motion, the theory characterized arguments by the resting place where motion meets countermotion, assertion meets counterassertion. When a claim encounters its contrary, the motion halts, and the resulting standstill, or stasis, characterizes and shapes the argument. A conflict that comes to rest--or reaches an impasse--on the issue of whether something in fact happened raises the corresponding question of Being or Existence (is it? did it happen?). Arguments, of course, can rest or stand on other "places": on the issue of Definition (what is it?); of Quality (what are its attendant concerns and circumstances?); of Location (is a formal procedural action necessary?)

Motion is viewed here as rectilinear. That is, contrary forces balance each other, at least temporarily. The place where they meet provides the terrain, and consequently, many of the argumentative options open to disputants. The terrain dictates, for instance, who has the high ground (namely, presumption), and what manoeuvres are most likely to work against the opponent. Obviously, from the defender's position, establishing that no crime occurred or that he was elsewhere at the time provides a better defense than conceding everything and then arguing from a technicality like jurisdiction. If possible, then, stopping the attacker on the beaches--in this case, on the issue of Existence--opens up strategic possibilities not available once the argument shifts to other grounds. But in all cases, stasis marks both the place of impasse and the resulting moment of rest needed before an argument takes a new turn, before one side or the other shifts the conflict in a new direction, usually towards grounds that will favour their cause.

Hermogenes of Tarsus, a Greek rhetorician of the Second Sophistic period, expanded the Hermagorean system in three important ways. First, he cites more examples to illustrate each issue and details more subordinate stases or heads. Stases subsidiary to the main question of Definition (is this a crime?) and Quality (a review of circumstances) would include such sub-topics as the status

of the person charged, the intentions of the person, the rules governing service to the state, and so on (Nadeau 382).

Second, Hermogenes expands stasis theory to apply beyond the courtroom. His treatise, *On Stases*, then, examines not only the writing of forensic *controversia* but of deliberative *suasoria* and epideictic *encomia*. In treating the stases of deliberative rhetoric, for instance, he lists the *tele* governing deliberative speaking--justice, law, expediency, honour, and pleasure and ease. A proposed course of action would be evaluated against these stock issues, so that an action which is not easy might be defended as possible; or if inexpedient, as necessary; or if pleasurable, as unjust (Nadeau 384).

Finally, Hermogenes not only expands the treatment of stasis but of astasis as well, namely, those pseudo-arguments that lack true motion (the argument is so diffused, so unfocused that conflict can not arise); or lack contrary motions (one-sided positions); or lack momentum (two sides so equally balanced that the same charge applies to both). To Hermagoras's list he adds other questions incapable of stasis, most of which are social in nature--questions that raise the incredible, the impossible, the despicable, or the purposeless--as well as questions almost incapable of stasis: questions that are irrelevant, or prejudged, or nearly one-sided (Nadeau 385).

Classical stasis theory makes a number of fundamental assumptions. First, that argument is a form of motion, rectilinear in kind, contrary in character, and definable by the impasse or turning point of opposing claims. Second, that assertions are the primary, if not sole, unit of argumentation. Third, that the landscape of argumentation--the geography, so to speak, of places on which conflict comes to rest--is stable and distinct; that the boundaries separating Existence, Definition, Quality, and Location are clearly marked and definable. Fourth, that Existence is the most comprehensive, and Location, the most restrictive, category of stasis. And finally, fifth, that rhetoric concerns itself with argument--and argument, with opposing claims--reducing astasis to a minor rhetorical consideration at best.

Many of Chaim Perelman's and Kenneth Burke's most important contributions to rhetorical theory represent, I think, an attempt to work out a contemporary theory of stasis. Their theories, however, do not simply adjust or refine the ideas of Hermagoras or

Hermogenes, but radically rethink the assumptions underlying rhetoric and argumentation. They replace the concept of motion, for instance, with that of action, emphasizing the intentional, functional, purposive nature of human acts. And subsequently, they replace a model of interaction based on rectilinearity with one based on circularity, emphasizing the recursive dimensions of human communication. Similarly, they focus on the conflict of contexts out of which assertions arise rather than the conflict of assertions themselves. They question the metaphysical rigidity of, and relations among, any set of categories, and, as I will show, reverse the classical priority of Existence over Location. And finally, they are interested not only in stasis, but in astasis, and in particular, the various rhetorical means by which argument is inhibited or deflected.

## II

In his essay, "The New Rhetoric: a Theory of Practical Reasoning," Perelman makes a claim that I think Hermagoras and Hermogenes would have understood and agreed with: namely, that "the new rhetoric is a theory of argumentation" (9). Perelman departs from classical formulations, however, when he defines and then describes argumentation.

For instance, he claims that all argumentation aims at gaining the adherence of minds, and that this adherence must be based on one of two kinds of agreement: on facts, truths, and presumptions, or on values, hierarchies and loci of the preferable (Perelman 15). The first three are objects of specific and limited agreement. The last three supply reasons for our choices and are, by their very nature, debatable. Although facts are very specific objects of agreement, and loci of the preferable, very general patterns of choice, both bases of agreement depend on and shape each other. People's global sense of significance or value determines what constitutes a fact just as accepted facts and truths shape our general preferences and beliefs.

This circular pattern of mutual interaction departs from the rectilinear motion of classical stasis theory and provides the key to Perelman's theory of stasis. The two most important loci of the preferable--the locus of quantity and the locus of quality--present themselves in arguments from every period of history. The locus of quantity, for instance, guides arguments based on the value of that

which is stable, ordered, regular, enduring, affects the greatest number, and so on; the locus of quality, of that which is transient, irregular, unique, irremediable, concerns the elite (*The New Rhetoric: A Treatise* 85-93). Quantity represents established values and patterns of preference; quality, challenges to those values and preferences. Yet the two loci are mutually dependent: without established values there could be no challenges, and without challenges, no values could be tested and refined.

Argument is as much a contest of conflicting loci as a contest of individual assertions. Indeed, speakers win or lose arguments based on their ability to reconfigure the patterns of preference assumed by the opponent's claims into other, more advantageous patterns. Argument proceeds by the interaction of loci, which, in turn, proceeds by a kind of Gestalt process. Someone invoking the locus of quantity might bring to the foreground the quantitative elements of an opponent's qualitative position. The reverse, too, can occur. Perelman gives us historical examples of both. Classicists, for instance, will grant "the superiority of an original personality [a Romantic concept] . . . by the inexhaustible nature of his genius, the influence of his personality on a large number of people, the magnitude of the changes for which it is responsible." Similarly, Romanticists might reinterpret the superiority of the multitude over the individual [a classical concept] if the group can be described as a unique being, with "its own history, originality, and genius" (*The New Rhetoric* 98-99). In the first case, the locus of quantity reconfigures an argument based on quality, and in the second, the converse occurs.

The ability of the loci to reconfigure--or as Perelman calls it, "systematize"--rival patterns of preference puts a new twist on stasis theory. Classical stasis theory presupposes pre-existent, self-evident categories of Being, Definition, Quality, and Location. With Perelman's theories, the very categories are up for grabs: what Being or Definition is for a Classicist is not the same as for a Romanticist (*The New Rhetoric* 97). Indeed, both will not only try to shift the argument from one category to another, but from one whole set of categories to another, completely different set. If successful, such a manoeuver does not so much resolve a conflict as dissolve the grounds on which it might take place.

Astases--strategies for preventing an impasse--are integral to Perelman's theory of argumentation. He identifies three ways that speakers impede or deflect argument: the rational, the practical, and the diplomatic (*The New Rhetoric: A Treatise* 197-201). Rational astasis prevents conflict by postulating universal axioms and then deducing rules to cover specific cases; practical astasis, by generalizing only as much as needed from previous cases to cover the next one; and diplomatic astasis, by ignoring that any conflict exists. Perelman cites French law and philosophy as an example of rational astasis; English law and philosophy as an example of practical astasis; and, as an example of diplomatic astasis, the Japanese practice of ignoring a guest if the host is not suitably dressed or otherwise prepared to receive a visitor. For Perelman, law, philosophy--and indeed all venues of disputation--incorporate as many strategies for preventing conflict as for resolving them once they occur.

Kenneth Burke's dramatic pentad clarifies concepts latent in Perelman's theories. Whereas Perelman's loci of the preferable implicitly locate and relocate conflict in different contexts, Burke's pentad explicitly designates a term for the process: "scene." For Burke, conflict is action, and all actions are performances whose motivations are discovered in the dramatics of the situation: in its act, agency, purpose, agents, and scene ("Dramatism" 445). "Scene" is the ground, location, or situation in which the action takes place. Change the scene, and the shape and significance of a conflict change. Expand the scene in a defense summation of a murder trial to include, not just the place of the crime, but the environment in which the accused was raised--his family's poverty, his race's deprivation, etc.--and you immediately change the significance of the crime and audience's response to it (*Grammar of Motives* 84-90). Indeed, such a plea would fuse location with the classical stasis of Quality, or mitigating circumstances.

Stasis, then, can be facilitated or avoided by expanding or contracting one of the terms of the dramatic pentad--in this case, "scene." But stasis can take place among the "ratios" of all five terms. A shift from an act-agency ratio (one that emphasizes the power or ability of the actor to do something) to an act-scene ratio (one that emphasizes the influence of the environment or surroundings on an action) fundamentally changes what conflict is and how it is conducted. A Hegelian will define conflict and negativity in terms of

the progress of Absolute spirit, and by doing so, will emphasize agency above all else; a Marxist, in terms of the progress of dialectical materialism, emphasizing instead the predominance of scene in human interaction. A conflict between the two, like Perelman's conflict between classical and romantic loci, will take place, not only between rival assertions, but between different ways of constructing meaning and experience. The Hegelian might find the Marxist's emphasis on scene to be mechanistic, crass, and anti-intellectual, and ascribe motives of agency to such error (an inability to deal with pure ideas, for instance). Conversely, the Marxist might find the Hegelian's emphasis on agency to be abstruse and abstract, mere mystification of ideological realities and ascribe motives of scene--an inability to escape the bourgeois milieu that confuses world markets with world spirit (Burke, *A Rhetoric of Motives* 107-108). Here, the differences between the ratios--act-agency and act-scene--generate the conflict, produce conflicting definitions of "conflict" itself, and determine a strategy for resolution peculiar to that ratio.

For Burke's pentad, as with Perelman's loci, the very existence of stasis, its definition, character, and contexts change according to the enacted dramas or worldviews of the speakers. In a way, they have made the classical categories of Being, Definition, and Quality dependent on Location, on the place or vantage point from which each person and society organizes experience. Put simply, the concept, as well as the performance, of motion, argument, and stasis now depends on which perspectives you take and which perspective you confront. Such a view of stasis would be unwieldy in a courtroom, where the questions assume, rather than probe, metaphysics; would cloud the translucency of rhetorical situations assumed by classical rhetoric. But such a view might help to explain the far more complicated impasses experienced in the world at large, where no formalized system of argumentation is or could be in place, and where the plurality of viewpoints renders opaque much of the commonality required to make difference meaningful. For Burke, the common ground is the drama surrounding all human action; for Perelman, the loci and other bases of agreement we inherit socially and, in turn, bequeath to other generations.



### III

Whereas the theory of classical stasis was a response--at least originally--to a special set of needs (namely, to clarify the argumentative process within the courtroom), the theories of contemporary rhetorical stasis are responses to notions of identity and difference. A new theory of stasis must be as comfortable analyzing the subtle, sometimes unspoken, intuitions of difference that pervade our daily conversations as examining the formal accusations and defenses of the courtroom. This process, of course, has already begun with the work of Perelman and Burke. They have expanded the units of rhetorical consideration, have considered the conflict of contexts, of worldviews and terministic screens, out of which disagreement arises, and within which resolutions are sought or incompatibilities are encountered.

But all stasis theories--classical or contemporary--raise a similar issue, one that requires, I think, some discussion, if not public debate: namely, knowing how argument happens has always been part of making it happen a certain way. This, indeed, is part of the rationale for developing a theory of stasis, and equally, the dream of both rhetorical idealists and opportunists: of idealists, because they believe knowledge improves human behaviour; of opportunists, because they make others believe anyone can win a dispute with a bit of help. Either way, as our knowledge of rhetorical interaction becomes more astute, and our understanding of contexts and processes more exact, our practice, too, will change to take advantage of this. What the phrase, "take advantage" will mean to us, however--to our institutions such as law and government, or to our personal everyday discourse with others--depends, I suppose, on the moral dimensions of our theories, and especially, on the ability of our theories to serve not only as tools but also as sources of discipline for their use.

### WORKS CITED

Burke, Kenneth. "Dramatism." In *International Encyclopedia of Social Sciences*. Ed. David L. Sills. New York: Macmillan/Free Press, 1968, 7: 445-52.

---. *A Grammar of Motives*. New York: Prentice-Hall, 1945.

---. *A Rhetoric of Motives*. New York: Prentice-Hall, 1950.

Connors, Robert J., Lisa Ede, and Andrea A. Lunsford. *Classical Rhetoric and Modern Discourse*. Carbondale: Southern Illinois Press, 1984.

Knoblauch, C. H. and Lil Brannon. *Rhetorical Traditions and Teaching Writing*. Upper Montclair, N.J.: Boynton/Cook Publishers, 1984.

Nadeau, Ray. "Hermogenes' *On Stases*: A Translation with an Introduction." *Speech Monographs* 21 (1964): 361-424.

Perelman, Chaim. "The New Rhetoric: A Theory of Practical Reasoning." In his *The New Rhetoric and the Humanities: Essays on Rhetoric and its Applications*. London: D. Reidel Publishing Company, 1979. 1-42.

Perelman, Chaim and L. Olbrechts-Tyteca. *The New Rhetoric: A Treatise on Argumentation*. Trans. John Wilkenson and Purcell Weaver. Notre Dame: Notre Dame University Press, 1971.