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**Abstract:**

Given the persistent conception of rhetoric as effective persuasion by any means for individual success, it is desirable to describe an alternative standard for evaluating argumentation from a rhetorical perspective. I submit formal propriety as a key norm. Conceiving of form as a process of expectation and fulfillment offers a method of reconstructing argumentation that is both descriptive and normative. I illustrate the method by critiquing a sample of argumentation, and conclude by addressing the strengths and limitations of this analytical approach.

**Text of paper:**

1. INTRODUCTION

If we praise an argument for its good form, we may mean that it is well crafted—that its premises and conclusions are articulated and arranged in a logically coherent and valid manner, its premises are acceptable and relevant to the conclusion, and so on. Or we may mean that it is well executed—advanced in a manner suitable to resolving a difference of opinion. Or we may mean that it exhibits propriety—that it is proper and appropriate based on conventions, customs, and the like. These notions of form correspond to logical, dialectical, and rhetorical perspectives on argumentation. Certainly they are not mutually exclusive. A well executed critical discussion, for example, must involve appropriate and correctly applied argumentation schemes and avoid playing on emotions and parading one's own qualities (van Eemeren and Grootendorst, 1992, 209, 210)—norms relevant to logical and rhetorical approaches to argumentation. The relevance of form to a range of perspectives on argumentation indicates its normative significance and potential for beginning to integrate different perspectives on argumentation.

I submit formal propriety as a norm for evaluating argumentation from a rhetorical perspective and a method of reconstruction for doing so. I illustrate the method by analyzing and evaluating a sample of argumentation, and conclude with reflections on the advantages and limitations of this method of evaluation.

2. NEED FOR RHETORICAL NORMS

The need for norms of evaluation in rhetorical argumentation arises in part from the persisting view of rhetoric as being concerned with effective persuasion by any means and individual success. For example, van Eemeren and Grootendorst (1992) have described rhetoric "in its limited sense": "gaining the adherence of the audience to get things one's own way" (36). Although here they describe rhetoric in terms of individual success, they note that "[i]n the classical tradition, rhetoric is the theory of good and successful public speaking" (36). Still, in noting important differences between the dialectical and rhetorical models of argumentation, they assert: "In the rhetorical model, the listener merely plays a passive role and the speaker may try to achieve the desired effect on the audience by whatever means of persuasion" (37). Certainly this is one rhetorical tradition but not the most appealing, since argumentation ought to involve active participation by the audience and since not just any means of persuasion ought to be acceptable. Moreover, "effectiveness" is a poor criterion by which to assess argumentation. To paraphrase Aristotle's *Rhetoric*, as it is possible for a doctor to practice medicine well even though the patient cannot recover, so it is possible for the arguer to argue well even though the audience is not and perhaps cannot be convinced (1.1.1355b).

Other scholars have proposed norms for argumentation from a rhetorical perspective. For example, Wenzel (1989) has offered effectiveness as a norm, where "effectiveness" is not mere persuasion but rather "effectiveness in resolving exigencies in problematic situations" (93; see also 1990, 12, 14, 24). Gilbert (1997) has recommended "coalescent" argumentation as a normative ideal--a procedure by which parties in a dispute may achieve agreement. Tindale (1999) has used a variation on Perelman and Olbrechts-Tyteca's concept of the universal audience to maintain the value of "reasonableness" over effectiveness in judging argumentation. Although all propose different but not incompatible norms, all agree on the need for a standard other than the fact of effectiveness.

Moreover, all hold that argumentation from a rhetorical perspective goes beyond premise-conclusion complexes--far beyond for Gilbert (1997), but at least as far as figures and other aspects of style for Wenzel (1985, 1987a, 1987b, 1989, 1990) and Tindale (1999; see for example 204-05). Certainly other scholars concur that style and argumentation are intimately connected (see for example Conley 1984, 1985; Reboul 1986; Jasinski 1990; Leroux 1992, 1994; Innocenti 1994; Manolescu 1998; Fahnestock 1999). I emphasize this point because the standard for good argumentation that I submit as an alternative to effectiveness is accessed through style, that is, through language although it need not be limited to language. In seeking a rapprochement between rhetoric and argumentation, Zulick (1998) suggests: "Perhaps the question to which a dialogue between these disciplines ought to be directed is how to reconcile our concept of the validity of rational argument with our need for emotional and stylistic magnitude" (491). In what follows I propose formal propriety as a way of reconciling these norms.

### 3. RECONSTRUCTING FORMAL PROPRIETY

I propose that we use Burke's (1968) conception of form as a starting point for understanding formal propriety. In "Psychology and Form" Burke is primarily concerned with artistic form and aesthetic judgment, but his analysis of form has important implications for the analysis and evaluation of argumentation. Burke describes form as "the creation of an appetite in the mind of the auditor, and the adequate satisfying of that appetite" (31). In his analysis of form, Burke describes a work as having form "in so far as one part of it leads a reader to anticipate another part, to be gratified by the sequence" (124). The audience participates in argumentation by means of expectation and fulfillment; argumentation offers the potential for audience participation insofar as it involves formal appeals.

Burke identifies five aspects of form: progressive (syllogistic and qualitative), repetitive, conventional, and minor or incidental forms. Syllogistic progression is closest to argumentation understood from a logical perspective. Burke describes syllogistic progression as "the form of a perfectly conducted argument, advancing step by step. . . . We call it syllogistic because, given certain things, certain things must follow, the premises forcing the conclusion. In so far as the audience, from its acquaintance with the premises, feels the rightness of the conclusion, the work is formal" (124). The audience participates in the act of arguing by anticipating the conclusion. Qualitative progression involves the presence of one quality preparing us for the introduction of another: the serious may prepare us for the humorous, for example, or the dismal for the beautiful. Qualitative progression is typically characterized less by anticipation than by recognition of rightness after the fact (125). Repetitive form is "the consistent maintaining of a principle under new guises" (125). Conventional form appeals as form. An audience familiar with the conventions of a classical five-part oration would anticipate an emotional peroration, and in fulfilling this expectation the oration offers the potential for the audience to participate in the argumentation. Minor or incidental forms include figures such as apostrophe (direct address to someone present or absent) or paradox. These forms "can be discussed as formal events in themselves" (127). The propriety of a metaphor, for example, may derive from its qualitative form. The appeal of an if-then sentence structure may derive from its syllogistic form.

Thus formal propriety encompasses traditional argument schemes such as syllogism, enthymeme, modus pollens, and the like; but also encompasses much more, including figures. Further,

it can encompass argumentation at several levels: at the level of the individual argument scheme (for example minor form, syllogistic progression), of the argumentation as a whole (for example qualitative progression, repetitive form), of the argumentation within a debate or critical discussion (for example conventional form). It is impossible to specify in advance all of the appropriate forms that argumentation can take. Nor can we specify in the abstract whether a given form exhibits propriety because formal appeal depends on audience and context.

The connection between form, audience, and context can be illustrated by Burke's illustration of the point that form and content are separable only in theory; in practice formal appeal depends on content: the syllogistic progression of *Othello* depends on the audience's belief "in monogamistic marriage, and in the code of fidelity surrounding it"; "Othello's conduct would hardly seem 'syllogistic' in polyandrous Tibet" (146). This example also helps to illustrate how form is argumentative; formal appeal involves aligning assumptions which, in turn, "contributes to the formation of attitudes, and thus to the determining of conduct" (163). Certain assumptions can be used to discredit others. For example, one "may use the assumptions of natural beauty to rout the industrialist's assumptions of progress--or vice versa" (163). Thus, formal appeal has an argumentative edge.

Formal propriety serves as a norm of argumentation in two senses. First, it may serve as an external good--perhaps as a way of resolving an exigency. Second, it serves as an internal good--a good in itself since the means is the end (Burke, 1968, 167). Its "truth" is "the exercise of human propriety, the formulation of symbols which rigidify our sense of poise and rhythm" (Burke, 1968, 42). Formal propriety helps to create and maintain a desire for addressing exigencies in a way that does not involve coercion or manipulation or their verbal equivalent. It is an attainable normative ideal.

Formal propriety offers a way of integrating a normative approach to argumentation with a descriptive (van Eemeren and Grootendorst, 1992, 6; van Eemeren et al., 1993, 1-2) and offers a method of reconstructing argumentation that meets the criteria stipulated by van Eemeren et al. (1993) for reconstructing argumentation:

The reconstruction should highlight and recover our intuitions about how the discourse can be seen to have an argumentative function, but it should maintain a sensitivity to the way in which any argumentative potential in the discourse is communicated. Reconstruction must identify the components and lay out the structure of the argumentation in a way that makes the discourse susceptible to critical tests for validity and acceptability. At the same time, it should provide a comparative basis for exposing and evaluating defects in the actual conduct of the argumentative discourse as it has occurred. (39)

Attending to syllogistic, qualitative, repetitive, conventional, and incidental forms highlights and recovers the argumentative features of discourse. Since form is accessed through style and arrangement, the reconstruction maintains sensitivity to how the argumentative potential of the discourse is communicated. It reveals forms in action in the discourse and allows us to test their propriety, which involves logical coherence and premise acceptability. These claims may be tested by the following case study.

#### 4. FORM IN ACTION

I propose to analyze Elizabeth Cady Stanton's 1854 address to the legislature of New York. I do not propose to and indeed could not here provide a complete analysis. However, I can illustrate the benefits of a focus on formal propriety for the study of argumentation.

Stanton's address serves as a good case study for several reasons. First, it is a clear case of argumentation. It accompanied petitions which, in the words of the call to the Albany convention of 14 and 15 February 1854, where Stanton debuted the address, asked "for such amendments in the Statutes and Constitution of New York as will secure to the women of the State legal equality with the men, and to females equally with the males a right to suffrage" (Stanton et al., 1970, 592). According to Stanton's

history of the movement, Stanton's address "was laid on the desk of every legislator, and twenty thousand scattered like snow-flakes over the State" (Stanton et al., 1970, 595).

Second, its verbal artistry makes it particularly amenable to formal analysis. William H. Channing, nephew of the founder of American Unitarianism, wrote to Stanton: "On all accounts you are the person to do it [make the address], at once from your sex, talent, knowledge of the subject, and influence. . . . There is not a man of us, who could tell the story of woman's wrongs as strongly, clearly, tersely, eloquently as yourself" (qtd. In Griffith, 1981, 180).

A rhetorical perspective is appropriate since the speech is more properly understood as rhetorical rather than as part of a critical discussion. Most obviously, it is a monologue rather than dialogue. More significantly, at least some members of the New York legislature would not be receptive to a critical discussion with a woman. The discussion of the petitions following their presentation with Stanton's address included these comments from one legislator: "I hope before even this motion is put, gentlemen will be allowed to reflect upon the important question whether these individuals deserve any consideration at the hands of the Legislature. Whatever may be their pretensions or their sincerity, they do not appear to be satisfied with having unsexed themselves, but they desire to unsex every female in the land, and to set the whole community ablaze with unhallowed fire" (Stanton et al., 1970, 613; see also 507).

Perhaps it is not surprising that Stanton's address was not effective for the New York legislature at this time insofar as all of the changes in statutes were not made. Perhaps it was more effective in its broader circulation. There was a call to circulate it as a statement of "Woman's Political and Legal Rights" since it was, according to an appeal of 1854, "highly spoken of by many of the best papers in the State, and pronounced, by eminent lawyers and statesmen, an able and unanswerable argument" (Stanton et al., 1970, 857). The hope was to gather names for petitions to be presented to the legislature. In any case, we can set aside the question of effectiveness and focus on formal propriety. To do so, I will first overview Stanton's address and then analyze select passages in more detail.

Following a conceit involving the tyrant Custom summoned before the bar of Common-Sense, Stanton asserts: "we, the daughters of the revolutionary heroes of '76, demand at your hands the redress of our grievances—a revision of your State Constitution—a new code of laws. Permit us then, as briefly as possible, to call your attention to the legal disabilities under which we labor" (595). She analyzes the position of women according to traditional roles: woman as woman (595-98), wife (598-601), widow (601-02), and mother (602-03). She argues that men and women are not radically different (603-04). She concludes by arguing that her demands are made by the mass of women in the state—"a few sour, disappointed old maids and childless women" (604).

Let us begin with Stanton's initial discussion of woman as woman. I will quote one passage at length, numbering the sentences and using indentation to highlight particular features of her style.

- (1) It is not enough for us that by your laws we are permitted  
to live and breathe,  
to claim the necessities of life from our legal protectors—  
to pay the penalty of our crimes;  
we demand the full recognition of all our rights as citizens of the Empire State.
- (2) We are persons; native, free-born citizens; property-holders, tax-payers;  
yet we are denied the exercise of our right to the elective franchise.
- (3) We support ourselves, and, in part, your schools, colleges, churches, your poor-houses, jails,  
prisons, the army, the navy, the whole machinery of government,  
and yet we have no voice in your councils.
- (4) We have every qualification required by the Constitution, necessary to the legal voter,  
but the one of sex.

(5) We are moral, virtuous, and intelligent, and in all respects quite equal to the proud white man himself,

and yet by your laws we are classed with idiots, lunatics, and negroes;

and though we do not feel honored by the place assigned us,

yet, in fact, our legal position is lower than that of either;

for the negro can be raised to the dignity of a voter if he possess himself of \$250;

the lunatic can vote in his moments of sanity,

and the idiot, too, if he be a male one, and not more than nine-tenths a fool;

but we,

who have guided great movements of charity, established missions, edited journals,

published works on history, economy, and statistics; who have governed nations, led armies,

filled the professor's chair, taught philosophy and mathematics to the savants of our age,

discovered planets, piloted ships across the sea,

are denied the most sacred rights of citizens, because, forsooth, we came not into this republic

crowned with the dignity of manhood!

(6) Woman is theoretically absolved from all allegiance to the laws of the State. Sec. 1, Bill of Rights, 2 R. S., 301, says that no authority can, on any pretence whatever, be exercised over the citizens of this State but such as is or shall be derived from, and granted by the people of this State.

(7) Now, gentlemen, we would fain know by what authority you have disfranchised one-half the people of this State? You who have so boldly taken possession of the bulwarks of this republic, show us your credentials, and thus prove your exclusive right to govern, not only yourselves, but us. (595-96)

The passage continues in this vehement style.

Stanton's articulation of the voting qualifications that women possess (2-5) serves as the "set-up" for the conclusion that women should have the right to vote; by the articulation of these premises the audience ought to feel the rightness of the conclusion. The force of this syllogistic form derives in part from the degree to which the audience adheres to the premises. Certainly the Constitution was and is an important source of principles that arguers can count on for assent. Thus the passage contributes to the working of a repetitive form throughout the address as Stanton returns to revolutionary principles such as "taxation without representation" and "all men are created equal" (for example 597, 600-01, 601-02, 603). The argumentative force of the form also derives from the degree to which the case of women appears consistent with the principles. Contributing to this aspect of the force is repetitive form; (2-5) begin by articulating qualifications that women possess, and then (2), (3), and (5) state that "yet" they are denied elective franchise. Using this negative form highlights the contradictory nature of the law and points to the need for change. This form has more force than would the positive conclusion that women ought to have the right to vote given their qualifications, simply because it makes the contradictions apparent and because laws ought to be applied consistently.

I submit that these forms exhibit propriety. They enable participation and judgment--norms to which argumentation ought to aspire--by creating what could be called the preconditions of participation and judgment. First, there are identifiable forms that enable anticipation and fulfillment: the repetitive form is the clearest case; but certainly, given the clear statement of standpoint in the introduction, an audience could anticipate the conclusion to which the statements of women's qualifications point. Thus there are more purely formal opportunities for participation. Second, the forms make use of audience beliefs. These beliefs also enable participation and judgment; they are starting points that offer potential for realigning beliefs, where realignment is preferable to, say, inculcating a position unilaterally. It is preferable because it respects the audience's integrity and

because the audience's adherence may be stronger if its position is based on its own web of beliefs rather than on force and repetition.

The use of audience beliefs points to an issue with which a rhetorical approach to argumentation must deal because audience is central to this perspective: relativism. Is the judgment of formal propriety based on the beliefs of the particular audience for whom the argumentation was intended? Or is a less relativistic standard available? To answer, let us begin with (5), and in particular its "yet" clauses. An argument based on comparison is at work here—but not only comparison—as Stanton compares the position of women to that of "idiots, lunatics, and negroes." The force of this argument derives in part from the congeries of women's accomplishments—guiding great movements of charity, establishing missions, editing journals, publishing works on history, economy, and statistics, and so on; and in part from the so-called qualifications of other voters—possessing two hundred and fifty dollars, having a moment of sanity, being no more than nine-tenths a fool.

Setting aside Stanton's own views on the issue of voting rights for Blacks, we can remain focused on the appeal itself. The propriety of the appeal—its syllogistic form—depends on recognizing and accepting that, if less qualified people can vote, then more qualified people should have voting rights. One impropriety is the appeal to the assumption that women are superior to Blacks. Stanton notes that the laws class women with "idiots, lunatics, and negroes" and that "we do not feel honored by the place assigned us." On a more purely formal level, there is an impropriety in repetitive form: (5) suggests that Blacks are inferior to women. A later passage does the same: Stanton notes that with respect to the principle of taxation without representation the legislators "here again . . . place the negro, so unjustly degraded by you, in a superior position to your own wives and mothers" (597) because Blacks who do not possess certain property and other voting qualifications are not subject to direct taxation while women are no matter how much they possess. Later, however, she puts woman on a level with Blacks as she argues that men and women are alike: "It is impossible to make the Southern planter believe that his slave feels and reasons just as he does . . . When we plead our cause before the law-makers and savants of the republic, they can not take in the idea that men and women are alike" (603-04). The repetitive form thus involves an inconsistency and therefore an impropriety.

On a more substantial level—on a level where form and content are inseparable—there is impropriety in basing an appeal on racial inferiority. Whence comes this judgment? It does not come from Stanton's particular audience, although certainly some would object to her appeal to negro inferiority given overlap in the woman's rights and abolition movements. It comes from a commitment to argumentation, the *sine qua non* of which is putting oneself on a level with other humans and entertaining the possibility of being changed by other humans. Perhaps I beg the question in holding that a commitment to argumentation must entail a judgment against appeals that are based upon views of some humans as inferior to humanity, or that in any way lessen humanity. I hope to have illustrated a way of weakening the charge of relativism: grounding judgment in broad values of argumentation.

At times these values would need to be very broad indeed if we aim for scholarly consensus. One feature to which scholars working from a rhetorical perspective attend and about which students of argumentation at least as far back as Aristotle experience ambivalence or unease is emotion. The norm of formal propriety offers a way of evaluating emotional appeals. The example from Stanton that we have been discussing is representative of the intense emotion that is ubiquitous in the address. Stanton's indignation in (7) in particular seems fitting given her presentation of the standpoint that men's exclusive right to govern is undeserved (see also 604). In arguing that women should have the right to a trial by a jury of peers, Stanton follows a series of historical illustrations of the principle that "[n]o rank of men have ever been satisfied [with being tried by jurors higher or lower in the civil or political scale than themselves]" (597) with a series of questions about whether a male jury is fit to try a woman who has drowned an illegitimate child. Stanton's address appeals in part to pity for such a woman: "How can man enter into the feelings of that mother? How can he judge of the agonies of soul

that impelled her to such an outrage of maternal instincts? How can he weigh the mountain of sorrow that crushed that mother's heart when she wildly tossed her helpless babe into the cold waters of the midnight sea?" (598). Impropriety enters as Stanton apostrophizes the legislators, asking them to imagine their daughters in a comparable position:

Statesmen of New York, whose daughters, guarded by your affection, and lapped amidst luxuries which your indulgence spreads, care more for their nodding plumes and velvet trains than for the statute laws by which their persons and properties are held—who, blinded by custom and prejudice to the degraded position which they and their sisters occupy in the civil scale, haughtily claim that they already have all the rights they want, how, think ye, you would feel to see a daughter summoned for such a crime—and remember these daughters are but human—before such a tribunal? Would it not, in that hour, be some consolation to see that she was surrounded by the wise and virtuous of her own sex; by those who had known the depth of a mother's love and the misery of a lover's falsehood; to know that to these she could make her confession, and from them receive her sentence? (598)

Qualitative progression is interrupted as Stanton first insults the legislators' daughters and then calls for their protection. It is possible to offer explanations for the impropriety. Perhaps the insult to the legislators' daughters is aimed less at the legislators than at the people to whom the address would be distributed; perhaps as part of a bandwagon appeal Stanton here places the daughters in the same category of women to which she refers in the peroration—the "small class of the fashionable butterflies, who, through the short summer days, seek the sunshine and the flowers" but who, during "the cool breezes of autumn and the hoary frosts of winter . . . will need and seek protection, and through other lips demand in their turn justice and equity at your hands" (605). In any case, the contempt heaped upon these daughters with their nodding plumes and velvet trains is not compatible with the call for laws to help protect these daughters if they are in a similar situation. For such an appeal to have propriety, an appetite for protecting the daughters—or, given how Stanton portrays them, for protecting even these daughters—would have to be created.

Again, more is at stake with this impropriety than a simple blunder. Antagonism interferes with the conduct of argumentation; legislators and others are unable to fully participate in this appeal and are thereby distanced from the argumentation. Given the premium put on cooperation in our normative ideals, I need not elaborate upon how an adversarial attitude can interfere with good argumentation. At the same time, I hope to have suggested that an adversarial attitude need not increase the likelihood of poor argumentation. Certainly (7) may be described as adversarial but, as already suggested, it exhibits propriety given its role in qualitative and syllogistic forms.

## 5. CONCLUSION

The analysis and evaluation of formal propriety in Stanton's address has pointed to some of the strengths and shortcomings of her argumentation. Her use of principles such as "all men are created equal" and the right to be tried by a jury of peers contributes to the propriety of the argumentation, as well as her use of other forms that enable audience participation and judgment. Shortcomings arise in improprieties that involve principles that are unacceptable and contradict other principles, as well as in improprieties that interfere with the conduct of argumentation. In many respects the argument is good. It forcefully articulates the legal disabilities under which women labor, and the significance of these disabilities is incontestable. But we would do well to note its improprieties with the aim of improving our own practice of argumentation.

The analysis has shown how formal propriety can contribute to argumentation studies. First, it provides a standard for evaluating argumentation from a rhetorical perspective that goes beyond mere effectiveness or persuasion. Formal propriety helps us to judge the merits of the argumentation without losing sight of the context. Second, it contributes to studies of argumentation from logical and dialectical perspectives since formal analysis helps us to appreciate the force of forms and procedures of

argumentation. Third, it provides a way of taking into account style and emotion—qualities that are not peripheral to good argumentation but are in fact normative in their role in audience participation and judgment. And fourth, while descriptive, it maintains our focus on identifying norms of argumentation since one of the key tests for evaluating propriety is considering whether and how the conduct of argumentation is maintained or enhanced.

This analysis of formal propriety also has potential shortcomings. A complete analysis of even relatively brief argumentation would be quite lengthy. Even a small portion of the argumentation could involve several different kinds of form. However, if formal appeals are this dense, and if form offers opportunities for audience participation and judgment, then the work required is certainly worthwhile.

Perhaps the most serious potential problem with formal analysis is the lack of a clear ideal, theoretical model by which to assess an act of argumentation. Ultimately, a judgment about propriety must be the act of the individual critic. Perceiving and evaluating it requires active engagement with the argumentation by someone versed in its conventions and in contemporary beliefs, and with the ability to see beyond one's own perspective. Still, the standard of formal propriety is not wholly relative to the individual critic and therefore arbitrary. A critic's judgment of formal propriety may be confirmed or not by other critics. The standard of formal propriety is objective to the extent that critics can point to features of the argumentation that indicate its formal potential. It is subjective to the extent that ultimately the critic must make her own judgment about the propriety of the form based on her own experience of it which consists, in part, of her attempt to recreate the particular audience's experience of it—to understand the beliefs, values, and attitudes implicated in the formal appeal. As with other judgments of this kind, it is subject to debate, and its quality is a function in part of the repeatability, so to speak, of the experience and judgment of propriety among other critics. We can hold up touchstones of argumentation, but all we can do is propose touchstones rather than revise or extend an ideal model. However, this is the best way to judge argumentation from a rhetorical perspective since it helps to maintain an appetite for arguments of integrity, to appreciate the possibilities of the art, to recognize the particularity of the art, and to acknowledge its tenuousness and fallibility. These latter qualities are all the more reason why studies that may help us to better understand the conduct of actual, good argumentation are worthwhile.



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