Richard Whately

1787–1863

Richard Whately took his B.A. in 1808, an M.A. in 1812, and a B.D. and D.D. in 1825, all at Oxford University. Though Aristotle was taught and revered at Oxford, philosophers since Bacon had scorned traditional syllogistic logic, just as leading rhetoricians of the previous century had scorned traditional topical invention. Whately sought to redress this neglect and partly succeeded. In his *Elements of Logic* (1826), he argues that the syllogism is a means of testing the validity of propositions, regardless of the field of knowledge to which they apply. In other words, the syllogism is a method of linguistic reasoning, not of scientific discovery, and should not be faulted for being inadequate to an activity for which it was never intended. In the *Elements of Rhetoric* (1828; excerpted here), Whately defines rhetoric in Aristotelian fashion as "an offshoot of Logic" whose function is to invent and arrange arguments. He revives a number of Aristotelian doctrines and tries to minimize the anticlassical influence of George Campbell (p. 898). But his chief success in rhetoric was perhaps to extend and refine Campbell's contribution to rhetorical theory.

In the introduction to *Elements of Rhetoric*, Whately gives a brief history of rhetoric. He cites only Aristotle (p. 169), Cicero (p. 283), Quintilian (p. 359), Bacon (p. 736), Campbell, and Blair (p. 947). Aristotle, says Whately, is the best of the lot, and his well-developed theory has never been superseded. Cicero barely makes the list because his remarks, though helpful, are not "systematic." Quintilian is systematic but adds little to Aristotle. Bacon is included because of his antitheses. Campbell is superior to Blair, but Whately doesn't say why. He does say that Campbell doesn't understand logic, as Whately had previously shown in his *Elements of Logic*. Campbell should have known logic better, because rhetoric, says Whately, is an offshoot of logic. Rhetorical theory, it appears, has advanced little since Aristotle, and we need to go back to his starting point and treat rhetoric as a branch of logic. Modern science has emphasized knowledge of facts and has neglected logic (a development, says Whately, that might surprise Bacon). To move confidently from fact to generalization, logic is necessary. The thesis of *Elements of Logic* is essentially that science and logic are separate because discovery and reasoning are different operations. Discovery is based on experience (observation, experiment, and testimony); reasoning, on argument and demonstration (using the syllogism). Rhetoric is in much the same state as its parent logic: Instead of requiring more attention to observed facts, such as details of style, rhetoric needs a theory of persuasion that describes the actual processes by which conviction is formed. Whately proposes to search out the bases of rhetoric in language and psychology. This effort, we may infer, will finally improve upon Aristotle and place Whately at the latter end of the history of rhetoric.

It may seem that Campbell proposed the identical project—and did a creditable job of it, too. Whately acknowledges Campbell's work and uses his arguments about the probabilistic basis of both scientific demonstration and moral argument, about the nature of moral evidence, about the difference between conviction and

persuasion, and even about the value of perspicuity in style. But Whately goes further, making fine distinctions among the varieties of moral evidence, examining the preconceptions of the audience, taking into account the often irrational effects of apparently rational arguments, investigating the role of emotions in creating conviction, and setting up a system (reminiscent of Aristotle's) for turning out effective arguments. As noted in the introduction to Part Five, Whately focuses on argument from testimony and probability, since they are most likely to help clergymen who are refuting scoffers and presenting arguments for revealed truth.

As an apologist for religion in an age of skepticism inspired by science, Whately (like earlier apologists Joseph Butler and William Paley) cleverly appeals to science and logic as the foundation for his arguments. Speaking of probability as the basis of discovery, for example, he notes that people once dismissed reports of meteorites because they believed stones could not fall from the sky. But many such reports finally made the notion credible, even though no two reports concerned the same stone. Whately adds that the same reasoning applies to the many allusions in the New Testament to the calling of the gentiles. Although no single allusion warrants the broad interpretation that Jesus was always intended to go to the gentiles, when so many references concur, "the antecedent objection against each individual case is removed." It would not be surprising if scholars were to discover that Whately's students used this very example in their sermons; Whately probably intended to broadcast his sharp observations through that channel. But there is very little air here of smug satisfaction in using the weapons of science against science. Whately's use of logic as the basis for religious arguments is consistent and thoroughgoing. His eye is on the larger issue of demonstrating that there is a basis in logic for religious arguments of many kinds and, furthermore, that arguing is a perfectly reasonable activity. Like Campbell, he maintains that much scientific knowledge is based on the same kind of reasoning as moral knowledge and that linear demonstrations of causality do not constitute the whole of logic. Causal demonstration, moreover, is not appropriate to arguments about most of life's affairs. Rather, a "progressive approach" to the truth must be used. Rhetoric's proper province is therefore to argue for truths found by other means—by science or revelation.

The issue for rhetoric, then, is to determine what people will take to be true or persuasive, and this is Whately's topic in Part I of *Elements of Rhetoric*. Sometimes persuasion accords with logic, sometimes not. For example, an audience will find some kinds of testimony more convincing than others because of the character of the witnesses, the type of testimony, the concurrence of other testimony, the degree of detail, and so on. Similarly, the audience will almost inevitably make some *presumption* about which side of an argument is correct and will thus place the *burden of proof* on the other side. Whately does not feel that such presumptions are always inappropriate, and he defends them when they carry the authority of tradition, thus taking a position in an important debate in political philosophy of the period. Whereas liberals tended to support the value of the unaided individual judgment, Whately, more conservative, showed how persuasion might reasonably draw on custom and tradition. He thus put individual and communal standards of judgment into a productive tension that was further developed, as Karen Whedbee has shown,

in the work of liberal political philosophers John Stuart Mill and Alexis de Tocqueville.

So, too, in refuting an argument, logic alone may not avail. In Part II, Whately focuses on appeals to emotion, noting that it is foolish to abjure such appeals. Why should we suppose that stimulating the emotions is always overstimulating them? Are emotions not a part of human decisions? Do we not often seek to persuade ourselves to choose a course of action by representing to ourselves appropriate thoughts and feelings? It is legitimate and necessary, Whately says, to stimulate emotions such as hope, fear, and altruism because they lead to worthy aims. In Part III, he discusses style, providing standard textbook advice on perspicuity and correctness. And in Part IV, he offers advice on elocution, relying on Thomas Sheridan (p. 879) for his main points and stressing the need for naturalness, as opposed to the recent fad for mechanical systems of delivery typified by Gilbert Austin (p. 889).

Whately wrote widely on topical issues affecting Ireland, on political economy, and on religion (including a piece called *Historic Doubts Relative to Napoleon Bonaparte*, satirizing David Hume's essay on miracles). In addition, he edited the works of Bacon and of the philosopher and Christian apologist William Paley. In a peculiar way, Whately's influence may be measured by the remarks made about him by I. A. Richards (admittedly, a Cantabrigian) in 1936, who says that rhetoric begins, "of course, with Aristotle, and may perhaps be said to end with Archbishop Whately."[1] Richards means that rhetoric reached its nadir in Whately's dry rules for argument. Irrespective of the justness of this valuation, clearly Whately is the figure Richards feels he must supplant to take his own place at the end of the history of rhetoric.

Selected Bibliography

Elements of Rhetoric is available in the Southern Illinois University Press reprint of the standard 1846 edition, edited, with an excellent introduction, by Douglas Ehninger (1963). Our excerpts are from this edition.

"Twentieth-Century Publications on Richard Whately: A Bibliography" is in *Rhetoric Society Quarterly* 18 (spring 1988). It is quite short, even though it includes general studies, unpublished papers, and dissertations. There are no book-length studies of Whately's work. Nonetheless, there are several worthwhile articles and a biography. The biography is Donald Akenson's *A Protestant in Purgatory: Richard Whately, Archbishop of Dublin* (1981). Three helpful introductory articles are W. M. Parrish, "Whately and His Rhetoric," which examines sources and influences, and James A. Winans, "Whately on Elocution," both in *Historical Studies of Rhetoric and Rhetoricians*, ed. Raymond Howes (1961); and "Whately's Theory of Rhetoric," in *Explorations in Rhetoric*, ed. Ray McKerrow (1982). Summarizing the case against Whately's rhetoric, on grounds that his treatment of invention, audience, and the psychology of persuasion is faulty, is Lois Einhorn in "Richard Whately's Public Persuasion: The Relationship between His Rhetorical Theory and His Rhetorical Practice" (*Rhetorica* 4 [1986]: 47–65). Dealing with how Whately's theory accounts for the function of tradition and custom in persuasion are Michael Sproule's "The Psychological Burden of Proof: On the De-

[1] I. A. Richards, *The Philosophy of Rhetoric* (1936; rpt. New York: Oxford University Press, 1965), p. 5.

velopment of Richard Whately's Theory of Presumption" (*Communication Monographs* 43 [June 1976]: 115–29), and Karen Whedbee's more positive, revisionist "Authority, Freedom and Liberal Judgment: The 'Presumptions' and 'Presumptuousness' of Whately, Mill and Tocqueville" (*Quarterly Journal of Speech* 84 [May 1998]: 171–89). W. S. Howell discusses Whately's *Logic* as well as the *Rhetoric* in *Eighteenth-Century British Logic and Rhetoric* (1971). Discussions of the *Logic* often bear on the *Rhetoric*, as Howell shows and as can be seen in McKerrow's "Richard Whately and the Revival of Logic in Nineteenth-Century England" (*Rhetorica* 5 [spring 1987]: 163–85).

use is the only a competent authority"

From *Elements of Rhetoric*

Introduction

1.

Various definitions of Rhetoric.

Of Rhetoric various definitions have been given by different writers; who, however, seem not so much to have disagreed in their conceptions of the nature of the same thing, as to have had different things in view while they employed the same term. Not only the word Rhetoric itself, but also those used in defining it, have been taken in various senses; as may be observed with respect to the word "Art" in Cicero's *De Oratore,* where a discussion is introduced as to the applicability of that term to Rhetoric; manifestly turning on the different senses in which "Art" may be understood.

To enter into an examination of all the definitions that have been given, would lead to much uninteresting and uninstructive verbal controversy. It is sufficient to put the reader on his guard against the common error of supposing that a general term has some real object, properly corresponding to it, independent of our conceptions;—that, consequently, some one definition in every case is to be found which will comprehend everything that is rightly designated by that term;—and that all others must be *erroneous:* whereas, in fact, it will often happen, as in the present instance, that both the wider, and the more restricted sense of a term, will be alike sanctioned by use (the only competent authority), and that the consequence will be a corresponding variation in the definitions employed; none of which perhaps may be fairly chargeable with error, though none can be framed that will apply to every acceptation of the term.

It is evident that in its primary signification, Rhetoric had reference to public *Speaking* alone, as its etymology implies. But as most of the rules for Speaking are of course applicable equally to Writing, an extension of the term naturally took place; and we find even Aristotle, the earliest systematic writer on the subject whose works have come down to us, including in his Treatise rules for such compositions as were not intended to be publicly recited.[1] And even as far as relates to Speeches, properly so called, he takes, in the same Treatise, at one time, a wider, and at another, a more restricted view of the subject; including under the term Rhetoric, in the opening of his work, nothing beyond the finding of topics of Persuasion, as far as regards the *matter* of what is spoken; and afterwards embracing the consideration of Style, Arrangement, and Delivery.

The invention of Printing,[2] by extending the sphere of operation of the Writer, has of course

[1]Aristot. *Rhet.* book iii. [Au.]

[2]Or rather of *Paper;* for the invention of printing is too obvious not to have speedily followed, in a literary nation, the introduction of a paper sufficiently cheap to make the art available. Indeed the seals of the ancients seem to have been a kind of stamps, with which they in fact printed their names. But the high price of books, caused by the dearness of paper, precluded the sale of copies except in so *small a number* that the *printing* of them would have been more costly then transcribing. [Au.]

AWESOME (Latour has/org has in Campbell)

contributed to the extension of those terms which, in their primary signification, had reference to Speaking alone. Many objects are now accomplished through the medium of the Press, which formerly came under the exclusive province of the Orator; and the qualifications requisite for success are so much the same in both cases, that we apply the term "Eloquent" as readily to a Writer as to a Speaker; though, etymologically considered, it could only belong to the latter. Indeed "Eloquence" is often attributed even to such compositions,—e.g., Historical works,—as have in view an object entirely different from any that could be proposed by an Orator; because *some part* of the rules to be observed in Oratory, or rules analogous to these, are applicable to such compositions. Conformably to this view, therefore, some writers have spoken of Rhetoric as the Art of Composition, universally; or, with the exclusion of Poetry alone, as embracing all Prose composition.

A still wider extension of the province of Rhetoric has been contended for by some of the ancient writers; who, thinking it necessary to include, as belonging to the Art, everything that could conduce to the attainment of the object proposed, introduced into their systems, Treatises on Law, Morals, Politics, &c., on the ground that a knowledge of these subjects was requisite to enable a man to speak well on them: and even insisted on Virtue[3] as an essential qualification of a perfect Orator; because a good character, which can in no way be so surely established as by deserving it, has great weight with the audience.

Aristotle's censure of his predecessors.

These notions are combated by Aristotle; who attributes them either to the ill-cultivated understanding of those who maintained them, or to their arrogant and pretending disposition; i.e., a desire to extol and magnify the Art they professed. In the present day, the extravagance of such doctrines is so apparent to most readers, that it would not be worth while to take much pains in refuting them. It is worthy of remark, however, that the very same erroneous view is, even now, often taken of Logic;[4] which has been considered by some as a kind of system of universal knowledge, on the ground that Argument may be employed on all subjects, and that no one can argue well on a subject which he does not understand; and which has been complained of by others for not supplying any such universal instruction as its unskilful advocates have placed within its province; such as in fact no one Art or System can possibly afford.

The error is precisely the same in respect of Rhetoric and of Logic; both being *instrumental* arts; and, as such, *applicable* to various kind of subject matter, which do not properly *come under* them.

So judicious an author as Quinctilian would not have failed to perceive, had he not been carried away by an inordinate veneration for his own Art, that as the possession of building materials is no part of the art of Architecture, though it is impossible to build without materials, so, the knowledge of the subjects on which the Orator is to speak, constitutes no part of the art of Rhetoric, though it be essential to its successful employment; and that though virtue, and the good reputation it procures, add materially to the Speaker's influence, they are no more to be, for that reason, considered as belonging to the Orator, a. such, than wealth, rank, or a good person, which manifestly have a tendency to produce the same effect.

Extremes in the limitation and extension of the province of Rhetoric.

In the present day, however, the province of Rhetoric, in the widest acceptation that would be reckoned admissible, comprehends all "Composition in Prose"; in the narrowest sense, it would be limited to "Persuasive Speaking."

Object of the present Treatise.

I propose in the present work to adopt a middle course between these two extreme points; and to treat of "Argumentative Composition," *generally*, and *exclusively;* considering Rhetoric (in

[3]See Quinctilian. [Au.]

[4]Whately, *Elements of Logic*, Introd. [Au.]

And "Argumentative Composition" as an umbrella term has shaped FYC

conformity with the very just and philosophical view of Aristotle) as an offshoot from Logic.

Philosophy and Rhetori compared. always a key move made

I remarked in treating of that Science, that Reasoning may be considered as applicable to two purposes, which I ventured to designate respectively by the terms "Inferring," and "Proving"; i.e., the *ascertainment* of the truth by investigation, and the *establishment* of it to the satisfaction of *another:* and I there remarked, that Bacon, in his *Organon,* has laid down rules for the conduct of the former of these processes, and that the latter belongs to the province of Rhetoric: and it was added, that to *infer* is to be regarded as the proper office of the Philosopher, or the Judge;—to *prove,* of the Advocate. It is not however to be understood that Philosophical works are to be excluded from the class to which Rhetorical rules are applicable; for the Philosopher who undertakes, by writing or speaking, to convey his notions to others, assumes, for the time being, the character of Advocate of the doctrines he maintains. The process of *investigation* must be supposed completed, and certain conclusions arrived at by that process, *before* he begins to impart his ideas to others in a treatise or lecture; the object of which must of course be to *prove* the justness of those conclusions. And in doing this, he will not always find it expedient to adhere to the same course of reasoning by which his own discoveries were originally made; other arguments may occur to him afterwards, more clear, or more concise, or better adapted to the understanding of those he addresses. In explaining therefore, and establishing the truth, he may often have occasion for rules of a different kind from those employed in its discovery. Accordingly, when I remarked, in the work above alluded to, that it is a common fault, for those engaged in Philosophical and Theological inquiries, to forget their own peculiar office, and assume that of the Advocate, improperly, this caution is to be understood as applicable to the process of *forming their own opinions;* not, as excluding them from advocating by all fair arguments, the conclusions at which they have arrived by candid investigation. But if this candid investigation do not take place in the first instance, no pains that they may bestow in searching for arguments, will have any tendency to ensure their attainment of truth. If a man begins (as is too plainly a frequent mode of proceeding) by hastily adopting, or strongly leaning to, some opinion which suits his inclination, or which is sanctioned by some authority that he blindly venerates, and then studies with the utmost diligence, not as an Investigator of Truth, but as an Advocate labouring to prove his point, his talents and his researches, whatever effect they may produce in making converts to his notions, will avail nothing in enlightening his own judgment, and securing him from error.

Composition, however, of the Argumentative kind, may be considered (as has been above stated) as coming under the province of Rhetoric. And this view of the subject is the less open to objection, inasmuch as it is not likely to lead to discussions that can be deemed superfluous, even by those who may chuse to consider Rhetoric in the most restricted sense, as relating only to "Persuasive Speaking"; since it is evident that *Argument* must be, in most cases at least, the basis of Persuasion.

Plan of the present Treatise.

I propose then to treat, first and principally, of the Discovery of ARGUMENTS, and of their Arrangement; secondly, to lay down some Rules respecting the excitement and management of what are commonly called the *Passions* (including every kind of Feeling, Sentiment, or Emotion) with a view to the attainment of any object proposed,—principally, Persuasion, in the strict sense, i.e., the influencing of the WILL; thirdly, to offer some remarks on STYLE; and, fourthly, to treat of ELOCUTION.

somewhat expansive then "elocution"

2.

History of Rhetoric.

It may be expected that, before I proceed to treat of the Art in question, I should present the reader with a sketch of its history. Little however is required to be said on this head, because the present is not one of those branches of study in which we

can trace with interest a progressive improvement from age to age. It is one, on the contrary, to which more attention appears to have been paid, and in which greater proficiency is supposed to have been made, in the earliest days of Science and Literature, than at any subsequent period.

Aristotle.

Among the ancients, Aristotle, the earliest whose works are extant, may safely be pronounced to be also the best of the systematic writers on Rhetoric.

Cicero.

Cicero is hardly to be reckoned among the number; for he delighted so much more in the practice, than in the theory, of his art, that he is perpetually drawn off from the rigid philosophical analysis of its principles, into discursive declamations, always eloquent indeed, and often highly interesting, but adverse to regularity of system, and frequently as unsatisfactory to the practical student as to the Philosopher. He abounds indeed with excellent practical remarks; though the best of them are scattered up and down his works with much irregularity: but his precepts, though of great weight, as being the result of experience, are not often traced up by him to first principles; and we are frequently left to guess, not only on what basis his rules are grounded, but in what cases they are applicable. Of this latter defect a remarkable instance will be hereafter cited.

Quinctilian.

Quinctilian *is* indeed a systematic writer; but cannot be considered as having much extended the philosophical views of his predecessors in this department. He possessed much good sense, but this was tinctured with pedantry;—with that *pretension* . . . which extends to an extravagant degree the province of the art which he professes. A great part of his work indeed is a Treatise on Education, generally; in the conduct of which he was no mean proficient; for such was the importance attached to public speaking, even long after the downfall of the Republic had cut off the Orator from the hopes of attaining, through the means of this qualification, the highest political importance, that he who was nominally a Professor of Rhetoric, had in fact the most important branches of instruction entrusted to his care.

Many valuable maxims however are to be found in this author; but he wanted profundity of thought and power of analysis which Aristotle possessed.

The writers on Rhetoric among the ancients whose works are lost, seem to have been numerous; but most of them appear to have confined themselves to a very narrow view of the subject; and to have been occupied, as Aristotle complains, with the minor details of style and arrangement, and with the sophistical tricks and petty artifices of the Pleader, instead of giving a masterly and comprehensive sketch of the essentials.

Bacon.

Among the moderns, few writers of ability have turned their thoughts to the subject; and but little has been added, either in respect of matter, or of system, to what the ancients have left us. Bacon's "Antitheta" however,—the Rhetorical commonplaces,—are a wonderful specimen of acuteness of thought and pointed conciseness of expression. . . .

Campbell and Blair.

It were most unjust in this place to leave unnoticed Dr. Campbell's "*Philosophy of Rhetoric*": a work which has not obtained indeed so high a degree of popular favour as Dr. Blair's once enjoyed, but is incomparably superior to it, not only in depth of thought and ingenious original research, but also in practical utility to the student. The title of Dr. Campbell's work has perhaps deterred many readers, who have concluded it to be more abstruse and less popular in its character than it really is. Amidst much however that is readily understood by any moderately intelligent reader, there is much also that calls for some exertion of thought, which the indolence of most readers refuses to bestow. And it must be owned that he also in some instances perplexes his read-

ers by being perplexed himself, and bewildered in the discussion of questions through which he does not clearly see his way. His great defect, which not only leads him into occasional errors, but leaves many of his best ideas but imperfectly developed, is his ignorance and utter misconception of the nature and object of Logic; on which some remarks are made in my Treatise on that Science. Rhetoric being in truth an offshoot of Logic, that Rhetorician must labour under great disadvantages who is not only ill-acquainted with that system but also utterly unconscious of his deficiency.

3.

From a general view of the history of Rhetoric, two questions naturally suggest themselves, which, on examination, will be found very closely connected together: first, what is the cause of the careful and extensive cultivation, among the ancients, of an Art which the moderns have comparatively neglected; and secondly, whether the former or the latter are to be regarded as the wiser in this respect;—in other words, whether Rhetoric be *worth* any diligent cultivation.

Assiduous cultivation of Rhetoric by the ancients.

With regard to the first of these questions, the answer generally given is, that the nature of the Government in the ancient democratical States caused a demand for public speakers, and for such speakers as should be able to gain influence not only with educated persons in dispassionate deliberation, but with a promiscuous multitude; and accordingly it is remarked that the extinction of liberty brought with it, or at least brought after it, the decline of Eloquence; as is justly remarked (though in a courtly form) by the author of the dialogue on Oratory, which passes under the name of Tacitus: "What need is there of long discourses in the Senate, when the best of its members speedily come to an agreement? or of numerous harangues to the people, when deliberations on public affairs are conducted, not by a multitude of unskilled persons, but by a single individual, and that, the wisest?"

The ancients hearers rather than readers.

This account of the matter is undoubtedly correct as far as it goes; but the importance of public speaking is so great, in our own, and all other countries that are not under a despotic Government, that the apparent neglect of the study of Rhetoric seems to require some further explanation. Part of this explanation may be supplied by the consideration that the difference in this respect between the ancients and ourselves is not so great in reality as in appearance. When the *only* way of addressing the Public was by orations, and when all political measures were debated in popular assemblies, the characters of Orator, Author, and Politician, almost entirely coincided; he who would communicate his ideas to the world, or would gain political power, and carry his legislative schemes into effect, was necessarily a Speaker; since, as Pericles is made to remark by Thucydides, "one who forms a judgment on any point, but cannot explain himself clearly to the people, might as well have never thought at all on the subject."[5] The consequence was, that almost all who sought, and all who professed to give, instruction, in the principles of Government, and the conduct of judicial proceedings, combined these, in their minds and in their practice, with the study of Rhetoric, which was necessary to give effect to all such attainments; and in time the Rhetorical writers (of whom Aristotle makes that complaint) came to consider the Science of Legislation and of Politics in general, as a part of their own Art.

Much therefore of what was formerly studied under the name of Rhetoric, is still, under other names, as generally and as diligently studied as ever. Much of what we now call Literature or "Belles Lettres," was formerly included in what the ancients called Rhetorical studies.

Disavowal of rhetorical studies among the moderns.

It cannot be denied however that a great difference, though less, as I have said, than might at first sight appear, does exist between the ancients

[5]Thucydide book ii. See the Motto. [Au.]

and the moderns in this point;—that what is strictly and properly called Rhetoric, is much less studied, at least less systematically studied, now, than formerly. Perhaps this also may be in some measure accounted for from the circumstances which have been just noticed. Such is the distrust excited by any suspicion of Rhetorical artifice, that every speaker or writer who is anxious to carry his point, endeavours to disown or to keep out of sight any superiority of skill; and wishes to be considered as relying rather on the strength of his cause, and the soundness of his views, than on his ingenuity and expertness as an advocate. Hence it is, that even those who have paid the greatest and the most successful attention to the study of Composition and of Elocution, are so far from encouraging others by example or recommendation to engage in the same pursuit, that they labour rather to conceal and disavow their own proficiency; and thus theoretical rules are decried, even by those who owe the most to them. Whereas among the ancients, the same cause did not, for the reasons lately mentioned, operate to the same extent; since, however careful any speaker might be to disown the artifices of Rhetoric, properly so called, he would not be ashamed to acknowledge himself, generally, a student, or a proficient, in an Art which was understood to include the elements of Political wisdom.

4.

Utility of Rhetoric.

With regard to the other question proposed, viz., concerning the utility of Rhetoric, it is to be observed that it divides itself into two; first, whether Oratorical skill be, on the whole, a public benefit, or evil; and secondly, whether any artificial system of Rules is conducive to the attainment of that skill.

The former of these questions was eagerly debated among the ancients; on the latter, but little doubt seems to have existed. With us, on the contrary, the state of these questions seems nearly reversed. It seems generally admitted that skill in Composition and in speaking, liable as it evidently is to abuse, is to be considered, on the whole, as advantageous to the Public; because that liability to abuse is, neither in this, nor in any other case, to be considered as conclusive against the utility of any kind of art, faculty, or profession;—because the evil effects of misdirected power require that equal powers should be arrayed on the opposite side;—and because truth, having an intrinsic superiority over falsehood, may be expected to prevail when the skill of the contending parties is equal; which will be the more likely to take place, the more widely such skill is diffused.[6]

Eloquence supposed to be something that cannot be taught.

But many, perhaps most persons, are inclined to the opinion that Eloquence, either in writing or speaking, is either a natural gift, or, at least, is to be acquired by mere practice, and is not to be attained or improved by any system of rules. And this opinion is favoured not least by those (as has been just observed) whose own experience would enable them to decide very differently; and it certainly seems to be in a great degree practically adopted. Most persons, if not left entirely to the disposal of chance in respect of this branch of education, are at least left to acquire what they can by *practice*, such as school or college-exercises afford, without much care being taken to initiate them systematically into the principles of the Art; and that, frequently, not so much from negligence in the conductors of education, as from their doubts of the utility of any such regular system.

Erroneous systems of rules.

It certainly must be admitted, that rules not constructed on broad philosophical principles, are

[6] Arist. *Rhet.* ch 1.—He might have gone further; for it will very often happen that, before a popular audience, a *greater* degree of skill is requisite for maintaining the cause of truth than of falsehood. There are cases in which the arguments which lie most on the surface, and are, to superficial reasoners, the most easily set forth in a plausible form, are those on the wrong side. It is often difficult to a Writer, and still more, to a Speaker, to point out and exhibit, in their full strength, the delicate distinctions on which truth sometimes depends. [Au.]

all good things must be grounded in philosophy

more likely to cramp than to assist the operations of our faculties; — that a pedantic display of technical skill is more detrimental in this than in any other pursuit, since by exciting distrust, it counteracts the very purpose of it; that a system of rules imperfectly comprehended, or not familiarized by practice, will (while that continues to be the case) prove rather an impediment than a help; as indeed will be found in all other arts likewise; — and that no system can be expected to equalize men whose natural powers are different. But none of these concessions at all invalidate the positions of Aristotle; that some succeed better than others in explaining their opinions, and bringing over others to them; and that, not merely by superiority of natural gifts, but by acquired habit; and that consequently if we can discover the causes of this superior success, — the means by which the desired end is attained by all who *do* attain it, — we shall be in possession of rules capable of general application; which is, says he, the proper office of an Art. Experience so plainly evinces, what indeed we might naturally be led antecedently to conjecture, that a right judgment on any subject is not necessarily accompanied by skill in effecting conviction, — nor the ability to discover truth, by a facility in explaining it, — that it might be matter of wonder how any doubt should ever have existed as to the possibility of devising, and the utility of employing, a System of Rules for "Argumentative Composition" generally; distinct from any system conversant about the subject matter of each composition.

Knowledge of facts no remedy for logical inaccuracy.

I have remarked in the Lectures on Political Economy (Lect. 9.), that "some persons complain, not altogether without reason, of the prevailing *ignorance* of facts, relative to this and to many other subjects; and yet it will often be found that the parties censured, though possessed of less knowledge than they ought to have, yet possess more than they know what to do with. Their deficiency in arranging and applying their knowledge, — in combining facts, — and correctly deducing and employing general principles, shall be greater than their ignorance of facts. Now to attempt remedying this fault by imparting to them additional knowledge, — to confer the advantage of wider experience on those who have not the power of profiting by experience, — is to attempt enlarging the prospect of a short-sighted man by bringing him to the top of a hill.

"In the tale of Sandford and Merton, where the two boys are described as amusing themselves with building a hovel with their own hands, they lay poles horizontally on the top, and cover them with straw, so as to make a flat roof: of course the rain comes through; and Master Merton then advises to *lay on more straw:* but Sandford, the more intelligent boy, remarks that as long as the roof is flat, the rain must, sooner or later, soak through; and that the remedy is to make a new *arrangement,* and form the roof sloping. Now the idea of enlightening incorrect reasoners by additional knowledge, is an error similar to that of the flat roof; it is merely laying on *more straw:* they ought first to be taught the right way of raising the roof. Of course knowledge is necessary; so is straw to thatch the roof: but no quantity of materials will supply the want of knowing how to build.

"I believe it to be a prevailing fault of the present day, not indeed to seek too much for knowledge, but to trust to accumulation of facts as a *substitute* for accuracy in the logical processes. Had Bacon lived in the present day, I am inclined to think he would have made his chief complaint against unmethodized inquiry and illogical reasoning. Certainly he would *not* have complained of *Dialectics* as corrupting Philosophy. To guard *now* against the evils prevalent in *his* time, would be to fortify a town against battering-rams, instead of against cannon. But it is remarkable that even that abuse of Dialectics which he complains of, was rather an error connected with the reasoning process than one arising from a want of knowledge. Men were led to false conclusions, not through mere ignorance, but from hastily assuming the correctness of the data they reasoned from, without sufficient grounds. And it is remarkable that the revolution brought about in philosophy by Bacon, was not the *effect,* but the *cause,* of increased knowledge of physical facts: it was not that men were taught to think correctly

he does say things like this

by having new phænomena brought to light; but on the contrary, they discovered new phænomena in *consequence* of a new system of philosophizing."

It is probable that the existing prejudices on the present subject may be traced in great measure to the imperfect or incorrect notions of some writers, who have either confined their attention to trifling minutiæ of style, or at least have in some respect failed to take a sufficiently comprehensive view of the principles of the Art. One distinction especially is to be clearly laid down and carefully borne in mind by those who would form a correct idea of those principles; viz., the distinction already noticed in the "*Elements of Logic,*" between *an* Art, and *the* Art. "*An* Art of Reasoning" would imply, "a Method or System of Rules by the observance of which one may reason correctly"; "*the* Art of Reasoning" would imply a System of Rules to which every one *does* conform (whether knowingly, or not) who reasons correctly: and such is Logic, considered as an Art.

A rightly-formed system does not cramp the natural powers.

In like manner "*an* Art of Composition" would imply "a System of Rules by which a good Composition may be produced"; "*the* Art of Composition,"—"such rules as *every* good Composition must conform to," whether the author of it had them in his mind or not. Of the former character appear to have been (among others) many of the Logical and Rhetorical Systems of Aristotle's predecessors in those departments. He himself evidently takes the other and more philosophical view of both branches: as appears (in the case of Rhetoric) both from the plan he sets out with, that of investigating the causes of the success of *all* who do succeed in effecting conviction, and from several passages occurring in various parts of his treatise; which indicate how sedulously he was on his guard to conform to that plan. Those who have not attended to the important distinction just alluded to, are often disposed to feel wonder, if not weariness, at his reiterated remarks, that "*all* men effect persuasion either in this way or in that"; "it is *impossible* to attain such and such an object in any other way," &c.; which doubtless were intended to remind his readers of the nature of his design; viz. not to teach *an* Art of Rhetoric, but *the* Art; not to instruct them merely how conviction *might* be produced, but how it *must*.

If this distinction were carefully kept in view by the teacher and by the learner of Rhetoric, we should no longer hear complaints of the natural powers being fettered by the formalities of a System; since no such complaint can lie against a System whose rules are drawn from the invariable practice of all who succeed in attaining their proposed object.

No one would expect that the study of Sir Joshua Reynolds's lectures would cramp the genius of the painter. No one complains of the rules of Grammar as fettering Language; because it is understood that correct use is not founded on Grammar, but Grammar on correct use. A just system of Logic or of Rhetoric is analogous, in this respect, to Grammar.

Popular objections.

One may still however sometimes hear—though less, now, than a few years back—the hackneyed objections against Logic and Rhetoric, and even Grammar also. Cicero has been gravely cited (as Aristotle might have been also, in the passage just above alluded to, in his very treatise on Rhetoric) to testify that rhetorical rules are derived from the practice of Oratory, and not *vice versa;* and that consequently there must have been—as there still is—such a thing as a speaker ignorant of those rules. A drayman, we are told, will taunt a comrade by saying, "you're a pretty fellow," without having learnt that he is employing the figure called Irony; and may employ "will" and "shall" correctly, without being able to explain the principle that guides him. And it might have been added, that perhaps he will go home whistling a tune, though he does not know the name of a Note; that he will stir his fire, without knowing that he is employing the first kind of Lever;[7] and that he will set his kettle on it to boil,

[7]It is a curious circumstance, that no longer ago than the early part of the last century, *Mathematical* Studies were a common topic of contemptuous ridicule among those igno-

though ignorant of the theory of Caloric, and of all the technical vocabulary of Chemistry. In short, of the two premises requisite for the conclusion contended for, the one about which there can be no possible doubt, is dwelt on, and elaborately proved; and the other, which is very disputable, is tacitly assumed. That the systems of Logic, Rhetoric, Grammar, Music, Mechanics, &c. must have been preceded by the practice of speaking, singing, &c., which no one ever did or can doubt, is earnestly insisted on; but that every system of which this can be said must consequently be mere useless trifling, which is at least a paradox, is quietly taken for granted; or, at least, is supposed to be sufficiently established, by repeating, in substance, the poet's remark, that

> . . . all a Rhetorician's rules
> But teach him how to name his tools:

and by observing that, for the most difficult points of all, natural genius and experience must do everything, and Systems of Art nothing.

To this latter remark it might have been added, that in *no* department can Systems of Art equalize men of different degrees of original ability and of experience; or teach us to accomplish all that is aimed at. No system of Agriculture can create Land; nor can the Art Military teach us to produce, like Cadmus, armed soldiers out of the Earth; though Land, and Soldiers, are as essential to the practice of these Arts, as the well-known preliminary admonition in the Cookery book, "first take your carp," is to the culinary art. Nor can all the books that ever were written bring to a level with a man of military genius and experience, a person of ordinary ability who has never seen service.

As for the remark about "naming one's tools," which—with fair allowance for poetical exaggeration—may be admitted to be near the truth, it should be remembered, that if an inference be thence drawn of the uselessness of being thus provided with *names,* we must admit, by parity of reasoning, that it would be no inconvenience to a carpenter, or any other mechanic, to have no names for the several operations of *sawing, planing, boring,* &c. in which he is habitually engaged, or for the tools with which he performs them; and in like manner, that it would also be no loss to be without names—or without precise, appropriate, and brief names—for the various articles of dress and furniture that we use,—for the limbs and other bodily organs, and the plants, animals, and other objects around us;—in short, that it would be little or no evil to have a Language as imperfect as Chinese, or no Language at all.

Technical terms.

The simple truth is, TECHNICAL TERMS are a PART OF LANGUAGE. Now any portion of one's Language that relates to employments and situations foreign from our own, there is little need to be acquainted with. Nautical terms, e.g., it is little loss to a landman to be ignorant of; though, to a sailor, they are as needful as any part of Language is to any one. And again, a deficiency in the proper Language of some *one* department, even though one we are not wholly unconcerned in, is not felt as a very heavy inconvenience. But if it were absolutely no disadvantage at all, then, it is plain the same might be said of a still *further* deficiency of a like character; and ultimately we should arrive at the absurdity above noticed,—the uselessness of Language altogether.

rant of the subject; just as is the case, to a certain extent, even now, with Logic (including great part of the matter treated of in this volume), with Political Economy, and some others. Pope speaks of what he calls "mad Mathĕsis," as "running round the circle" and "finding it square!" One may find also among the fugitive poetry of his times, descriptions of a Mathematician as something between fool and madman. And Swift's Voyage to Laputa evinces his utter contempt for such studies, and likewise his utter ignorance of them. He ridicules the Laputans for having their bread cut into "Cycloids"; which he conceived to be the name of a *solid figure:* and he (Newton's contemporary) indicates his conviction that the Aristotelian System of Astronomy was on a level with all others, and that various systems would always be successively coming into fashion and going out again, like modes of dress.

Now, the case is altered, as far as regards mathematical pursuits; which are respected even by those not versed in them: but those other sciences above referred to, though studied by a very considerable and daily increasing number, are still sneered at,—as was formerly the case with Mathematics,—by many of those who have *not* studied them (including some mathematicians), and who know no more of the subject than Swift did of Cycloids. [Au.]

Real use of Language.

But though this is an absurdity which all would perceive,—though none would deny the importance of Language,—the full extent and real character of that importance is far from being universally understood. There are still (as is remarked in the Logic, Introduction. § 5.) many,—though I believe not near so many as a few years back,—who, if questioned on the subject, would answer that the use of Language is to *communicate* our thoughts to each other; and that it is peculiar to Man: the truth being that *that* use of Language is *not* peculiar to Man, though enjoyed by him in a much higher degree than by the Brutes; while that which does distinguish Man from Brute, is another, and quite distinct, use of Language, viz., as an *instrument of thought,*—a system of General Signs, without which the Reasoning process could not be conducted. The full importance, consequently, of Language, and of precise technical Language,—of having accurate and well-defined "names for one's tools,"—can never be duly appreciated by those who still cling to the theory of "Ideas"; those imaginary objects of thought in the mind, of which "Common terms" are merely the names, and by means of which we are supposed to be able to do what I am convinced is impossible; to carry on a train of Reasoning without the use of Language, or of any General Signs whatever.

But each, in proportion as he the more fully embraces the doctrine of *Nominalism,* and consequently understands the real character of Language, will become the better qualified to estimate the importance of an accurate system of nomenclature.

5.

Exercises in Composition.

The chief reason probably for the existing prejudice against technical systems of composition, is to be found in the cramped, meagre, and feeble character of most of such essays, &c. as are *avowedly* composed according to the rules of any such system. It should be remembered, however, in the first place, that these are almost invariably the productions of *learners;* it being usual for those who have attained proficiency, either to write without thinking of any rules, or to be desirous (as has been said), and, by their increased expertness, able, to conceal their employment of art. Now it is not fair to judge of the value of any system of rules,—those of a drawing master for instance,—from the first awkward sketches of tyros in the art.

Still less would it be fair to judge of one system from the ill success of another, whose rules were framed (as is the case with those ordinarily laid down for the use of students in Composition) on narrow, unphilosophical, and erroneous principles.

Choice of subjects for the composition of exercises.

But the circumstance which has mainly tended to produce the complaint alluded to, is, that in this case, the reverse takes place of the plan pursued in the learning of other arts; in which it is usual to begin, for the sake of practice, with what is *easiest:* here, on the contrary, the tyro has usually a *harder* task assigned him, and one in which he is less likely to succeed, than he will meet with in the actual business of life. For it is undeniable that it is much the most difficult to find either propositions to maintain, or arguments to prove them—to know, in short, what to say, or how to say it—on any subject on which one has hardly any information, and no interest; about which he knows little, and cares still less.

Now the subjects usually proposed for School or College-exercises are (to the learners themselves) precisely of this description. And hence it commonly happens, that an exercise composed with diligent care by a young student, though it will have cost him far more pains than a *real* letter written by him to his friends, on subjects that interest him, will be very greatly inferior to it. On the *real occasions* of after life (I mean, when the object proposed is, not to fill up a sheet, a book, or an hour, but to communicate his thoughts, to convince, or persuade),—on these real occasions, for which such exercises were designed to prepare him, he will find that he writes both better, and with more facility, than on the *artificial* occasion, as it may be called, of composing a

Some more connections to the RSA Animate

Declamation;—that he has been attempting to learn the easier, by practising the harder.

Ill effects often resulting from exercises.

But what is worse, it will often happen that such exercises will have formed a habit of stringing together empty commonplaces, and vapid declamations,—of multiplying words and spreading out the matter thin,—of composing in a stiff, artificial, and frigid manner: and that this habit will more or less cling through life to one who has been thus trained, and will infect all his future compositions.

So strongly, it should seem, was Milton impressed with a sense of this danger, that he was led to condemn the use altogether of exercises in Composition. In this opinion he stands perhaps alone among all writers on education. I should perhaps agree with him, if there were absolutely no other remedy for the evil in question; for I am inclined to think that this part of education, if conducted as it often is, does in general more harm than good. But I am convinced, that practice in Composition, both for boys and young men, may be so conducted as to be productive of many and most essential advantages.

Selection of subjects.

The obvious and the only preventive of the evils which I have been speaking of is, a most scrupulous care in the selection of such *subjects* for exercises as are likely to be *interesting* to the student, and on which he has (or may, with pleasure, and without much toil, acquire) sufficient information. Such subjects will of course vary, according to the learner's age and intellectual advancement; but they had better be rather below, than much above him; that is, they should never be such as to induce him to string together vague general expressions, conveying no distinct ideas to his own mind, and second-hand sentiments which he does not feel. He may freely transplant indeed from other writers such thoughts as will take root in the soil of his own mind; but he must never be tempted to collect *dried specimens.* He must also be encouraged to express himself (in correct language indeed, but) in a free, natural, and simple style; which of course implies (considering who and what the writer is supposed to be) such a style as, in itself, would be open to severe criticism, and certainly very unfit to appear in a book.

Compositions on such subjects, and in such a style, would probably be regarded with a disdainful eye, as puerile, by those accustomed to the opposite mode of teaching. But it should be remembered that the compositions of boys *must* be puerile, in one way or the other: and to a person of unsophisticated and sound taste, the truly contemptible kind of puerility would be found in the other kind of exercises. Look at the letter of an intelligent youth to one of his companions, communicating intelligence of such petty matters as are interesting to both—describing the scenes he has visited, and the recreations he has enjoyed during a vacation; and you will see a picture of the youth himself—boyish indeed in looks and in stature—in dress and in demeanour; but lively, unfettered, natural, giving a fair promise for manhood, and, in short, what a boy should be. Look at a theme composed by the same youth, on "Virtus est medium vitiorum," or "Natura beatis omnibus esse dedit,"[8] and you will see a picture of the same boy, dressed up in the garb, and absurdly aping the demeanour, of an elderly man. Our ancestors (and still more recently, I believe, the continental nations) were guilty of the absurdity of dressing up children in wigs, swords, huge buckles, hoops, ruffles, and all the elaborate full-dressed finery of grown-up people of that day.[9] It is surely reasonable that the analogous absurdity in greater matters also,—among the rest in that part of education I am speaking of,—should be laid aside; and that we should in all points consider what is appropriate to each different period of life.

Classes of subjects for exercises.

The subjects for Composition to be selected on the principle I am recommending, will generally fall under one of three classes: first, subjects

[8] "Virtue is the middle way between vices"; "Nature gave it to all men to be happy." [Ed.]

[9] See "Sandford and Merton," *passim.* [Au.]

drawn from the studies the learner is engaged in; relating, for instance, to the characters or incidents of any history he may be reading; and sometimes, perhaps, leading him to forestall by conjecture, something which he will hereafter come to, in the book itself: secondly, subjects drawn from any conversation he may have listened to (*with interest*) from his seniors, whether addressed to himself, or between each other: or, thirdly, relating to the amusements, familiar occurrences, and everyday transactions, which are likely to have formed the topics of easy conversation among his familiar friends. The student should not be confined exclusively to any one of these three classes of subjects. They should be intermingled in as much variety as possible. And the teacher should frequently recall to his own mind these two considerations; first, that since the benefit proposed does not consist in the intrinsic value of the composition, but in the *exercise* to the pupil's mind, it matters not how insignificant the subject may be, if it will but interest him, and thereby afford him such exercise; secondly, that the younger and backwarder each student is, the more unfit he will be for *abstract* speculations; and the less remote must be the subjects proposed from those *individual* objects and occurrences which always form the first beginnings of the furniture of the youthful mind.[1]

Drawing up of outlines or skeletons.

It should be added, as a practical rule for all cases, whether it be an exercise that is written for practice' sake, or a composition on some real occasion, that an outline should be first drawn out,—a *skeleton* as it is sometimes called,—of the substance of what is to be said. The more *briefly* this is done, so that it does but exhibit clearly the several heads of the composition, the better: because it is important that the whole of it be placed before the eye and the mind in a small compass, and be taken in as it were at a glance: and it should be written therefore not in *sentences*, but like a table of contents. Such an outline should not be allowed to *fetter* the writer, if, in the course of the actual composition, he find any reason for deviating from his original plan. It should serve merely as a *track* to mark out a path for him, not as a *groove* to confine him. But the practice of drawing out such a skeleton will give a coherence to the Composition, a due *proportion* of its several parts, and a clear and easy arrangement of them; such as can rarely be attained if one begins by *completing* one portion before thinking of the rest. And it will also be found a most useful exercise for a beginner, to practise—if possible under the eye of a judicious lecturer—the drawing out of a great number of such skeletons, more than he subsequently fills up; and likewise to practise the analysing in the same way, the Compositions of another, whether read or heard.

If the system which I have been recommending be pursued, with the addition of sedulous care in correction—encouragement from the teacher—and inculcation of such general rules as each occasion calls for; then, *and not otherwise*, Exercises in Composition will be of the most important and lasting advantage; not only in respect of the object *immediately* proposed, but in producing clearness of thought, and in giving play to all the faculties. And if this branch of education be thus conducted, then, *and not otherwise*, the greater part of the present treatise will, it is hoped, be found not much less adapted to the use of those who are writing for practice' sake, than of those engaged in meeting the occasions of real life. . . .

[1] For some observations relative to the learning of Elocution, see Part IV. chap. ii. § 5, and iv. § 2. See also some valuable remarks on the subject of exercises in composition in Mr. Hill's ingenious work on Public Education. It may be added, that if the teacher will, after pointing out any faults in the learner's exercise, and making him alter or rewrite it, if necessary, then put before him a composition on the same subject written by *himself*, or by some approved writer,—such a practice, if both learner and teacher have patience and industry enough to follow it up, will be likely to produce great improvement. [Au.]

Part I

CHAPTER II

4.

Of Signs then there are some which from a certain Effect or phenomenon, infer the "Cause" of it; and others which, in like manner, infer some "Condition" which is not the Cause.

"condition" vs. "cause"

Testimony a kind of sign.

Of these last, one species is the Argument from Testimony: the premiss being the existence of the Testimony; the Conclusion, the truth of what is attested; which is considered as a "Condition" of the Testimony having been given: since it is evident that so far only as this is allowed (i.e., so far only as it is allowed, that the Testimony would not have been given, had it not been true), can this Argument have any force. Testimony is of various kinds; and may possess various degrees of force,[11] not only in reference to its own intrinsic character, but in reference also to the kind of conclusion that it is brought to support. . . .

Testimony of Adversaries.

The Testimony of Adversaries,—including under this term all who would be unwilling to admit the conclusion to which their testimony tends,—has, of course, great weight derived from that circumstance. And as it will, oftener than not, fall under the head of "undesigned," much minute research will often be needful, in order to draw it out.

Cross-Examination.

In oral examination of witnesses, a skilful cross-examiner will often elicit from a reluctant witness most important truths, which the witness is desirous of concealing or disguising. There is another kind of skill, which consists in so alarming, misleading, or bewildering an honest witness as to throw discredit on his testimony, or pervert the effect of it. Of this kind of art, which may be characterised as the most, or one of the most, base and depraved of all possible employments of intellectual power, I shall only make one further observation. I am convinced that the most effectual mode of eliciting *truth,* is quite different from that by which an honest, simple-minded witness is most easily baffled and confused. I have seen the experiment tried, of subjecting a witness to such a kind of cross-examination by a practised lawyer, as would have been, I am convinced, the most likely to alarm and perplex many an honest witness; without any effect in shaking the testimony: and afterwards, by a totally opposite mode of examination, such as would not have at all perplexed one who was honestly telling the truth, that same witness was drawn on, step by step, to acknowledge the utter falsity of the whole.

Generally speaking, I believe that a quiet, gentle, and straightforward, though full and careful examination, will be the most adapted to elicit *truth;* and that the manœuvres, and the browbeating, which are the most adapted to confuse an honest witness, are just what the dishonest one is the best prepared for. The more the storm blusters, the more carefully he wraps round him the cloak, which a warm sunshine will often induce him to throw off.

this partly explains

Testimony of Adversaries usually incidental.

In any testimony (whether oral or written) that is unwillingly borne, it will more frequently consist in something *incidentally implied,* than in a distinct statement. For instance, the generality of men, who are accustomed to cry up Common sense as preferable to Systems of Art, have been brought to bear witness, collectively (see Preface of "Elements of Logic"), on the opposite side; inasmuch as each of them gives the preference to the latter, in the subject,—whatever it may be,—in which he is most conversant.

Sometimes, however, an adversary will be compelled distinctly to admit something that makes against him, in order to contest some other point. Thus, the testimony of the Evangelists, that the miracles of Jesus were acknowledged by the unbelievers, and attributed to magic, is confirmed by the Jews, in a Work called "Toldoth Jeschu"; (the "Generation of Jesus") which must have been compiled (at whatever period) from *traditions existing from the very first;* since it is incredible that if those *contemporaries* of Jesus who opposed Him, had denied the *fact* of the miracles having been wrought, their *descendants*

[11] Locke has touched on this subject, though slightly and scantily. He says, "In the testimony of others, is to be considered,—1. The number. 2. The integrity. 3. The skill of the witnesses. 4. The design of the author, where it is a testimony out of a book cited. 5. The consistency of the parts and circumstances of the relation. 6. Contrary testimonies." [Au.]

this isn't so much just for undergrads but as laws or even science)

should have admitted the facts, and resorted to the hypothesis of magic.

Negative Testimony.

The *negative* testimony, either of adversaries, or of indifferent persons, is often of great weight. When statements or arguments, publicly put forth, and generally known, remain *uncontradicted*, an appeal may fairly be made to this circumstance, as a confirmatory testimony on the part of those acquainted with the matter, and interested in it; especially if they are likely to be unwilling to admit the conclusion.[12]

Concurrent Testimony.

It is manifest that the concurrent testimony, positive or negative, of several witnesses, when there can have been no concert, and especially when there is any rivalry or hostility between them, carries with it a weight independent of that which may belong to each of them considered separately. For though, in such a case, each of the witnesses should be even considered as wholly undeserving of credit, still the chances might be incalculable against their all agreeing in the *same* falsehood. It is in this kind of testimony that the generality of mankind believe in the motions of the earth, and of the heavenly bodies, &c. Their belief is not the result of their own observations and calculations; nor yet again of their implicit reliance on the skill and the good faith of any one or more astronomers; but it rests on the agreement of many independent and rival astronomers; who want neither the ability nor the will to detect and expose each other's errors. It is on similar grounds, as Dr. Hinds has justly observed,[13] that all men, except about two or three in a million, believe in the existence and in the genuineness of manuscripts of ancient books, such as the Scriptures. It is not that they themselves examined these; or again (as some represent), that they rely implicitly on the good faith of those who profess to have done so; but they rely on the *concurrent* and *uncontradicted* testimony of all who have made, or who *might make*, the examination; both unbelievers, and believers of various hostile sects; any one of whom would be sure to seize any opportunity to expose the forgeries or errors of his opponents.

This observation is the more important, because many persons are liable to be startled and dismayed on its being pointed out to them that they have been believing something — as they are led to suppose — on very insufficient reasons; when the truth is perhaps that they have been mis-stating their reasons.

A remarkable instance of the testimony of adversaries, — both positive and negative, — has been afforded in the questions respecting penal colonies. The pernicious character of the system was proved in various publications, and subsequently, before two committees of the House of Commons, from the testimony of persons who were *friendly* to that system: the report and evidence taken before those committees was published; and all this remained uncontradicted for years; till, on motions being made for the abolition of the system,[14] persons had the effrontery to come forward at the eleventh hour and deny the truth of the representations given: thus pronouncing on themselves a heavy condemnation, for having either left that representation — supposing they thought it false, — so long unrefuted, or else, denying what they knew to be true.

Misrepresentation, again, of argument, — attempts to suppress evidence, or to silence a speaker by clamour, — reviling and personality, and false charges — all these are presumptions of the same kind; that the cause against which they are brought, is, — in the opinion of adversaries at least, — unassailable on the side of truth.

Character of things attested.

As for the character of the particular things that in any case may be attested, it is plain that we have to look to the probability or improbability, on the one hand, of their being real, and, on the

[12]See Hinds on the "Inspiration of Scripture." [Au.]

[13]Hinds on Inspiration. [Au.]

[14]See "Substance of a Speech on Transportation, delivered in the House of Lords, on the 19th of May, 1840," &c. [Au.]

other hand, of their having been either imagined or invented by the persons attesting them.

Things intrinsically improbable, the less likely to be feigned.

Anything unlikely to *occur*, is, so far, the less likely to have been feigned or fancied: so that its antecedent improbability may sometimes add to the credibility of those who bear witness to it. And again, anything which, however likely to *take place*, would not have been likely, *otherwise*, to enter the mind of *those particular* persons who attest to it, or would be at variance with their interest or prejudices, is thereby rendered the more credible. Thus, as has been above remarked, when the disciples of Jesus record occurrences and discourses, such as were both foreign to all the notions, and at variance with all the prejudices, of any man living in those days, and of Jews more especially, this is a strong confirmation of their testimony.

Things not understood, or not believed, by those who attest them.

It is also, in some cases, a strongly confirmatory circumstance that the witness should appear not to *believe*, himself, or not to *understand*, the thing he is reporting, when it is such as is, to *us*, *not* unintelligible nor incredible. E.g., When an ancient historian records a report of certain voyagers having sailed to a distant country in which they found the shadows falling on the opposite side to that which they had been accustomed to, and regards the account as incredible, from not being able to understand how such a phenomenon could occur, *we*—recognising at once what we know takes place in the Southern Hemisphere, and perceiving that *he* could not have *invented* the account—have the more reason for believing it. The report thus becomes analogous to the copy of an inscription in a language unknown to him who copied it.

The negative circumstance also, of a witness's *omitting* to mention such things as it is morally certain he *would* have mentioned had he been inventing, adds great weight to what he does say.

Superior force of negative probabilities.

And it is to be observed that, in many cases, silence, omission, absence of certain statements, &c. will have even greater weight than much that we do find stated. E.g., Suppose we meet with something in a passage of one of Paul's Epistles, which indicates with a certain degree of probability the existence of such and such a custom, institution, &c., and suppose there is just the same degree of probability that such and such another custom, institution, or event, which he does *not* mention anywhere, *would* have been mentioned by him in the same place, supposing it to have really existed, or occurred; this omission, and the *negative* argument resulting, has incomparably the more weight than the other, *if we also find* that same omission in *all the other* epistles, and in every one of the Books of the New Testament.

E.g., The universal omission of all notice of the office of Hiereus (a sacerdotal priest) among the Christian ministers[15]—of all reference to one supreme Church bearing rule over all the rest—of all mention of any transfer of the Sabbath from the seventh day to the first—are instances of decisive arguments of this kind.

So also, the omission of all allusion to a Future State, in those parts of the writings of Moses in which he is urging the Israelites to obedience by appeals to their hopes and fears; and again, in the whole of the early part of the Book of Job, in which that topic could not have failed to occur to persons believing in the doctrine,—this is a plain indication that no revelation of the doctrine was intended to be given in those Books; and that the passage, often cited, from the Book of Job, as having reference to the resurrection, must be understood as relating to that *temporal* deliverance which is narrated immediately after: since else it would (as Bishop Warburton has just remarked) make all the rest of the book unintelligible and absurd.

[15]See Discourse on the Christian Priesthood appended to the Bampton Lectures. Also, Bernard's translation of Vitringa on the "Synagogue and the Church." [Au.]

Again, "although we do not admit the *positive* authority of antiquity in favour of any doctrine or practice which we do not find sanctioned by Scripture, we may yet, without inconsistency, appeal to it *negatively*, in refutation of many errors. . . . It is no argument in favour of the Millennium, that it was a notion entertained by Justin Martyr, since we do not believe him to have been inspired, and he may therefore have drawn erroneous inferences from certain texts of Scripture: but it is an argument against the doctrine of Transubstantiation, that we find no traces of it for above six centuries; and against the adoration of the Virgin Mary, that in like manner it does not appear to have been inculcated till the sixth century. It is very credible that the first Christian writers, who were but men, should have made mistakes to which all men are liable, in their interpretation of Scripture: but it is not credible that such important doctrines as Transubstantiation and the adoration of the Virgin Mary should have been transmitted from the Apostles, if we find no trace of them for five or six centuries after the birth of our Saviour."[16]

Absence of all records of Savages having civilized themselves.

To take another instance: I have remarked in the Lectures on Political Economy (Lect.5.), that the descriptions some writers give of the Civilization of Mankind, by the spontaneous origin, among tribes of Savages, of the various arts of life, one by one, are to be regarded as wholly imaginary, and not agreeing with anything that ever did, or can, actually take place; inasmuch as there is no record or tradition of any race of savages having ever civilized themselves without external aid. Numerous as are the accounts we have, of Savages who have *not* received such aid, we do not hear, in any one instance, of their having ceased to be Savages. And again, abundant as are the traditions (though mostly mixed up with much that is fabulous) of the origin of civilization in various nations, all concur in tracing it up to some foreign, or some superhuman, instructor. If ever a nation did emerge, unassisted, from the savage state, all memory of such an event is totally lost.

Now the *absence* of all such records or traditions, in a case where there is every reason to expect that an instance could be produced if any had ever occurred,—this *negative* circumstance (in conjunction with the other indications there adduced) led me, many years ago, to the conclusion, that it is impossible for mere Savages to civilize themselves—that consequently Man must at some period have received the rudiments of civilization from a *superhuman* instructor,—and that Savages are probably the descendants of civilized men, whom wars and other afflictive visitations have degraded.

It might seem superfluous to remark that none but very general rules, such as the above, can be profitably laid down; and that to attempt to supersede the discretion to be exercised on each individual case, by *fixing precisely* what degree of weight is to be allowed to the testimony of such and such persons, would be, at least, useless trifling, and, if introduced in practice, a most mischievous hindrance of a right decision. But attempts of this kind have actually been made, in the systems of Jurisprudence of some countries; and with such results as might have been anticipated. The reader will find an instructive account of some of this unwise legislation in an article on "German Jurisprudence" in the Edinburgh Review. . . .

CHAPTER III

2.

Presumption and Burden of proof.

It is a point of great importance to decide in each case, at the outset, in your own mind, and clearly to point out to the hearer, as occasion may serve, on which side the *Presumption* lies, and to which belongs the [onus probandi] *Burden of Proof.* For though it may often be expedient to bring forward more proofs than can be fairly *demanded* of you, it is always desirable, when this is the case,

[16]Bishop Pepys's Charge, 1845. [Au.]

that it should be *known*, and that the strength of the cause should be estimated accordingly.

According to the most correct use of the term, a "Presumption" in favour of any supposition, means, not (as has been sometimes erroneously imagined) a preponderance of probability in its favour, but, such a *preoccupation* of the ground, as implies that it must stand good till some sufficient reason is adduced against it; in short, that the *Burden of proof* lies on the side of him who would dispute it.

Thus, it is a well-known principle of the Law, that every man (including a prisoner brought up for trial) is to be *presumed* innocent till his guilt is established. This does not, of course, mean that we are to *take for granted* he is innocent; for if that were the case, he would be entitled to immediate liberation: nor does it mean that it is antecedently *more likely than not* that he is innocent; or, that the majority of these brought to trial are so. It evidently means only that the "burden of proof" lies with the accusers;—that he is not to be called on to prove his innocence, or to be dealt with as a criminal till he has done so; but that they are to bring their charges against him, which if he can repel, he stands acquitted.

Thus again, there is a "presumption" in favour of the right of any individuals or bodies-corporate to the property of which they are in *actual possession*. This does not mean that they are, or are not, *likely* to be the rightful owners: but merely, that no man is to be disturbed in his possessions till some claim against him shall be established. He is not to be called on to prove his right; but the claimant, to disprove it; on whom consequently the "burden of proof" lies.

Importance of deciding on which side lies the onus probandi.

A moderate portion of common sense will enable any one to perceive, and to show, on which side the Presumption lies, when once his attention is called to this question; though, for want of attention, it is often overlooked: and on the determination of this question the whole character of a discussion will often very much depend. A body of troops may be perfectly adequate to the defence of a fortress against any attack that may be made on it; and yet, if, ignorant of the advantage they possess, they sally forth into the open field to encounter the enemy, they may suffer a repulse. At any rate, even if strong enough to act on the offensive, they ought still to keep possession of their fortress. In like manner, if you have the "Presumption" on your side, and can but *refute* all the arguments brought against you, you have, for the present at least, gained a victory: but if you abandon this position, by suffering this Presumption to be forgotten, which is in fact *leaving out one of, perhaps, your strongest arguments*, you may appear to be making a feeble attack, instead of a triumphant defense.

Such an obvious case as one of those just stated, will serve to illustrate this principle. Let any one imagine a perfectly unsupported accusation of some offence to be brought against himself; and then let him imagine himself—instead of replying (as of course he would do) by a simple denial, and a defiance of his accuser to prove the charge,—setting himself to establish a negative,—taking on himself the burden of proving his own innocence, by collecting all the circumstances indicative of it that he can muster: and the result would be, in many cases, that this evidence would fall far short of establishing a certainty, and might even have the effect of raising a suspicion against him;[17] he having in fact kept out of sight the important circumstance, that these probabilities in one scale, though of no great weight perhaps in themselves, are to be weighed against absolutely nothing in the other scale.

The following are a few of the cases in which it is important, though very easy, to point out where the Presumption lies.

Presumption in favour of existing institutions.

There is a Presumption in favour of every *existing* institution. Many of these (we will suppose, the majority) may be susceptible of alteration for the better; but still the "Burden of proof" lies with him who proposes an alteration; simply, on

[17]Hence the French proverb, "Qui s'excuse, s'accuse." [Au.]

the ground that since a change is not a good in itself, he who demands a change should show cause for it. No one is *called on* (though he may find it advisable) to defend an existing institution, till some argument is adduced against it; and that argument ought in fairness to prove, not merely an actual inconvenience, but the possibility of a change for the better.

Presumption of innocence.

Every book again, as well as person, ought to be presumed harmless (and consequently the copyright protected by our courts) till something is proved against it. It is a hardship to require a man to prove, either of his book, or of his private life, that there is no ground for any accusation; or else to be denied the protection of his Country. The Burden of proof, in each case, lies fairly on the accuser. I cannot but consider therefore as utterly unreasonable the decisions (which some years ago excited so much attention) to refuse the interference of the Court of Chancery in cases of piracy, whenever there was even any *doubt* whether the book pirated *might* not contain something of an immoral tendency.

Presumption against a Paradox.

There is a "Presumption" against any thing *paradoxical,* i.e., contrary to the prevailing opinion: it may be true; but the Burden of proof lies with him who maintains it; since men are not expected to abandon the prevailing belief till some reason is shown.

Hence it is, probably, that many are accustomed to apply "Paradox" as if it were a term of reproach, and implied absurdity or falsity. But correct use is in favour of the etymological sense. If a Paradox is unsupported, it can claim no attention; but if false, it should be censured on *that* ground; but not for being *new.* If true, it is the more important, for being a truth not generally admitted. "Interdum vulgus rectum videt; est ubi peccat."[18] Yet one often hears a charge of "paradox and nonsense" brought forward, as if there were some close connexion between the two. And indeed, in one sense this is the case; for to those who are too dull, or too prejudiced, to admit any notion at variance with those they have been used to entertain, *that* may appear nonsense, which to others is sound sense. Thus "Christ crucified" was "to the Jews, a stumbling block" (paradox), "and to the Greeks, foolishness"; because the one "required a sign" of a different kind from any that appeared; and the others "sought after wisdom" in their schools of philosophy.

Christianity, presumptions against and for.

Accordingly there was a Presumption against the Gospel in its first announcement. A Jewish peasant claimed to be the promised Deliverer, in whom all the nations of the Earth were to be blessed. The Burden of proof lay with Him. No one could be fairly called on to admit his pretensions till He showed cause for believing in Him. If He "had not done among them the *works* which none other man did, they had not had sin."

Now, the case is reversed. Christianity *exists;* and those who deny the divine origin attributed to it, are bound to show some reasons for assigning to it a human origin: not indeed to prove that it *did* originate in this or that way, without supernatural aid; but to point out some conceivable way in which it *might* have so arisen.

It is indeed highly expedient to bring forward evidences to establish the divine origin of Christianity: but it ought to be more carefully kept in mind than is done by most writers, that all this is an argument "ex abundanti," as the phrase is,—over and above what can fairly be called for, till some hypothesis should be framed, to account for the origin of Christianity by human means. The Burden of proof, *now,* lies plainly on him who rejects the Gospel: which, if it were not established by miracles, demands an explanation of the greater miracle,—its having been established, in defiance of all opposition, by human contrivance.

[18] "Sometimes the mob sees clearly; that is where it sins." [Ed.]

The Reformation.

The Burden of proof, again, lay on the authors of the Reformation: they were bound to show cause for every *change* they advocated; and they admitted the fairness of this requisition, and accepted the challenge. But they were *not* bound to show cause for *retaining* what they left unaltered. The Presumption was, in those points, on their side; and they had only to reply to objections. This important distinction is often lost sight of, by those who look at the "doctrines, &c. of the Church of England as constituted at the Reformation," in the mass, without distinguishing the altered from the unaltered parts. The framers of the Articles kept this in mind in their expression respecting infant-baptism, that it "ought by all means to be *retained.*" They did not introduce the practice, but left it as they found it; considering the burden to lie on those who denied its existence in the primitive church, to show *when* it did arise.

The case of Episcopacy is exactly parallel: but Hooker seems to have overlooked this advantage: he sets himself to *prove* the apostolic origin of the institution, as if his task had been to *introduce* it.[19] Whatever force there may be in arguments so adduced, it is plain they must have far *more* force if the important Presumption be kept in view, that the institution had notoriously existed many ages, and that consequently, even if there had been no direct evidence for its being coeval with Christianity, it might fairly be at least supposed to be so, till some other period should be pointed out at which it had been introduced as an innovation.

Tradition.

In the case of any *doctrines* again, professing to be essential parts of the Gospel revelation, the fair *presumption* is, that we shall find all such distinctly declared in Scripture. And again, in respect of commands or prohibitions as to any point, which our Lord or his Apostles did deliver, there is a presumption that Christians are bound to comply. If any one maintains, on the ground of Tradition, the necessity of some additional article of faith (as for instance that of Purgatory) or the propriety of a departure from the New Testament precepts (as for instance in the denial of the cup to the Laity in the Eucharist) the burden of proof lies with him. We are not called on to prove that there is no tradition to the purpose;—much less, that no tradition can have any weight at all in *any* case. It is for *him* to prove, not merely generally, that there is such a thing as Tradition, and that it is entitled to respect, but that there is a tradition relative to each of the points which he thus maintains; and that such tradition is, in each point, sufficient to establish that point. For want of observing this rule, the most vague and interminable disputes have often been carried on respecting Tradition, generally.

It should be also remarked under this head, that in any one question the Presumption will often be found to lie on different sides, in respect of different parties. E.g., In the question between a member of the Church of England, and a Presbyterian, or member of any other Church, on which side does the Presumption lie? Evidently, to each, in favour of the religious community to which he at present belongs. He is not to separate from the Church of which he is a member, without having some sufficient reason to allege. . . .

Grounds of deference.

Admiration, esteem, &c. are more the result of a judgment of the *understanding* (though often of an erroneous one); "Deference" is apt to depend on *feelings;*—often, on whimsical and unaccountable feelings. It is often yielded to a vigorous *claim,*—to an authoritative and overbearing demeanour. With others, of an opposite character, a soothing, insinuating, flattering, and seeming submissive demeanour will often gain great influence. They will yield to those who seem to yield to them; the others, to those who seem resolved to yield to no one. Those who seek to gain

[19] On the ambiguous employment of the phrase "divine origin"—a great source of confused reasoning among theologians—I have offered some remarks in Essay II. "On the Kingdom of Christ," § 17. 4th edit. [Au.]

adherents to their School or Party by putting forth the claim of *antiquity* in favour of their tenets, are likely to be peculiarly successful among those of an arrogant disposition. A book or a Tradition of a thousand years old, appears to be rather a *thing* than a *person;* and will thence often be regarded with blind deference by those who are prone to treat their contemporaries with insolent contempt, but who "will not go to compare with an old man."[20] They will submit readily to the authority of men who flourished fifteen or sixteen centuries ago, and whom, if now living, they would not treat with decent respect.

With some persons, again, Authority seems to act according to the law of Gravitation; inversely as the squares of the *distances.* They are inclined to be of the opinion of the person who is *nearest.* Personal *Affection,* again, in many minds, generates Deference. They form a habit of first, *wishing,* secondly, *hoping,* and thirdly, *believing* a person to be in the right, whom they would be *sorry* to think mistaken. In a state of morbid depression of spirits, the same cause leads to the opposite effect. To a person in that state, whatever he would be "sorry to think" appears probable; and consequently there is a Presumption in his mind *against* the opinions, measures, &c. of those he is most attached to. That the degree of Deference felt for any one's Authority ought to depend not on our feelings, but on our judgment, it is almost superfluous to remark; but it is important to remember that there is a danger on *both* sides;—of an unreasonable Presumption either on the side of our wishes, or *against* them.

Deference as to particular points.

It is obvious that Deference ought to be, and usually is, felt in reference to particular points. One has a deference for his physician, in questions of medicine; and for his bailiff, in questions of farming; but not *vice versâ.* And accordingly, Deference may be misplaced in respect of the *subject,* as well as of the person. It is conceivable that one may have a *due* degree of Deference, and an *excess* of it, and a *deficiency* of it, all towards the same person, but in respect of different points.

Men often self-deceived as to their feelings of deference.

It is worth remarking, as a curious fact, that men are liable to deceive themselves as to the degree of Deference they feel towards various persons. But the case is the same (as I shall have occasion hereafter to point out) with many other feelings also, such as pity, contempt, love, joy, &c.; in respect of which we are apt to mistake the *conviction* that such and such an object *deserves* pity, contempt, &c. for the *feeling* itself; which often does not accompany that conviction. And so also, a person will perhaps describe himself (with sincere good faith) as feeling great Deference towards some one, on the ground of his *believing* him to be *entitled* to it; and perhaps being really indignant against *any one else* who does not manifest it. Sometimes again, one will mistake for a feeling of Deference his *concurrence* with another's views, and admiration of what is said or done by him. But this, as has been observed above, does not imply Deference, if the same approbation would have been bestowed on the same views, supposing them stated and maintained in an anonymous paper. The converse mistake is equally natural. A man may fancy that, in each case, he acquiesces in such a one's view or suggestions from the dictates of judgment, and for the reasons given ("What she does seems wisest, virtuousest, discreetest, best"[21]); when yet perhaps the very same reasons, coming from another, would have been rejected. . . .

Transferring the Burden of proof.

It is to be observed, that a Presumption may be *rebutted* by an opposite Presumption, so as to shift the Burden of proof to the other side. E.g., Suppose you had advised the removal of some *existing* restriction: you might be, in the first instance, called on to take the Burden of proof, and allege your reasons for the change, on the ground that there is a Presumption against every Change. But you might fairly reply, "True, but there is another Presumption which rebuts the former: every *Restriction* is in it-

[20] Shakespeare, *Twelfth Night.* [Au.]

[21] Milton. [Au.]

self an evil; and therefore there is a Presumption in favour of its removal, unless it can be shown necessary for prevention of some greater evil: I am not bound to allege any *specific* inconvenience; if the restriction is *unnecessary, that* is reason enough for its abolition: its defenders therefore are fairly called on to prove its necessity."

Again, in reference to the prevailing opinion, that the "*Nathanael*" of John's Gospel was the same person as the Apostle "*Bartholomew*" mentioned in the others, an intelligent friend once remarked to me that *two names* afford a "prima facie" Presumption of two persons. But the name of *Bartholomew*, being a "Patronymic," (like Simon Peter's designation *Bar*-Jona, and Joseph's Sirname of *Bar*sabas, mentioned in Acts;—he being probably the same with the Apostle "Joseph Barnabas," &c.,) affords a Counterpresumption that he must have had *another* name, to distinguish him from his own kindred. And thus we are left open to the arguments drawn from the omission, by the other Evangelists, of the name of Nathanael,—evidently a very eminent disciple,—the omission by John of the name of the Apostle Bartholomew,—and the recorded intimacy with the Apostle Philip. . . .

Presumptions for and against the learned.

Again, there is (according to the old maxim of "peritis credendum est in arte sua") a presumption (and a fair one), in respect of each question, in favour of the judgment of the most eminent men in the department it pertains to;—of eminent physicians, e.g., in respect of medical questions,—of theologians, in theological, &c. And by this presumption many of the Jews in our Lord's time seem to have been influenced, when they said, "have any of the Rulers, or of the Pharisees believed on Him?"

But there is a counterpresumption, arising from the circumstance that men eminent in any department are likely to regard with jealousy any one who professes to bring to light something unknown to themselves; especially if it promise to *supersede*, if established, much of what they have been accustomed to learn, and teach, and practise. And moreover, in respect of the medical profession, there is an obvious danger of a man's being regarded as a dangerous experimentalist who adopts any novelty, and of his thus losing practice even among such as may regard him with admiration as a philosopher. In confirmation of this, it may be sufficient to advert to the cases of Harvey and Jenner. Harvey's discovery of the circulation of the blood is said to have lost him most of his practice, and to have been rejected by every physician in Europe above the age of forty. And Jenner's discovery of vaccination had, in a minor degree, similar results.

There is also this additional counterpresumption against the judgment of the proficients in any department; that they are prone to a bias in favour of everything that gives the most palpable *superiority* to themselves over the uninitiated [the Idiotæ], and affords the greatest scope for the employment and display of their own peculiar acquirements. Thus, e.g., if there be two possible interpretations of some Clause in an Act of Parliament, one of which appears obvious to every reader of plain good sense, and the other can be supported only by some ingenious and far-fetched legal subtlety, a practised lawyer will be liable to a bias in favour of the latter, as setting forth the more prominently his own peculiar qualifications. And on this principle in great measure seems founded Bacon's valuable remark; "harum artium sæpe pravus fit usus, *ne sit nullus.*" Rather than let their knowledge and skill lie idle, they will be tempted to misapply them; like a schoolboy, who, when possessed of a knife, is for trying its edge on everything that comes in his way. On the whole, accordingly, I think that of these two opposite presumptions, the counterpresumption has often as much weight as the other, and sometimes more. . . .

7.

Refutation.

Refutation of Objections should generally be placed in the midst of the Argument; but nearer the beginning than the end.

If indeed very strong objections have obtained much currency, or have been just stated by an opponent, so that what is asserted is likely to be regarded as paradoxical, it may be advisable to begin with a Refutation; but when this is not the

case, the mention of Objections in the opening will be likely to give a paradoxical air to our assertion, by implying a consciousness that much may be said against it. If again all mention of Objections be deferred till the last, the other arguments will often be listened to with prejudice by those who may suppose us to be overlooking what may be urged on the other side.

Sometimes indeed it will be difficult to give a satisfactory Refutation of the opposed opinions, till we have gone through the arguments in support of our own: even in that case however it will be better to take some brief notice of them early in the Composition, with a promise of afterwards considering them more fully, and refuting them. This is Aristotle's usual procedure.

Sophistical evasion.

A sophistical use is often made of this last rule, when the Objections are such as cannot really be satisfactorily answered. The skilful sophist will often, by the promise of a triumphant Refutation hereafter, gain attention to his own statement; which, if it be made plausible, will so draw off the hearer's attention from the Objections, that a very inadequate fulfilment of that promise will pass unnoticed, and due weight will not be allowed to the Objections.

It may be worth remarking, that Refutation will often occasion the introduction of fresh Propositions; i.e., we may have to disprove Propositions, which though incompatible with the principal one to be maintained, will not be directly contradictory to it: e.g., Burke, in order to the establishment of his theory of beauty, refutes the other theories which have been advanced by those who place it in "fitness" for a certain end—in "proportion"—in "perfection," &c.; and Dr. A. Smith, in his "Theory of Moral Sentiments," combats the opinion of those who make "expediency the test of virtue"—of the advocates of a "Moral sense," &c., which doctrines respectively are at variance with those of these authors, and *imply*, though they do not express, a contradiction of them.

Though I am at present treating principally of the proper *collocation* of Refutation, some remarks on the conduct of it will not be unsuitable in this place. In the first place, it is to be observed that there is [2] no distinct class of refutatory Argument; since they become such merely by the circumstances under which they are employed.

Two modes of refuting.

There are two ways in which any Proposition may be refuted; first, by proving the contradictory of it; secondly, by overthrowing the Arguments by which it has been supported. The former of these is less strictly and properly called Refutation; being only *accidentally* such, since it might have been employed equally well had the opposite Argument never existed; and in fact it will often happen that a Proposition maintained by one author, may be in this way refuted by another, who had never heard of his Arguments. Thus Pericles is represented by Thucydides as proving, in a speech to the Athenians, the probability of their success against the Peloponnesians; and thus, virtually, refuting the speech of the Corinthian ambassador at Sparta, who had laboured to show the probability of their speedy downfall.[23] In fact, every one who argues in favour of any Conclusion is virtually refuting, in this way, the opposite Conclusion.

But the character of Refutation more strictly belongs to the other mode of proceeding; viz. in which a reference is made, and an answer given, to some specific arguments in favour of the opposite Conclusion. This Refutation may consist either in the denial of one of the *Premises*,[24] or an objection against the *conclusiveness* of the reasoning. And here it is to be observed that an ob-

[22] As Aristotle remarks, *Rhet.* Book ii. apparently in opposition to some former writers. [Au.]

[23] The speeches indeed appear to be in great part the compo ition of the historian; but he professes to give the substance of what was either actually said, or *likely* to be said, on each occasion: and the arguments urged in the speeches now in question are undoubtedly such as the respective speakers would be likely to employ. [Au.]

[24] If the Premiss to be refuted be a "Universal," (see *Logic*, b. ii. ch. ii. § 3) it will be sufficient to establish its Contradictory, which will be a Particular; which will often be done by an argument that will naturally be exhibited in the third figure, whose conclusions are always Particulars. Hence, this may be called the *ecstatic*, or *refutatory* Figure. (See *Logic*, b. ii. ch. iii. § 4.) [Au.]

jection is often supposed, from the mode in which it is expressed, to belong to this last class, when perhaps it does not, but consists in the contradiction of a Premiss; for it is very common to say, "I admit your principle, but deny that it leads to such a consequence"; "the assertion is true, but it has no force as an Argument to prove that Conclusion"; this sounds like an objection to the Reasoning itself; but it will not unfrequently be found to amount only to a denial of the *suppressed* Premiss of an Enthymeme; the assertion which is admitted being only the expressed Premiss, whose "force as an Argument" must of course depend on the other Premiss, which is understood.[25] Thus Warburton admits that in the Law of Moses the doctrine of a future state was not revealed; but contends that this, so far from disproving, as the Deists pretend, his divine mission, does, on the contrary, establish it. But the objection is not to the Deist's *Argument* properly so called, but to the other Premiss, which they so hastily took for granted, and which he disproves, viz. "that a divinely commissioned Lawgiver would have been sure to reveal that doctrine." The objection is then only properly said to lie against the Reasoning itself, when it is shown that, granting all that is assumed on the other side, whether expressed or understood, still the Conclusion contended for would not follow from the Premises; either on account of some ambiguity in the Middle Term, or some other fault of that class.

Fallacies.

This is the proper place for a treatise on Fallacies; but as this has been inserted in the "ELEMENTS OF LOGIC," I have only to refer the reader to it. (Book iii).

Direct and Indirect refutation.

It may be proper in this place to remark, that "Indirect Reasoning" is sometimes confounded with "Refutation," or supposed to be peculiarly connected with it; which is not the case; either Direct or Indirect Reasoning being employed indifferently for Refutation, as well as for any other purpose. The application of the term "elenctic" (from *elenchein* to refute or disprove) to Indirect Arguments, has probably contributed to this confusion; which, however, principally arises from the very circumstance that occasioned such a use of that term; viz., that in the Indirect method the absurdity or falsity of a Proposition (opposed to our own) is proved; and hence is suggested the idea of an *adversary* maintaining that Proposition, and of the Refutation of that adversary being necessarily accomplished in this way. But it should be remembered, that Euclid and other mathematicians, though they can have no opponent to refute, often employ the Indirect Demonstration; and that, on the other hand, if the Contradictory of an opponent's Premiss can be satisfactorily proved in the Direct method, the Refutation is sufficient.

The Indirect method sometimes preferred.

It is true, however, that while, in Science, the Direct method is considered preferable, in Controversy, the Indirect is often adopted by choice, as it affords an opportunity for holding up an opponent to scorn and ridicule, by deducing some very absurd conclusion from the principles he maintains, or according to the mode of arguing he employs. Nor indeed can a fallacy be so clearly exposed to the unlearned reader in any other way. For it is no easy matter to explain, to one ignorant of Logic, the grounds on which you object to an inconclusive argument; though he will be able to perceive its correspondence with another, brought forward to illustrate it, in which an absurd conclusion may be introduced, as drawn from true premises.

Proving too much.

It is evident that either the *Premiss* of an opponent, or his *Conclusion,* may be disproved, either in the Direct, or in the Indirect method; i.e., either by proving the truth of the Contradictory, or by showing that an absurd conclusion may fairly

[25] It has been remarked to me by an intelligent friend, that in common discourse the word "Principle" is usually employed to designate the *major* premiss of an Argument, and "Reason," the *minor.* [Au.]

Boy, this is boring as shit!

be deduced from the proposition you are combating. When this latter mode of refutation is adopted with respect to the *Premiss*, the phrase by which this procedure is usually designated, is, that the "Argument proves too much"; i.e., that it proves, besides the conclusion drawn, another, which is manifestly inadmissible. E.g., The Argument by which Dr. Campbell labours to prove that every correct Syllogism must be nugatory, as involving a "*petitio principii*," proves, if admitted at all, more than he intended; since it may easily be shown to be equally applicable to *all* Reasoning whatever.

It is worth remarking, that an Indirect argument may easily be altered in form so as to be stated in the Direct mode. For, strictly speaking, that is Indirect reasoning in which we assume as true the Proposition whose Contradictory it is our object to prove; and deducing regularly from it an absurd Conclusion, infer thence that the Premiss in question is false; the alternative proposed in *all* correct reasoning being, either to admit the Conclusion, or to deny one of the Premises. But by adopting the form of a Destructive Conditional,[26] the same argument as this, in substance, may be stated *directly*. E.g., We may say, "let it be admitted, that no testimony can satisfactorily establish such a fact as is not agreeable to our experience; thence it will follow that the Eastern Prince judged wisely and rightly, in at once rejecting, as a manifest falsehood, the account given him of the phænomenon of ice; but he was evidently mistaken in so doing; therefore the Principle assumed is unsound." Now the substance of this Argument remaining the same, the form of it may be so altered as to make the Argument a direct one; viz., "*if* if be true that no testimony, &c. that Eastern Prince must have judged wisely, &c., but he did not; therefore that principle is not true."

Character of conditional propositions.

Universally indeed a Conditional Proposition may be regarded as an assertion of the validity of a certain Argument; the Antecedent corresponding to the Premises, and the Consequent to the Conclusion; and neither of them being asserted as true, only, the *dependence* of the one on the other; the alternative then is, to acknowledge as a conclusion, either the truth of the Consequent, as in the Constructive Syllogism, or (as in the destructive) the falsity of the Antecedent: and the former accordingly corresponds to Direct reasoning, the latter to Indirect; being, as has been said, a mode of stating it in the Direct form; as is evident from the examples adduced.

Ironical effect of indirect arguments.

The difference between these two modes of stating such an Argument is considerable, when there is a long chain of reasoning. For when we employ the Categorical form, and assume as true the Premises we design to disprove, it is evident we must be speaking *ironically*, and in the character, assumed for the moment, of an adversary; when, on the contrary, we use the hypothetical form, there is no irony. Butler's *Analogy* is an instance of the latter procedure; he contends that *if* such and such objections were admissible against Religion, they *would* be applicable equally to the constitution and course of Nature. Had he, on the other hand, assumed, for the argument's sake, that such objections against Religion *are* valid, and had thence proved the condition of the natural world to be totally different from what we see it to be, his arguments, which would have been the same in substance, would have assumed an ironical form. This form has been adopted by Burke in his celebrated "Defence of Natural Society, by a late noble Lord"; in which, assuming the person of Bolingbroke, he proves, according to the principles of that author, that the arguments he brought against ecclesiastical, would equally lie against civil, institutions. This is an Argument from *Analogy*, as well as Bishop Butler's, though not relating to the same point; Butler's being a defence of the *Doctrines* of Religion; Burke's, of its *Institutions* and practical effects. A defence of the *Evidences* of our religion, (the third point against which objections have been urged,) on a similar plan with the work of Burke just mentioned, and consequently, like

[26] See *Logic*, b. ii, c. iv, § 6. [Au.]

that, in an ironical form, I attempted some years ago, in a pamphlet (published anonymously, merely for the preservation of its ironical character), whose object was to show, that objections ("Historic Doubts") similar to those against the Scripture-history, and much more plausible, might be urged against all the received accounts of Napoleon Buonaparte.[27]

It is in some respects a recommendation of this latter method, and in others an objection to it, that the sophistry of an adversary will often be exposed by it in a *ludicrous* point of view; and this even where no such effect is designed; the very essence of jest being its *mimic sophistry.*[28] This will often give additional force to the Argument, by the vivid impression which ludicrous images produce; but again it will not unfrequently have this disadvantage, that weak men, perceiving the wit, are apt to conclude that nothing *but* wit is designed; and lose sight perhaps of a solid and convincing Argument, which they regard as no more than a good joke. Having been warned that "ridicule is not the test of truth," and "that wisdom and wit" are not the same thing, they distrust every thing that can possibly be regarded as witty; not having judgment to perceive the combination, when it occurs, of Wit with sound Reasoning. The ivy wreath completely conceals from their view the point of the Thyrsus.

Danger of irony.

And moreover if such a mode of Argument be employed on serious subjects, the "weak brethren" are sometimes scandalized by what appears to them a profanation; not having discernment to perceive when it is that the ridicule does, and when it does not, affect the solemn subject itself. But for the respect paid to Holy Writ, the taunt of Elijah against the prophets of Baal, and Isaiah's against those who "bow down to the stock of a tree," would probably appear to such persons irreverent. And the caution now implied will appear the more important, when it is considered how large a majority they are, who, in this point, come under the description of "weak brethren." He that can laugh at what is ludicrous, and at the same time preserve a clear discernment of sound and unsound Reasoning, is no ordinary man. And moreover the resentment and mortification felt by those whose unsound doctrines, or sophistry, are fully exposed and held up to contempt or ridicule,—this, they will often disguise from others, and sometimes from themselves, by representing the contempt or ridicule as directed against serious or sacred subjects, and not, against their own absurdities: just as if those idolators above alluded to had represented the Prophets as ridiculing *devotional feelings,* and not, merely the absurd misdirection of them to a log of wood. And such persons will often in this way exercise a powerful influence on those whose understanding is so cloudy that they do not clearly perceive against what the ridicule is directed, or who are too dull to understand it at all. For there are some persons so constituted as to be altogether incapable of even comprehending the plainest irony; though they have not in other points any corresponding weakness of intellect. The humorous satirical pamphlet, (attributed to an eminent literary character,) entitled "Advice to a Reviewer," I have known persons read without perceiving that it was ironical. And the same, with the "Historic Doubts" lately referred to. Such persons, when assured that such and such a Work contains ridicule, and that it has some references to matters of grave importance, take for granted that it must be a work of profane levity.

There is also this danger in the use of irony; that sometimes when titles, in themselves favourable, are applied (or their application retained) to any set of men, in bitter scorn, they will then sometimes be enabled to appropriate such titles in a serious sense; the ironical force gradually evaporating. I mean, such titles as "Orthodox," "Evangelical," "Saints," "Reformers," "Liberals," "Political-Economists," "Rational,"

[27]To these examples may be added the "Pastoral Epistle to some Members of the University of Oxford," (Fellowes) first published in 1835, and now reprinted in the "Remains of Bishop Dickinson." It is the more valuable, now, from the *verification* of the predictions it contains, which, when it first appeared, many were disposed to regard as extravagant. [Au.]

[28]See *Logic,* Chapter on *Fallacies,* at the conclusion. [Au.]

&c. The advantage thus given may be illustrated by the story of the cocoanuts in Sinbad the Sailor's fifth voyage.

It may be observed generally, that too much stress is often laid, especially by unpractised reasoners, on Refutation; (in the strictest and narrowest sense, i.e., of Objections to the Premises, or to the Reasoning;) I mean, that they are apt both to expect a Refutation where none can fairly be expected, and to attribute to it, when satisfactorily made out, more than it really accomplishes.

Unanswerable arguments may exist on both sides.

For first, not only specious, but real and solid arguments, such as it would be difficult, or impossible to refute, may be urged against a Proposition which is nevertheless true, and may be satisfactorily established by a *preponderance* of probability.[29] It is in strictly scientific Reasoning alone that all the arguments which lead to a false Conclusion must be fallacious. In what is called moral or probable Reasoning, there may be sound arguments, and valid objections, on both sides.[30] E.g., It may be shown that each of two contending parties has some reason to hope for success; and this, by irrefragable arguments on both sides; leading to conclusions which are not (strictly speaking) contradictory to each other; for though only one party can obtain the victory, it may be true that each has some reason to expect it. The real question in such cases is, which event is the *more* probable;—on which side the evidence preponderates. Now it often happens that the inexperienced reasoner, thinking it necessary that every objection should be satisfactorily answered, will have his attention drawn off from the arguments of the opposite side, and will be occupied perhaps in making a weak defence, while victory was in his hands. The objection perhaps may be unanswerable, and yet may safely be allowed, if it can be shown that more and weightier objections lie against every other supposition. This is a most important caution for those who are studying the Evidences of Religion. Let the opposer of them be called on, instead of confining himself to detached cavils, and saying, "how do you answer this?" and "how do you explain that?" to frame some consistent hypothesis to account for the introduction of Christianity by human means; and then to consider whether there are more or fewer difficulties in his hypothesis than in the other.

Sophistical Refutation.

On the other hand, one may often meet with a sophistical refutation of objections, consisting in counter-objections urged against something else which is taken for granted to be, though it is not, the *only alternative*. E.g., Objections against an unlimited Monarchy may be met by a glowing description of the horrors of the mob-government of the Athenian and Roman Republics. If an exclusive attention to mathematical pursuits be objected to, it may be answered by deprecating the *exclusion* of such studies. It is thus that a man commonly replies to the censure passed on any vice he is addicted to, by representing some other vice as worse; e.g., if he is blamed for being a sot, he dilates on the greater enormity of being a thief; as if there were any need he should be either. And it is in this way alone that the advocates of Transportation have usually defended it: describing some very ill-managed penitentiary system, and assuming, as self-evident and admitted, that this must be the *only possible substitute* for Penal Colonies.[31] This fallacy may be stated logically, as a Disjunctive Hypothetical, with the Major, false.

Overestimate of the force of refutation.

Secondly, the force of a Refutation is often overrated: an argument which is satisfactorily answered ought merely to *go for nothing:* it is possible that the conclusion drawn may nevertheless be true: yet men are apt to take for granted that

[29]See above, ch. ii. § 4. and also *Logic*, Part iii. § 17. [Au.]

[30]Bacon, in his rhetorical commonplaces—heads of arguments *pro* and *contra*, on several questions—has some admirable illustrations of what has been here remarked. [Au.]

[31]See Letters to Earl Grey on the subject,—Report of Committee, and "Substance of a Speech," &c. [Au.]

the discussions of Sophistry always appear soon after his opened, invariably, some can of worms } * i.e., "sound arguments [...] on both sides" (1028).

the Conclusion itself is disproved, when the Arguments brought forward to establish it have been satisfactorily refuted; assuming, when perhaps there is no ground for the assumption, that these are *all* the arguments that could be urged.[32] This may be considered as the fallacy of denying the Consequent of a Conditional Proposition, from the Antecedent having been denied: "if such and such an Argument be admitted, the Assertion in question is true; but that Argument is inadmissible; *therefore the Assertion is not true.*" Hence the injury done to any cause by a weak advocate; the cause itself appearing to the vulgar to be overthrown, when the Arguments brought forward are answered.

"Hence the danger of ever advancing more than can be well maintained; since the refutation of *that* will often quash the whole. A guilty person may often escape by having too much laid to his charge; so he may also by having too much evidence against him, i.e., some that is not in itself satisfactory: thus a prisoner may sometimes obtain acquittal by showing that one of the witnesses against him is an infamous informer and spy; though perhaps if that part of the evidence had been omitted, the rest would have been sufficient for conviction."[33]

arguments that break rather than bend

The maxim here laid down, however, applies only to those causes in which (waiving the consideration of honesty) first, it is wished to produce not merely a temporary, but a lasting impression, and that, on readers or hearers of some judgment; and secondly, where there really *are* some *weighty* arguments to be urged. When no charge e.g., can really be substantiated, and yet it is desired to produce some present effect on the unthinking, there may be room for the application of the proverb, "Slander stoutly, and something will stick": the vulgar are apt to conclude, that where a great deal is said, *something* must be true; and many are fond of that lazy contrivance for saving the trouble of thinking,—"splitting the difference"; imagining that they show a laudable caution in believing *only a part* of what is said. And thus a malignant Sophist may gain such a temporary advantage by the multiplicity of his attacks, as the rabble of combatants described by Homer sometimes did by their showers of javelins, which encumbered and weighed down the shield of one of his heroes, though they could not penetrate it.

Objections should be stated in their full force.

On the above principle,—that a weak argument is positively hurtful, is founded a most important maxim, that it is not only the fairest, but also the wisest plan, to *state Objections in their full force;* at least, wherever there does exist a satisfactory answer to them; otherwise, those who hear them stated more strongly than by the uncandid advocate who had undertaken to repel them, will naturally enough conclude that they

[32] "Another form of *ignoratio elenchi* (irrelevant conclusion), which is rather the more serviceable on the side of the respondent, is, to prove or disprove *some part* of that which is required, and dwell on *that*, suppressing all the rest.

"Thus, if a University is charged with cultivating *only* the mere elements of Mathematics, and in reply a list of the books studied there is produced, should even *any one* of those books be *not elementary*, the charge is in fairness refuted; but the Sophist may then earnestly contend that *some* of those books *are* elementary; and thus keep out of sight the real question, *viz.* whether they are *all* so. This is the great art of the *answerer* of a book: suppose the main positions in any work to be irrefragable, it will be strange if some illustration of them, or some subordinate part, in short, will not admit of a plausible objection; the opponent then joins issue on one of these incidental questions, and comes forward with 'a Reply' to such and such a work."—*Logic*, b. iii. § 18. Another expedient which *answerers* sometimes resort to, and which is less likely to remain permanently undetected, is to garble a book; exhibiting statements without their explanations,—conclusions without their proofs,—and passages brought together out of their original order;—so as to produce an appearance of falsehood, confusion, or inconclusiveness. The last and boldest step is for the "answerer" to make some false statement or absurd remark, and then father it upon the author. And even this artifice will sometimes succeed for a time, because many persons do not suspect that any one would venture upon it. Again, it is no uncommon manœuvre of a dexterous sophist, when there is some argument, statement, scheme, &c. which he cannot directly defeat, to assent with seeming cordiality, but with some exception, addition, or qualification, (as e.g., an additional clause in an Act,) which though seemingly unimportant, shall entirely nullify all the rest. This ha been humorously compared to the trick of the pilgrim in the well-known tale, who "took the liberty to boil his pease." [Au.]

[33] See *Logic*, b. iii, § 18. [Au.]

are unanswerable. It is but a momentary and ineffective triumph that can be obtained by manœuvres like those of Turnus's charioteer, who furiously chased the feeble stragglers of the army, and evaded the main front of the battle.

And when the objections urged are not unanswerable, but (what is more) *decisive*,—when some argument that has been adduced, or some portion of a system, &c. is perceived to be really unsound, it is the wisest way fairly and fully to confess this, and abandon it altogether. There are many who seem to make it a point of honour never to yield a single point,—never to retract: or (if this be found unavoidable) "to back out"—as the phrase is—of an untenable position, so as to display their reluctance to make any concession; as if their credit was staked on preserving unbroken the talisman of professed infallibility. But there is little wisdom (the question of honesty is out of the province of this treatise) in such a procedure; which in fact is very liable to cast a suspicion on that which is really sound, when it appears that the advocate is ashamed to abandon what is unsound. And such an honest avowal as I have been recommending, though it may raise at first a feeble and brief shout of exultation, will soon be followed by a general and increasing murmur of approbation. Uncandid as the world often is, it seldom fails to applaud the magnanimity of confessing a defect or a mistake, and to reward it with an increase of confidence. Indeed this increased confidence is often rashly bestowed, by a kind of over-generosity in the Public; which is apt too hastily to consider the confession of an error as a proof of universal sincerity. Some of the most skilful sophists accordingly avail themselves of this; and gain credence for much that is false, by acknowledging with an air of frankness some *one* mistake; which, like a tub thrown to the whale, they sacrifice for the sake of persuading us that they have committed *only one* error. I fear it can hardly be affirmed as yet, that "this trick has been so long used in controversy, as to be almost worn out."

the specter of the sophist used to scare the reader straight