

“Retooling the Topoi”

The Rhetoric Society of America convened in Tucson last May to commemorate the twenty-fifth anniversary of 1970’s Wingspread Conference (Rhetoric Project) chronicled in *The Prospect of Rhetoric*. Lloyd Bitzer and Edwin Black (co-editors of *Prospect*) delivered keynote addresses. Bitzer’s speech concluded with three recommendations that brought to mind one of the themes detailed in the final report of the Wingspread conferees: “Rhetorical invention should be restored to a position of centrality in theory and practice” (Bitzer and Black 1971, 239). In classical rhetorical theories, invention was viewed primarily as a heuristic method which guides the analysis of situations, the discovery of issues, and composition of lines of argument, but “This branch of rhetoric has been largely neglected since the eighteenth century when theorists influenced by revolutions in science and philosophy dismissed *inventio* as trivial on the assumption that a single methodology—namely the new science—should be used by sensible people in all kinds of investigations and deliberations” (Bitzer and Black, 239). The Rhetoric Project concluded that the resolution of complex (modern) problems requires the application of rhetorical methods but that, due to the neglect cited above, knowledge of those rhetorical methods most suited to resolution of tough moral problems was largely lost. Hence, they resolved to expose the limitations of deductivism and revive knowledge of the functions and practical utility of rhetorical invention.

The conferees of the Rhetoric Project felt that there is more to be learned from the study of rhetorical invention than from argumentative strategizing. Now training people to plead a cause has inestimable educational worth, to be sure, but in order to secure for rhetorical invention a modicum of practicality, we ought to focus on public argument, the aim of which is correct judgment in practical matters. It is precisely this latter conception of special topics (as they “minister to our judgment” as Francis Bacon put it) that the participants in the Rhetoric Project hoped would precipitate the revival of rhetoric and it is

also the conception of rhetorical invention Bitzer urges us to teach still, twenty-five years later.

Bitzer's recommendations for carrying forward the aims of the Rhetoric Project motivate this essay. He argues that it is time for rhetoricians to narrow rhetoric by defining rhetorical invention in terms of its practical applications. Students of rhetoric will recognize in the doctrine of eide topoi (special topics) an aspect of rhetorical invention particularly well suited to such an undertaking. This essay therefore examines the role of special topics within rhetorical invention conceived in as public argument. Albert Jonsen's work in medical ethics will be presented as exemplary of the type of practical application here sought, and the essay will conclude with a plan for practically applying this knowledge in the classroom. First, a brief overview of topical doctrine would be helpful.

The classical lore of topics "is as confused as the modern efforts to revive it."¹ There are, however, certain aspects of classical doctrine that contribute to the present discussion. If, for example, one considers how the heuristic role of topics (as an aid to discovery) differs from their technical function (in building arguments), one may avoid compounding that confusion by illustrating a meaningful differentia.

Every field of argument has special topics which generate questions regarding vital issues in that field. Arguments are constructed by means of answering the questions posed by special topics, and, if all of the stock issues are addressed, the case is said to be *prima facie*.² Such is the role of special topics in argumentation. I am here concerned with a different slant on special topics, one introduced in Aristotle's *Topica*, taken up by the Peripatetics and developed in Cicero.³

Hermagoras extended topical doctrine by collecting and systematizing a set of special topics for forensic case argument and dubbed it the "stasis system." Otto Dieter explains this development in the peripatetic school as a metaphoric adaptation of Aristotle's notion, developed in his treatises on physics, of kinesis.⁴ "Kinesis and *stasis*," Dieter writes, "are generally accepted contraries in Greek thought ...," and, in physics, these contraries take the

shape of perpetual motion/ perpetual motion at rest.⁵ The adaptation to rhetorical theory comes by means of forensic training; the motion of the plaintiff and the motion of the defendant check one another where they come into direct clash (i.e., kinesis is checked when the claims of the defendant counter the claims of the plaintiff). Dieter further notes how stasis came to represent, by synecdoche, the stasis system; a collection of questions one asks in order to discover the issues most relevant to successfully pleading the given case.⁶

Viewing stasis thus, as a narrow application of the broader concept, encourages a view of stasis as a topology (collection of special topics) that operates heuristically; as an aid to discovery. The techne of invention entails using topoi to gather materials and build lines of argument, while the heuristic use of topoi serves to guide practical or moral inquiry.

Hospital ethics committees are a good example of the type of group that might benefit from such a guide.

Albert Jonsen and Stephen Toulmin (1988) discuss how casuistry (an ancient mode of case reasoning) and rhetoric are allied arts of inquiry. Casuistry is a method of case reasoning especially useful for resolving moral dilemmas. Jonsen teaches clinicians how to conduct lines of inquiry, guided by topics, in order to discover the crux of the matter in tough cases. Jonsen's topology is: Medical Indications, Patient Preferences, Quality of Life, and Context. Jonsen (1990 & 1991) details his topology, and the author (1994 & 1995) discusses its practical utility both for medical practitioners and for rhetorical theorists interested in rhetoric's restoration.

Jonsen teaches that, in order to render a prima facie defense for a moral judgment in any given case in the care of patients in medicine and nursing, one must address all four of these issues. Each issue, in turn, has attendant subtopics: For example, the issue of competency is an important subtopic of patient preferences because the preferences of an incompetent patient carry little weight compared with those of a fully competent one. Methodical discussion of each special topic helps the ethics committee distinguish between more and less relevant issues, all the while directing inquiry toward the heart of the matter.

The crux of the matter is composed of the most relevant of the relevant issues. The topology operates heuristically by prompting questions that, when taken together, form lines of practical inquiry. An example is in order.

A case involving a premature infant, born to a drug abusing mother with unfulfilled intentions of abortion, was presented to an ethics committee to determine whether or not enough had been done to warrant removing the child from life support. Some nurses felt that the baby, let us call him Anthony, was suffering needlessly and that, even if he happened to survive, had little chance of ever recognizing what was going on around him. After several minutes of discussion regarding significant details of the case (regarding Anthony's diagnosis, treatment, prognosis, etc.) an ethicist on the committee inquired into the significance of some finger movements that were mentioned when the case was presented to the committee. The resident who presented the case apparently thought the "little finger movements" were worth mentioning, and, no doubt based on his lack of familiarity with that particular area of neonatology, the ethicist presumed they were, therefore, potentially relevant. If they are worthy of mention, one would assume that they are potentially relevant. Perhaps they suggested the extent of neurological damage and would, therefore, have diagnostic value. At any rate, the resident replied that the finger movements only suggest a recivity; a simple contraction. The finger movements are, for him, irrelevant. No other experts on the committee challenged the resident's interpretation of the finger movements, so one could reasonably conclude that there was consensus in the healthcare team that those movements were indeed irrelevant. The important (and subtle) point here is that the entire exchange is driven by a need to determine, out of a potentially limitless parade of particulars, which particulars are relevant.

The essence of the enterprise of moral inquiry (a species of public advocacy) is defined by a single question: "What is relevant and what is not?" This is so because managing the particulars of the case is such a crucial part of placing oneself in a position to render judgment in the case. Special topics guide inquiry by prompting questions which

cohere around lines of inquiry into the relevance of particular issues. The question of relevance is guided by the need to ascertain the crux of the matter. The special topics work to both prompt questions that arise naturally during the course of the moral inquiry, and to establish which lines of questioning will predominate.

The above illustrates a profitable application of rhetorical theory. Jonsen himself appreciates how significantly rhetoric is implicated in the practice of casuistry when he writes that , “the form of reasoning constitutive of classical casuistry is rhetorical reasoning” (Jonsen, 1991a, p. 297). That rhetoric and casuistry are closely related is well and good, but, to fully exploit Jonsen's work, rhetoricians must elucidate its practical implications.

A decade ago now Carolyn Miller (organizer of the Tucson event) called for renewed scholarly interest in special topics. Miller (1987) identifies an historical deficit in topical theory and, like Bitzer, calls for a narrower, more practical emphasis:

The special topics are not useful, or manageable, I suggest, in rhetoric conceived of as an academic subject; instead, by serving as conceptual connections between human reasoning and the particularities of practical situations, they lead our attention outside the academy to rhetoric as it occurs naturally in human societies. As rhetoric became academicized, the topics became “academic” (that is, they lost their relation to social situations), then scorned for being academic, and finally abandoned (Miller, 61).

Jonsen's use of special topics exemplifies precisely the "outside the academy" conception of rhetorical invention that Miller urges academics to develop. Jonsen does not teach clinicians to merely discuss interesting cases, but to render sound judgment in a timely fashion. The aim is not contemplation of ethical principles (an academic enterprise,) but negotiating publicly (i.e., by means of public advocacy) a sound practical judgment. This view of special topics has the most potential to make a difference in the daily affairs of practitioners, which is, of course, a necessary prerequisite to its restoration to a position of centrality in both

theory and practice. Ironically, then, rhetoric's restoration to a place of centrality will be most likely realized, not by foregrounding its theoretical elegance, but by appreciating its practical utility.

It is important to note further that the above special topics were collected by experts studying in the field, looking for issues that abide in the controversies that challenge them daily. The evolution of Jonsen's topology itself provides a ready illustration. The final topic, "Context," was initially "External Socioeconomic Factors." Jonsen explained the lexical change on May 20th, 1992:

The first edition called it just "external factors." It was felt that that was not sufficiently descriptive of what the context was, and people didn't understand the concept "external." In fact the concept of externality really wasn't appropriate, because sometimes factors are really fairly intimately involved in cases. So we decided to change it to socioeconomic in the second edition, but, then that seemed, after a while to generate some negative responses because, first of all there are many more things that seem to be incorporated in that title, it seemed to be too limited a title. And a lot of people didn't like the economic being up front. So, we batted around a number of different things and came up with "contextual" [because] we thought, contextual is broad enough, and it really describes quite readily the context in which the problem is being presented.

Jonsen's explanation is presented in its original (tape recorded) narrative form because of the manner in which it emphasizes how the change resulted from practical dialogue between colleagues. As such, it is noteworthy because of the way it suggests the very practical manner in which experts first formulate, and subsequently refine, a topology.⁷ This is

important, because it suggests how rhetorical invention, conceived of in conventional terms, is overly general.

The stasis system, for example, is historically linked to rhetorical training and, therefore, tends to color attempts to formulate topics for use in other fields. The temptation to do so is understandable, because it is true, as Quintilian noted, that “Nature herself imposes this upon us.”⁸ Forensic topics bespeak a natural method: That one ought to first establish what happened, then attempt to classify it, and so on. But insofar as those topics become generalized, they lose the sort of sensitivity to particulars that their heuristic utility demands. Such a conventional conception limits the status of rhetoric as a faculty, because it, in effect, turns forensic stases into a sort of rhetorical subject matter. Hence, special topics begin to resemble rhetorical templates, or formulas for inventing discourse, which fall short of the true worth of the use in practical inquiry of special topics. The stock issues model works well for college debating, but that topology, like the forensic stasis system, is more useful for treating general propositions than for particular cases. Modernity is increasingly complex, so topical schemes, if they are to be of practical use, must respond to that complexity; if rhetoric is to reassert itself, rhetorical theorizing must be somehow indexed to that increasing complexity. Is that what Bacon had in mind when he wrote, “the solid and true arts of invention grow and increase as inventions themselves increase”? As long as Jonsen and his colleagues remain in the type of dialogue presented above, Jonsen's topology will remain indexed to "growth and increase" in clinical ethics.

Toulmin (1986) once wrote that medicine saved the life of ethics. Toulmin argues that, by mid-20th century, ethics had degenerated to the point that ethical discussions ended often in stalemate, or in mere exchanges of subjective views with no means of negotiating a middle ground.⁹ During the 1960s, a broad consensus about basic values broke down and “even professionals whose good intentions had earlier been unquestioned (first, physicians) found their integrity being called into question. So there began a discussion of issues in professional ethics--first in medicine, subsequently in business, law, and other fields--that has

continued ever since” (Jonsen and Toulmin, 304). Hence, medicine saved the life of ethics by making advances which raised tough questions which precipitated a breakdown in consensus, because the old answers--and especially the old methods of constructing answers--no longer worked. The dilemmas that followed revitalized ethics.

Nobody can accuse the life of rhetoric of the same sort of stagnation. Rhetoric has, in a sense, the opposite problem--the analogy actually works in reverse. As Bitzer recently exhorted, the value of considering rhetoric from a variety of viewpoints notwithstanding, the wildfire of scholarly activity kindled by the Rhetoric Project is in need of a narrower, more practical focus. Featuring the heuristic function of topics in rhetorical invention will focus attention on that aspect of rhetorical invention that has been lost for two centuries but, ironically, is needed today more than ever, because:

Most of our problems, including the great social and political issues, are moral, or humane; the analysis and resolution of humane problems requires the application of methods to uncover facts, to be sure, but also to determine relevant criteria, to form new definitions, to critique values and hierarchies of value, to bring sentiments and feelings into relation with thoughts. These functions have always belonged to the art of rhetorical invention (Bitzer and Black, 239-40).

What was relevant (and why it was relevant) in a given case was probably more evident to a group discussing the good of the polis in ancient Greece; ours is a less homogeneous world. Hence, attention to the relevant particulars, and to the defense of their relevance, must now be made a part of the approach to the difficult case. Questions of relevancy arise less often in a community where agreement exists regarding fundamental questions. So, in a medical community today, for instance, before judgment can be rendered in a hard case, a moral inquiry must be conducted in order to settle initial questions (that may be in conflict), and to arrive at a consensus about what is at issue. The lack of consensus justifies the sort of

attention given to what was once left to common sense, which illustrates, once again, the importance of reviving the practical view of rhetorical invention. Such a view is vital to the success of any project that aims to reorient collegiate forensics along the lines proposed in the pages of this journal.

CASUISTRY IN THE CLASSROOM

In the final analysis, one of the most fruitful arenas for using this knowledge is in the classroom, so I wish to consider a pedagogical application. I find that my own argumentation lectures are significantly enhanced by including a unit on moral argumentation in which I teach my class to conduct a casuistical analysis of a real case in medical ethics.

In the unit on forensic argument just prior to the moral argumentation unit the students are introduced to Hermagorian and Ciceronian stasiastic doctrine and also Aristotelian and Ciceronian topical doctrine. The conceptual framework is then secured by which Jonsen's topology may be taught as a collection of special topics designed to guide inquiry into the crux of the matter in moral dilemmas in the care of patients in medicine and nursing. That is, in essentially the fashion elucidated earlier. Jonsen's topology is also situated relative to the stock issues model for policy debate, which is the object of study in the final unit of the course. Having laid the theoretical foundation, I present the class with the case brief (Exhibit #1). We devote one entire class period to, first clarifying any questions the students have regarding medical jargon, etc. and then to holding a mock ethics committee discussion. The next class period is devoted to whole-class discussion in which I attempt to underscore the need for methodical treatment of the particulars of the case. This is done to help them appreciate any nuances of the case that may have eluded them. They are then given the assignment prompt (Exhibit #2). Students write a 5-7 page casuistic analysis

of the case as though they were ethics consultants to the hospital. In their report to the institution they must analyze the case, identify the crux of the matter, render a judgment, and then defend that judgment (hence, "moral argumentation").

Teaching Jonsen's casuistry alongside forensic argument and deliberative argument optimizes the rhetorical (i.e., case-centered) approach to the argumentation course, and also exposes students to argument practices in a field not normally covered in communication courses. This is typically the unit favored most by my students. I think this is so because fussing over the case has all the dramatic appeal of a soap opera, and besides, it is a challenge to render and defend one's judgment in such debatable matters. The important point is, however, how it teaches the students to use classical rhetorical doctrine to resolve a contemporary moral dilemma.

This emphasis differs from traditional conceptions of topics (such as the forensic stases) in that it is less generalized and more useful to practitioners (hence, less academicized). Retooling the special topics, by emphasizing their heuristic role in guiding inquiry and indexing them to advances in particular fields, should help secure the use of rhetorical invention in public advocacy. Perhaps the above could even provide the basis for a new forensic event along the lines of the assignment detailed above: Upon drawing a case brief, teams would first formulate a topology then apply the topology by identifying the crux of the matter, render a judgment and then defend it. Criteria such as timeliness, thoroughness, teamwork, depth of thought, systematicity and the like could constitute grounds for judging the new event. Perhaps it could be called "moral argumentation" or "mock ethics committee." However it is applied, one thing is certain: this is knowledge that begs to be applied, not simply contemplated.

NOTES

¹ Michael Leff, “The Topics of Argumentative Invention in Latin Rhetorical Theory from Cicero to Boethius,” *Rhetorica* 1 (1983): 24.

² Walter Jost’s “Teaching the Topics: Character, Rhetoric, and Liberal Education,” *Rhetoric Society Quarterly* 21 (1991): 1-16 and Carolyn Miller’s “Aristotle’s ‘Special Topics’ in Rhetorical Practice and Pedagogy,” *Rhetoric Society Quarterly* 17 (1987): 61-70 both fill out this conception of special topics.

³ See Kennedy’s *Classical Rhetoric* chapters 4 & 5 for a concise yet thorough overview.

⁴ Otto Alvin Loeb Dieter, “Stasis,” *Speech Monographs* 17 (1950): 348-50.

⁵ Dieter, 348.

⁶ Dieter, 359.

⁷ Toulmin’s notion of field dependence is pertinent here, however, present purposes dictate that that line of inquiry be treated on another occasion.

⁸ “We must therefore accept the view of the authorities followed by Cicero, to the effect that there are three things on which enquiry is made in every case: we ask whether a thing is, what it is, and of what kind it is. Nature herself imposes this upon us. For first of all there must be some subject for the question, since we cannot possibly determine what a thing is, or of what kind it is, until we have ascertained whether it is, and therefore the first question raised is whether it is”... and so on. (*The Institutes of Oratory* 3.80 ff).

⁹ Toulmin makes this point in three essays (1981, 1988 & 1986) and gives it book-length treatment (1990).