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# Latin rhetoric and fallacies

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**ABSTRACT:** According to Hamblin, Cicero did not write on fallacies and this cut them out of the subsequent rhetorical tradition. We bring evidence that the author of the *Rhetorica ad Herennium*, Cicero and Quintilian did write on fallacies, but in a way that is not always strictly Aristotelian. Yet, as Aristotle, they mainly discussed this topic when they dealt with refutation. Their wide influence on Western thought and teaching suggests an underestimated connection between the reflection on fallacies and traditional writings on rhetoric.

**KEYWORDS:** Cicero, dialectic, fallacies, Hamblin, Quintilian, rhetoric, *Rhetorica ad Herennium*

In the first chapter of the *Rhetoric*, Aristotle explains at length his view on the similarities and differences between dialectic and rhetoric. Apparently, the question of fallacies is a case of difference between the twin sisters, for, in the *Rhetoric*, we only find the few pages of a descriptive chapter on this topic (II, 24), whereas the more dialectically oriented *On Sophistical refutations* has a few dozen pages and sketches a theory of fallacies. This dissymmetry suggests a privileged association between the agonistic conversational context of the *elenchus* and the fallacies. (By the way, let us remember that Aristotle did not speak of ‘fallacies’ but only of ‘paralogisms’). Hence, a dialectical context could seem necessary to a correct interpretation of the phenomenon of fallacies. This could be confirmed by the fact that, in *On sophistical refutations*, fallacies are also closely associated with sophists, supposed to be experts at eristic dialectic, whereas they are not leading characters in the *Rhetoric*.

However, other reasons temper the necessity of the link between fallacies and dialectic. First, there is the very existence of this short chapter on fallacies in the *Rhetoric*. It is about the use of fallacies in a rhetorical context, in the limited ancient meaning of this adjective, namely when you address a crowd that is not supposed to answer. Next, both in *On sophistical refutations* and in the *Rhetoric*, Aristotle pays attention to the whole process of discursive interaction, but he stresses that the defect appears at the level of the *logos* itself: a paralogism first is a (misleading) syllogism. According to him, a syllogism is not essentially dialectic: its most complete and explicit form is used in a dispute between educated people, but rhetoric has its own form of syllogism, a kind of abridged version of the full one.

Aristotle’s belief in the possibility to localize fallacious moves at the level of the syllogism is probably the reason why he thinks that paralogisms can also plague a rhetorical discourse. The opening of the *Rhetoric*’s chapter on fallacies is clear: just like there are genuine and apparent syllogisms, there are genuine and apparent enthymemes, an enthymeme being explicitly defined, in the second chapter of the *Rhetoric*, as a rhetorical syllogism (1356 b 5). So, the independence of the syllogism from the limits of the dialectical context allows the exportation of the concept of paralogism from dialectic to rhetoric (and vice-versa).

An affinity between rhetoric and fallacies can also be suggested by a less technical consideration that borrows from popular culture. The reputation of rhetoric is not always

good. The fact that it is sometimes defined as the art of speaking well easily suggests that it is the art to manipulate people by means of a “sophisticated” expertise, especially salient in the use of verbal tricks. This distrust against rhetoric, which probably has a debt to Plato and Aristotle, is implicitly acknowledged in pejorative popular judgments like “This is mere rhetoric” or in the fact that a “rhetorical” question is not a genuine question. When rhetoric is too sophisticated to be honest, sophists are not very far: people that we call rhetors are often suspected to share the taste of sophists for eristic or unfair attitudes. All of them are supposed to be only interested in winning arguments and to be ready to use any means, including sophisms, to support their claims.

All these considerations suggest that the proximity between fallacies and dialectic is not exclusive. So, we can wonder whether there is not an ancient historical link between fallacies and rhetoric, beside the traditional link between fallacies and dialectic. This hypothesis – already suggested by Aristotle – requires a closer look.

## 1. HAMBLIN’S THESIS

Half a century after its publication, Hamblin’s *Fallacies* remains one of the most, if not the most, systematic long term investigation of the history of the reflections on fallacies. According to him, between Aristotle’s time and the rediscovery of *On sophisticated refutations* during the Middle Ages, the literature on fallacies “would hardly fill a small notebook” (p 89). He is probably right when he says that the remaining sources about this literature are meagre, especially because he made of what he calls the “Aristotelian tradition” on fallacies the story of the ancient and medieval commentaries on *On sophisticated refutations*. This tradition also had an important practical academic consequence in the revival of the Greek *elenchus*, with its formal system of questions and answers, in the *disputatio* and *obligations* of the Middle-Ages. Hamblin’s medieval Aristotelian tradition does not address the crowd, like ancient rhetoric, but aims at the training of students who will become lawyers, physicians or theologians.

About this period between Aristotle and the medieval rediscovery of his works, Hamblin also discusses mostly authors who wrote in Greek, at least before the sixth century when Boethius translated into Latin the few works of Aristotle that constitute the medieval *logica vetus*. So, it seems that the Roman Latin tradition said nothing on fallacies. This impression is confirmed by Hamblin’s comment on Cicero who is often considered as the most important and influent Roman writer on rhetoric. Hamblin writes: “Cicero wrote a great deal on Rhetoric but nothing on fallacies, and his influence has tended to cut fallacies out of the subsequent rhetorical tradition” (1970, 94) Yet, a few line further, he stresses Cicero’s distinction, already stated in Aristotle’s *Rhetoric* (1355 b 36), between “intrinsic” and “extrinsic” arguments, that is between arguments which depends on the skill of the orator and those based on another human source, typically testimony, torture, writings, etc. According to Hamblin “these are the nearest recognition in Greek and Roman writers of the modern *ad hominem*, *ad verecundiam*, and so on”. Unfortunately Hamblin does not develop this “and so on” which reminds us informal fallacies, sometimes considered as modern and often associated with Locke.

We can wonder on Hamblin’s criteria to decide whether Cicero wrote or not on fallacies. Did he expect an explicit reference to *On sophisticated refutation*? The mention of Aristotle’s list of fallacies or, at least, of the name of several typical Aristotelian fallacies? The use of the word *paralogism* or of the Latin *fallacia*? In these cases, the first part of Hamblin’s statement on Cicero would be approximately right. But if fallacies are arguments that look better than they are and are used either by mistake, by clumsiness or intentionally to refute an opponent’s point of view, Cicero and other Roman writers actually wrote on

fallacies and even on some Aristotelian fallacies. Then, since Cicero's teaching was influential during the Middle Ages when Aristotle's *Rhetoric* was unknown (Murphy, 1981), and also during the following centuries (Freedman, 1986; Fumaroli, 1980), we can seriously doubt Hamblin's statement that Cicero's influence "has tended to cut fallacies out of the subsequent rhetorical tradition". The popular view that orators and sophists are doing more or less the same job, namely to abuse lay people, on the contrary suggests an old and blurred connection between a rhetorical tradition and the uncertain constellation of fallacies.

This is why we searched for significant Roman contributions to the study of fallacies in some of the most famous Roman writings on rhetoric. We looked for systematic theoretical developments and discarded what appeared to be only passing remarks. In chronological order of publication (with sometimes approximate dates), we will discuss the *Rhetorica ad Herennium* (84 B.C.), Cicero's *De Inventione* (83 B.C) and *Orator* (46 B.C, also known as *On the Ideal Orator*), and finally the most influential late Roman contribution to rhetoric, Quintilian's *Institutio oratoria* (96 A.D also known as *Institutes of oratory* or *The orator's education*). Most of Cicero's other important works related with rhetoric – *De Oratore*, *Topica*, *Partitiones oratoriae* – bear no significant contribution to the study of fallacies.

## 2. CICERO'S ORATOR

At the very beginning of the *Orator*, Cicero (1962; 2002) states that his aim is just to answer a question asked by Brutus, Cato's nephew. Granted that there are many good orators, what is the supreme form of rhetoric? (I, 2) This question is twofold since you can understand it as bearing on the ethos of the best orator, as well as on the best rhetorical *logos*.

The *Orator* brings no direct contribution to the logic of fallacies; but it stresses an important distinction between various uses of speech and the respective style of their practitioners. What is really distinctive of the orator is the way he speaks (XIX, 61). Like four other types of public speakers – philosophers, sophists, historians and poets – he has to go through the four stages necessary to the production of a discourse: the invention (*inventio*) of what he will say, the composition (*dispositio*) of his discourse, the way he will say it (*elocutio*), and finally its performance itself (*actio*). For Cicero, the most typical aspect of the art of the orator appears at the stage of the *elocutio*, for it is the moment where he is the only one who can exercise "the supreme power of speech".

Fallacies are commonly associated with sophists and their tricks. So, what stylistic difference is there between the speeches of an orator, a philosopher and a sophist?

The discourse of a philosopher is "gentle and academic" and "is called conversation rather than oratory" (XIX, 63-64). Philosophers "converse with scholars, whose minds they prefer to soothe rather than arouse; they converse in this way about unexciting and non-controversial subjects, for the purpose of instructing rather than captivating". Here, Cicero remains quite faithful to the Aristotelian distinction between dialectic, that uses (dialectical) syllogisms that the educated interlocutor can understand, and rhetoric that has its own specific persuasive verbal devices, especially enthymems and examples, more accessible to less educated people. So, the difference between philosophy and rhetoric appears both in the content of the discourse and in the way it is pronounced. The style of philosophers "lacks the vigour and sting for oratorical effort in public life", "it has no equipment of words or phrases that catch the popular fancy". But this does not entail that the perfect orator, whose education is an important concern of Cicero, should not borrow from philosophy or, more generally, from the art of other disciplines. Reasoning matters and this is why the orator should have a complete training in this area: "The man of perfect eloquence should [...] not only possess the faculty of fluent and copious speech which is his proper province, but should also acquire that neighboring borderland science of Logic (*dialecticorum scientiam*)" (XXXII, 113). Cicero goes

on: “Although a speech is one thing and a debate another, and disputing is not the same as speaking, yet both are concerned with discourse”. After an explicit reference to the Aristotelian views on the differences and similitudes between dialectic and rhetoric, Cicero advises a thorough study of words and logic, “either in the older logic of Aristotle, or the new one of Chrysippus”. Someone “attracted by the glory of eloquence” should know “first the force, nature and classes of words, both singly and in the sentence; then the different modes of predication; the method of distinguishing truth from falsity; the proper deduction to be drawn from each; i.e. what is consequent and what is contrary; and since many ambiguous statements are made, he should know how these can be solved and explained.” (XXXII, 115)

What about sophists, now? A link between them and the art of rhetoric was already made at Cicero’s time, since “more care [*than in the previous case of philosophers*] must be taken to distinguish the oratorical style of the Sophists mentioned above<sup>1</sup>, who desire to use all the ornaments which the orator uses in forensic practice” (XIX, 65). It is no surprise to meet the names of Thrasymachus and Gorgias, if we associate sophists with dialecticians teaching how to win any argument. Yet, Cicero does not refer here to sophists through the *cliché* of fallacious moves and sophistical tricks, but identifies them by their ability to finely carve speeches. This specificity of sophists becomes more salient when he alludes to the style of the man whom he introduces here as his favorite rhetorician, Isocrate, who is usually not considered as a sophist. Hence, Cicero’s view on the main contrast between orators and sophists: “their object [*of sophists*] is not to arouse the audience but to soothe it, not so much to persuade as to delight, they do it more openly than we and more frequently; they are on the look-out for ideas that are neatly put rather than reasonable [...]” So, persuasion, which is often presumed to be the aim of sophists with their deliberate fallacies, is not typical of the activity of Cicero’s sophists. Perhaps Hamblin’s claim that Cicero’s influence has tended to cut fallacies out of the rhetorical tradition is not completely false; but in any case, the previous comments suggest that he may also have contributed to cut them from the sophists.

If we look at Cicero’s other mature works on rhetoric – *De Oratore*, *Partitiones oratoriae*, *Topica* – Hamblin is approximately right: Cicero did not write systematically on fallacies. In these books, he seems more interested in general questions and global specificities of rhetorical discourse than in the sharp focus required by the study of fallacies. But if we turn towards his youth we find a significant contribution in the *De Inventione* which is especially interesting for two reasons. First, it is a kind of textbook on rhetoric that will be influential for centuries, at least till the XVIII<sup>th</sup> century. Second, it has a special status in Cicero’s works, since at the beginning of *De Oratore* Cicero passes a severe judgement on the rudeness of the writings on rhetoric of his youth (I, 2, 5). He considered that they were quite beneath the level of expertise he finally reached. Perhaps Cicero was not the great Cicero yet, but this does not matter for us. What really matters is that if this is true, his writings bear the imprint of the main influences he received at this time.

The most famous work on rhetoric of his youth is *De Inventione*, published around 83 B.C, almost at the same time as the *Rhetoric ad Herennium*, another introductory book which seems to have been published a bit earlier (84 B.C). Many similarities have been found between these two books and for centuries the *Ad Herennium* has been attributed to Cicero, then to Cornificius and today we do not know. According to Achard (1994), the author was a member of the senate, certainly involved in military operations. What is the intellectual origin of these two books? Had they the same author or at least a common human cause – perhaps a common influence? Was it Apollonius Molon of Rhodes, whom Cicero will personally meet during his trip to Greece, around 78 B.C? Is the similarity between these two books a case of plagiarism? Again, the answer to these questions is of no serious importance for us. The main

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<sup>1</sup> Isocrate, Thrasymachus, Gorgias and the less known Theodorus the Byzantine. (XI, 37) – (XII, 39)

point is that, beyond Cicero's statement on the works of his youth, both books have many things to tell us about the history of fallacies, especially before the first rediscovery of Aristotle's works during the first century B.C. A close connection between fallacies and rhetoric did exist and probably became influential on Western thought through these two major textbooks.

### 3. THE *RHETORICA AD HERENNIUM*

The composition of a discourse is a major preoccupation for rhetoricians. The *Ad Herennium* opts for a six parts structure: introduction (*exordium*), statement of facts (*narratio*), division of the issue (*divisio*), proof (*confirmatio*), refutation (*confutatio*), and finally conclusion (*conclusio*).

The *Ad Herennium*'s author perhaps thinks – like Cicero – that the skill of the perfect orator should be wide enough to allow him to produce fallacies. But it seems that finding argument is a task already big enough not to spend time to elaborate non trivial fallacious ones. On the other hand, like Cicero, the author does not want his reader to be abused by bad arguments. This is probably the reason why it is not in the part on proof, but on refutation, that we find interesting material on fallacies.

According to the author, the “most complete and perfect argument” is composed of five parts. This seems to be his version of the *epichere*<sup>2</sup>, a Greek concept usually considered of Hellenistic or Stoic origin. According to the author's view, an *epichere* first begin with the conclusion (*propositio* or *expositio*) and its reason (*ratio*) (He does not consider the case of a plurality of reasons). The “quickly presented” reason is then corroborated by a confirmation (*rationis confirmatio*). An embellishment (*exornatio*) allows “to adorn and enrich” the confirmation and it is completed by a summary of the whole argument (*complexio*) (II, XVIII, 28). The two last steps are not necessary when the argument is not complex.

In the *Ad Herennium* and in Cicero, you find neither the word “fallacia” nor “paralogism” to mean an argument that we would classify as fallacious. The term usually used is vicious (*vitiosa*), generally applied to the conclusion, *i.e.* the *propositio* of the argument. So, let us have a look at vicious arguments.

They are of two kinds. The first one brings together arguments irrelevant to the case at stake and so vain or futile that it is not even necessary to lose time criticizing them. The second one gathers relevant arguments that deserve attention not to go unnoticed. The author does not present a single general list of fallacious arguments, but for each of the four members of the *epichere* that support the conclusion he enumerates a specific list of defects. After the definition of the defect, he gives at least one example. There is some redundancy between the list relative to the reason (*ratio*) and the list relative to the confirmation of the reason (*confirmatio rationis*). This is not surprising, because the difference between reason and confirmation is actually often blurred (many examples of confirmation are mere reasons for the main conclusion) and, at any rate, both concern an argument in the structural premise-conclusion sense of the term. The defects relative to the reason can be summarized under four headings including variants and subcases. They have no names in the book, so we baptized each one with an original name or expression that seems appropriate, or by the contemporary

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<sup>2</sup> The author makes a reference to this notion at (II, 2, 2). Aristotle uses the word “epichere” one time, in the *Topics* (VIII, 2, 15). However, the authenticity of this passage seems dubious, for we find here the only occurrence of this word in his works and we also find here the only occurrence in the two treatises on dialectic (*Topics* and *On sophistical refutations*) of the Greek word “sophisma”. If we discard this case, Aristotle always uses the word “paralogism” to mean what we translate by “fallacy” or “sophism”.

name of a fallacy, Aristotelian or not. This last option does not warrant a filiation between Aristotle and Cicero's fallacies, but stresses at least a family resemblance.

1) Hasty generalization. "The Proposition is defective when an assertion based on some one part or on a majority of individuals, but not necessarily applicable to all, is referred to all" (II, XX, 32). One variant of this vicious argument occurs "when a rare occurrence is declared to be absolutely impossible, as follows: 'No one can fall in love at a single glance, or as he is passing by.'"

2) Incomplete enumeration. It occurs "when we submit that we have made a complete enumeration of the possibilities and pass by some pertinent one". Notice that this non-Aristotelian fallacy will appear again much later, in *Port-Royal Logic* published in 1662, as one of the fallacies added to the traditional list derived from Aristotle's list of *On sophisticated refutations*. This fallacy has a family resemblance with Aristotle's multiple question to the extent that it forces the interlocutor to choose among a limited list of options.

3) Far-fetched argument: It occurs when "it traces things too far back, as follows: 'Stupidity is the mother and matter of all evils. She gives birth to boundless desires. Furthermore, boundless desires have neither end nor limit. They breed avarice. Avarice, further, drives men to any crime you will. Thus it is avarice which has led our adversaries to take this crime upon themselves.'" According to the *Ad Herennium*, this defect is of type one: it is so salient that it does not need to be refuted.

4) Insufficient or groundless reason: "The Reason is defective if it is inappropriate to the Proposition because either weak or groundless (*vana*). It is weak when it does not conclusively demonstrate the correctness of the Proposition [...] A Reason is groundless when it rests on a false supposition". The author offers no systematic characterization of a weak reason: he just enumerates typical cases, for instance a reason that is too general or not specific to the case discussed. Among these weaknesses, we also find *Petitio*: "Again, a Reason is weak when it appears to be presented as the Reason, but says precisely the same as was said in the Proposition, as follows: 'A great evil to mankind is greed, for the reason that men wrestle with great and many ills on account of the boundless passion for money.' Here the Reason merely repeats in other words what has been said in the Proposition." (II, XXIV, 37)

The author then turns to defects relative to the confirmation of reason where "there are many faults to be avoided in our discourse and also to be watched for in that of our adversaries" (II, XXIV, 38). He also stresses their practical importance: if the mistakes or the tricks of the opponent go unnoticed the trial could be lost. We find here a list of about twenty items with some redundancy with the previous one. For instance, we find again *Petitio* with a similar example: "it is a fault to advance as proof what has been put in question, as if one should charge another with theft, and accordingly declare that he is a wicked, greedy, and deceitful man—and the evidence for this is that he has stolen from the speaker." (II, XXVI, 41).

We also find a fallacy mentioned in Aristotle's *Rhetoric* but missing in *On sophisticated refutations*: the argument from sign. The *Ad Herennium* gives two examples that are striking, at least because of their similarity with the examples of necessary signs given by Aristotle at the beginning of the *Rhetoric*, namely "He is sick, for he has a fever" and "She has had a child, for she has milk" (I. 2 (1357 b)). But now, the examples illustrate misleading signs, for we should not consider them as necessary: "Since he is pale, he must have been sick", "She

must have become a mother, since she is holding a baby boy in her arms" (II, xxv, 39). Among the fallacies that have already been listed by Aristotle we also find ambiguity. Yet, this list from the *Ad Herennium* also includes non-Aristotelian fallacies, for instance the *Tu quoque* version of the *Ad hominem* fallacy: "There is a fault when that which is directed against the adversary can as well fit someone else or the speaker himself, as follows: 'Wretched are they who marry wives. — Yet you have married a second.'" We also find a prototype of the *Ad populum*: "Again it is a fault to assume as certain, on the ground that 'it is universally agreed upon', a thing which is still in dispute" (II, xxv, 39).

This long list is followed by two shorter lists of defects associated with the two last parts of the *epicherem*, namely the embellishment and the summary. The first one has five items, the second only three. These defects are not typical errors of reasoning but attitudes that are clumsy in this stage of the process of argumentation. For instance, the summary is defective when it does not come briefly to an end. Strictly speaking it is not a fallacy if we grant that a fallacy is a fallacious argument: it is rather clumsiness. This distinction is especially relevant for the two previous lists of defects – about reason and confirmation – for it appears that they mix fallacies and clumsy maneuverings or even blunders. The defect of next quotation, for instance, can hardly be considered as a fallacy, *i.e.* a potentially misleading argument: "That is faulty which appears to be pronounced too late, as it were, and after the matter has been concluded, as follows: 'If it had entered my mind, fellow-citizens, I should not have been guilty of allowing the matter to come to such a pass, for I should have done this or that; but at the time this thought escaped me.'" (II, xxv, 40).

So, even if it does not use the concept or paralogism or *fallacia*, the *Rhetoric ad Herennium* does deal with fallacies, but in a context broader than the Aristotelian treatment of paralogisms.

#### 4. CICERO'S *DE INVENTIONE*

We find in Cicero's *De Inventione* a six parts normative division of the rhetorical discourse, similar to the one of the *Ad Herennium*. Only names seem to differ: exordium, narrative (*narratio*), partition (*partitio*), confirmation (*confirmatio*), refutation (*reprehensio*), peroration (*conclusio*). (I, xiv, 19) Here, "confirmation" corresponds to the "reason" of the *Ad Herennium*: "Confirmation is the part of the oration which by marshalling arguments lends credit, authority and support to our case"<sup>3</sup>. (I, xxiv, 34)

A noticeable difference with the *Ad Herennium*, is that Cicero is more synthetic and more systematic. For instance, he makes numerous concise considerations on the practice of arguing, like "to define it briefly, an argument (*argumentatio*) is a device of some sort to show with probability or demonstrate with necessity"<sup>4</sup> (I, xxix, 44). Cicero also makes a distinction between kinds of arguments: "All argumentation is to be carried on either induction (*inductio*) or deduction (*ratiocinatio*)" (I, xxxi, 51). Yet, this distinction does not match the difference we now make between induction and deduction. "Induction is a discourse which leads the person with whom one is arguing to give assent on the basis of certain non-dubious facts; through this assent it wins his approval of a doubtful proposition because this resembles the facts to which he has assented". A deduction (*ratiocinatio*) is a discourse "which draws from the fact under consideration itself a probable conclusion which,

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<sup>3</sup> Unfortunately, H. M. Hubbell writes "confirmation or proof" to translate the single word (*confirmatio*) of the Latin text. Further, he translates "*confirmatio*" by "deduction or syllogism", although Cicero does not use the Latin word *syllogismus*. This sloppiness of the English translation matters for our discussion.

<sup>4</sup> I slightly change the English translation to remain closer to the Latin words. For instance the Latin word for my "to show" is *ostendens* translated by Hubbell by "to demonstrate". He also translates "*necessarie*" by "irrefutable": I prefer to keep the Latin root.



once set forth and recognized by itself, is confirmed by its own strength and its own reason” (I, xxxiv, 57).

Like in the *Ad Herennium*, it is in the part on refutation that the *De Inventione* deals with fallacies. After a long discussion of the contentious issue of the number of parts of a *ratiocinatio* – three according to some authors, five according to others – Cicero sets a general framework for refutation: “Every argument (*argumentatio*) is refuted in one of these ways: either one or more of its assumptions are not granted, or if the assumptions are granted it is denied that a conclusion follows from them, or the form of argument is shown to be fallacious (*vitiosus*), or a strong argument is met by one equally strong or stronger.” (I, XLII, 79). Let us examine the second and the third ways, very close to the Aristotelian definition of a paralogism.

This proximity is quite salient in the sentence opening the discussion of the second way: “Statements claimed to be necessarily true can be attacked in the following way if they only imitate a rigorous argument (*necessariam argumentationem*) and are not really such” (I, XLV, 83). Cicero discusses (false) dilemma and incomplete enumeration that we have already said similar to Aristotle’s fallacy of many questions because they force to choose among a limited number of possibilities, often forgetting the right one. For instance, in the case of the dilemma “whether you say he is modest or not, you will have to grant that you should not accuse him”. Cicero then begins the analysis of conclusions that can look like necessary consequences. In the case of “If he is breathing, he is alive” or “If it is daytime, it is light” Cicero considers that the consequence “seems necessary”, but he advises to answer that it is not the case in “If she is his mother, she loves him” (I, XLV, 86). Unfortunately he does not go further than this incentive to cautiousness. Yet, he makes an important remark about the study of fallacies in rhetoric:

[...] the whole science of argumentation and rebuttal has a greater importance and wider ramifications than here set forth. But the knowledge of this art is so difficult that it cannot be appended to any chapter of rhetoric, but demand for itself alone a long period of arduous thought. Therefore this will be treated by us at another time and in another work, if opportunity shall offer. Now we shall have to be content with these rules laid down by teachers of rhetoric for the use of speakers.” (I, XLVI, 86)

This statement could support a charitable interpretation of Hamblin’s radical statement that Cicero did not write on fallacies: we could say he did, but not extensively. Cicero did acknowledge the importance of “sophistical refutations”, but it seems that he never had time to sit down and write out the principles of this wide art. This is why, one more time, we must be content with mere lists of typical bad reasonings. Like in the *Ad Herennium*, the examples of the *De Inventione* are a mix of non-contextual defects leading to *non sequitur* and various pragmatic defects linked with clumsy behaviors of the arguers. An example of the first case is the non-conclusive syllogism “If you had come to the army you would have been seen by the military tribunes. But you were not seen by them. Therefore you did not set out for the army.” (I, XLVI, 87). A pragmatic defect occurs, for example, when the opponent presume that you have forgotten what you have granted and then introduce a conclusion that is not a consequence of your commitment.

Did Cicero make a distinction between a mere *non sequitur* and a fallacy understood as a typical structural defect in a premise-conclusion argument? The answer is not easy, for he begins the examination of the third way to refute an argumentation (a vicious form of argument) by a consideration that seems to be part of this study of the art of rebuttal that he has just postponed:

[...] the very kind of the argumentation (*argumentatio*) may be shown to be faulty (*vitiosum*) for the following reasons: if there is any defect in the argumentation itself or if it is not adapted to prove what we purpose to prove. To be specific, there will be a defect in the argument itself if it is wholly false,

general, common, trifling, far-fetched, based on a bad definition, controvertible, self-evident, disputable, discreditable, offensive, 'contrary', inconsistent, or adverse. (I, XLVIII, 89)

This enumeration is followed by a long list of several pages that gives variants and examples of each of the previous defects. Again, there is some redundancy or overlap between some headings or items, for instance between 'weak' and 'insufficient' reasons. Beside the case of arguments involving statements that are obviously mendacious, we find some of the defects presented in the *Ad Herennium*, for instance arguments that are so general that they can benefit both the arguer and his opponent. There are also far-fetched arguments derived from remote circumstances, or defective ones because they show something about part of a class instead of the whole class. Cicero does not use their current names, but we can also recognize a form of *ad hominem* argument when "a thing is criticized because of the fault of a man, for instance, if someone should blame learning because of the error of some learned man". Listed among cases of weak (*infirmata*) reasons, we meet again our old friend *Petitio*, when "the reason may be merely a statement of the same idea in different words". It is accompanied by an example very close to the example of the *Ad Herennium*: "Avarice is bad, for desire for money has brought great disasters on many" (I, L, 95). If Cicero is not the author of the rhetoric *Ad Herennium*, at least two major Roman authors wrote on fallacies.

## 5. QUINTILIAN'S *INSTITUTES OF ORATORY*

We will leave the last word to Quintilian who wrote almost two centuries later, at a time often considered as a period of decline of the art of rhetoric, perhaps because of the collapse of the republic. Quintilian did not write extensively on fallacies or on the art to refute dubious arguments and does not address the fallacies discussed by Aristotle at a single place of the twelve books of his thick *Institutes of oratory*. Yet, you can find topics related with the Aristotelian fallacies scattered in different places. For instance, in book VII, you find a whole chapter on amphiboly, identified with ambiguity in its broadest sense. Quintilian discusses various forms of amphiboly that cover approximately the six Aristotelian fallacies *in dictione*, from the ambiguity of a single word to the effect of tonal accent on meaning or the various resources offered by the composition or the dissociation of words. In this chapter we even find the resumption of an example from Aristotle's discussion of the paralogism of dissociation.<sup>5</sup> Quintilian stresses that some ambiguities are no more than puns or are at the origin of "silly cavilings, but the Greeks make them the origin of controversies in the schools." (VII, 9, 4) He finally makes an interesting remark about the rhetorical use of ambiguity: as soon as it is acknowledged, you should not try to turn it to your own benefit; otherwise it is not an ambiguity anymore. In practice, the main problem with an ambiguity is to find which interpretation has to be chosen and for what reason.

In book V of the *Institutes of oratory*, the chapter on refutation is more on general strategic considerations and advices to follow during a trial than on typically vicious arguments. For instance, it discusses whether we should attack all the arguments of the other party at the same time or one by one. It also advises to pay attention to the limits of the similarities used by the opponent or to avoid objections easy to refute. As usual, Quintilian gives many examples from famous trials. It is only in a summary of common mistakes, often easy to pick up, that we find a list that brings together some specific defects, logical or not, already stressed in the *Ad Herennium* or in the *De Inventione*,

[...] such as advancing a disputable for an indisputable argument, a controverted for an acknowledged fact, a point common to many causes, for one peculiar to the cause in hand, or introducing anything

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<sup>5</sup> See *On sophisticated refutations* (4, 166a37).

vulgar, superfluous, too late for the purpose, or incredible. For it is incident to incautious speakers to aggravate when it is still to be proved; to dispute about an act when the question is about the agent; to attempt what is impossible; to break off a discussion when it is scarcely commenced; to prefer speaking of the party instead of the cause; to attribute to things the faults of persons, as for example, accusing the decemviral power instead of Appius; to contradict what is evident; to say what may be taken in another sense from that which they intend; to lose sight of the main point of the cause; and to reply to something that is not asserted. This mode of reply, indeed may be adopted as an artifice in some cases, as when a bad cause requires to be supported by foreign aid [...] (V, 13, 34)

These faults can be mere blunders, but Quintilian stresses an ancestor of our confirmation bias: in the context of objections and refutations, they deserve the more attention, for speakers have a strong tendency to praise their own arguments and not to pay enough attention to the ones of the other party.

## 6. CONCLUSION

The concept of syllogism allowed Aristotle to export his concept of paralogism from dialectic to rhetoric. What happened next? We do not know for sure the path followed by the influence of Aristotle's works on Roman rhetoricians. Yet we have shown that they did write on fallacies and in a way probably marked by Aristotle's seminal works, although they did not clearly follow his idea that a fallacious maneuver can be perceived in the very construction of a syllogism. We can recognize some of the Aristotelian fallacies, or variants, among some of the fallacies mentioned by Latin authors, even before the rediscovery of Aristotle's works during the first century B.C. We can also find in the defects that they list, some non-Aristotelian fallacies that appear to be the ancestors of some of our informal fallacies.

However, fallacies do not seem to have been a favorite topic of Roman authors on rhetoric. In the *Rhetorica ad Herennium* and Cicero's *De invention* fallacies are discussed in the chapters on refutation, the most dialectical stage of a classical rhetorical discourse. We have seen that Cicero explicitly grants the importance for rhetoric and the complexity of the art of refutation. But like other major Roman rhetoricians, he was more interested in the structure and course of a public discourse than in local technical details. This is why bad reasoning and fallacies, lost among the many topics discussed by Roman treatises on rhetoric, may give the impression to have been a neglected topic.

Nevertheless, these writings on rhetoric have been influential during the Middle-Ages and the Renaissance. This suggest that the history of the study of fallacies has not only the dialectical branch explored by Hamblin, but also a rhetorical one, still to be explored and perhaps at the origin of some non-Aristotelian fallacies.

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