Res Rhetorica

ISSN: 2392-3113

Rhetoric in Mexico
Retoryka w Meksyku

11 (3) 2024

ISSUE EDITORS: GERARDO RAMÍREZ VIDAL, MARÍA ALEJANDRA VITALE, AGNIESZKA KAMPKA, MARTA KOBYLSKA

VARIA

MIKLÓS KÖNCZÖL
PÁZMÁNY PÉTER CATHOLIC UNIVERSITY; HUN-REN CENTRE FOR SOCIAL SCIENCES, HUNGARY
https://orcid.org/0000-0002-8789-4291
konczolmiklos@gmail.com

Aristotle on the Analysis of Legal Debates: Rhetorical "Issues" (*Staseis*) in *Rhetoric*?
Arystoteles o analizie debat prawniczych: retoryczne „kwestie" (*status*) w *Retoryce*?

Abstract

This paper considers the possible parallels between Aristotle's *Rhetoric* and the doctrine of "issues" (*staseis*) as developed in Hellenistic rhetoric. It is argued that while present in Aristotle's thought, the issues are not built into a comprehensive system but rather integrated into his method of invention focused on topics. The different approaches in Books I and III seem to be due mainly to their respective contexts, and complement one another by focusing on different aspects of the issues.

W niniejszym artykule rozważane są możliwe podobieństwa między *Retoryką* Arystotelesa a doktryną „kwestii" (*status*) rozwiniętą w retoryce hellenistycznej. Argumentuje się, że choć obecne w myśli Arystotelesa, kwestie nie są wbudowane w kompleksowy system, ale raczej zintegrowane z jego metodą inwencji skoncentrowaną na tematach. Różne podejścia w księgach I i III wydają się wynikać głównie z ich kontekstów i uzupełniają się nawzajem, koncentrując się na różnych aspektach zagadnień.

Key words

Aristotle, invention, issues, rhetoric, *stasis*
Arystoteles, inwencja, kwestie, retoryka, status

Received: 18 October 2023 | Accepted: 20 July 2024
DOI: https://doi.org/10.29107/rr2024.3.6

MIKLÓS KÖNCZÖL
PÁZMÁNY PÉTER CATHOLIC UNIVERSITY; HUN-REN CENTRE FOR SOCIAL SCIENCES, HUNGARY
https://orcid.org/0000-0002-8789-4291
konczolmiklos@gmail.com

Aristotle on the Analysis of Legal Debates: Rhetorical "Issues" (*Staseis*) in *Rhetoric*?

1. Introduction

This paper examines some parallels between Aristotle's *Rhetoric* and a part of the rhetorical doctrine that appeared in a fully developed form in Hellenistic textbooks. The system of issues (*staseis*) was used in ancient school rhetoric to identify the core of a (legal) debate, i.e. to determine the basic issue where the claims of two opposing parties contradict each other, according to which the whole of the argument should be organised. The first textbook to offer such a system, according to later tradition, was the work of Hermagoras of Temnus. His textbook did not survive, but some parts of it, and the doctrine of *staseis* in particular, can be reconstructed on the basis of testimonies and fragments preserved in later treatises.[1] While the doctrine of issues was a product of later Hellenistic rhetoric, just how far it was anticipated by earlier authors, most eminently by Aristotle, is a recurrent question of modern scholarship.

While it is quite difficult to reconstruct certain parts of Hermagoras' doctrine of *staseis* on the basis of texts offering different interpretations, some of its functions can be identified. From the perspective of the participants of the debate, a system of *staseis* provides a framework in which a given case could be analysed. Identifying the actual core or main issue of a controversy is the first step towards collecting suitable arguments to defend a position. Thus, the *staseis* play the role of signposts to the topics, as they determine which aspect of the case has to be supported by the speech. Yet they are not conclusive in the sense that they would prevent the orator from building up his own strategy. A given case can be approached from different angles and it is up to the person composing the speech which one they find worth elaborating on.

In the teaching of rhetoric, the *staseis* may be, and were in fact, used as a didactic tool, which enabled the pupils to scrutinise the argument of a speech, and to practice

1. The most recent collection of the fragments and testimonies is Woerther (2012), replacing Matthes (1962). Caveats about using the work of Hermogenes of Tarsus for the reconstruction are formulated by Heath (2003, 2; 2004, 5–6, with further references in n. 4).

inventing their own arguments with the help of "a standard set of heads" (Heath 1995, 18).[2] In later Hellenistic schools of rhetoric, determining the *stasis* corresponding to a given case or speech was an exercise commonly used. The development of various systems[3] at least partly may be due to the constant need for an easy-to-teach doctrine (other main incentives being philosophical considerations and legal development, cf. Heath 2003).

Once the notion that the main issue of a case can be determined along the lines of *staseis* became generally accepted in school rhetoric, the theory of "issues" provided theoretical underpinning to the practice of orators trying to influence their audience's perception of the controversy. When arguing for their own conception of what the dispute is about, they might find additional support in a part of the rhetorical knowledge they probably shared with other participants of the debate (Könczöl 2008, 28).

Modern research approaches the link between Aristotle and *stasis* theories from various angles. Looking at what Aristotle's works (apart from the *Rhetoric*) have to offer for a theory of issues in conceptual terms, scholars attempt to identify possible influences on later doctrine (Dieter 1950; Nadeau 1959, with references to earlier literature; Marsh 2012). While these contributions offer meaningful ways of understanding *stasis* theory with the help of certain Aristotelian ideas and concepts, they do not offer any evidence for the influences in Hellenistic doctrine.

Others, focusing on the interpretation of the *Rhetoric*, examine Aristotle's rhetorical doctrine together with the work of later authors, seeking to find in it passages that correspond to the description of single *staseis*. In almost every contribution, however, the caveat was made that one should not expect Aristotle to offer a complete doctrine of issues. As the author of the first modern commentary put it, "the legal 'issues,' afterwards called στάσεις and status, appear in Aristotle in the embryo stage of ἀμφισβητήσεις, often referred to, never exactly defined, or employed as a well determined and recognised technical and legal classification" (Cope 1867, 397).[4]

This body of research points out two features of the treatment of issues in the *Rhetoric*, which can be regarded as characteristically Aristotelian. The first of these is that the issues Aristotle identifies are those of facts, qualities, and magnitude, which differs from the later standard set of facts, definition, quality, and procedure.

2. On *staseis* in the ancient curriculum, see Clark (1957, 73 and 228–250, in the context of *controversia*). On teaching their use in a 21th-century setting (with the help of Hermogenes' textbook), see Heath (2007).
3. From earlier literature, see the survey of Nadeau (1959a). Different systems are examined from a structural point of view by Heath (1994a); a historical overview is given in Heath (2004) chs. 2–3.
4. Similarly Navarre (1900, 261). See also Grimaldi (1980, 294 *ad* 1374a 1–2). A notable exception was Marx (1900, 249), who argued that Aristotle must have devoted a more thorough discussion to issue theory, which just did not survive (cf. Braet 1999, 416–417). Yet as Marx did not think the *Rhetoric* was composed by Aristotle himself (see e.g. Marx 1900, 241), this suggestion does not affect the general agreement on what can reasonably be expected of the work as we have it. Cf. Liu (1991, 53; Braet 1999, 408, with further references).

Second, while *stasis* theories usually regard the issues as a method of invention of arguments specific to judicial rhetoric, Aristotle repeatedly discusses the use of issues in epideictic and deliberative oratory as well. It has also been argued that the discussion of issues in Book I of the *Rhetoric* differs significantly from that in Book III, the latter being more systematic and showing an awareness of the issues as "lines of defence" in a legal case (cf. Thompson 1972; Braet 1999, 419, with n. 20). This difference is often discussed in connection with the question of the unity of the *Rhetoric* and is considered to provide arguments for the view that Book III, a rhetorical treatise on its own, was added to the two "genuine" books of the *Rhetoric* only by a later editor. A more conservative interpretation takes the same differences as signs of the development of Aristotle's rhetorical ideas, which also suggest that Books I, II and III were written by Aristotle in different times.[5]

A third approach focuses on the place of issues within Aristotelian rhetoric. Within this current, even a sceptical view has been formulated. Aristotle could not be interested in any doctrine of issues, his concept of invention being derived from the deliberative rather than the judicial branch of rhetoric. Thus, Aristotle's conception of rhetoric would be simply incompatible with a theory of issues "understood as an exhaustive system of invention" that is based on controversy (Liu 1991, 59). While one may be perfectly justified in contrasting the *Rhetoric* with later rhetorical theories which concentrate on forensic debates and systems of issues, it is difficult to see why the idea of controversy would be incompatible with Aristotle's view of rhetoric. In fact, pointing out the core of a debate is, for Aristotle, of crucial importance as it makes rational persuasion possible.[6]

The last word on the question of issues in the *Rhetoric* to date, by Braet (1999) is more sympathetic with the notion of Aristotle contributing to the theory of *staseis*, even if the more original Aristotelian version of issues (developed in Book I, Chapter 3) seems to have not been followed by later authors. Speaking of "two unco-ordinated attempts to formulate a doctrine of *stasis* in the *Rhetoric*," Braet argues that Books I, II and III, respectively, contain the traces of two variants of a system of issues, which are intended to serve different aims.

This paper gives an overview of the relevant passages of the *Rhetoric* and seeks to identify the principles underlying Aristotle's treatment of issues, thus examining how the issues fit into the whole of the *Rhetoric*. Such a reconstruction may help to nuance the picture of "unco-ordinate attempts." I argue that rather than trying to build any doctrine of issues, Aristotle integrates them into his conception of rhetoric by re-interpreting what may have been commonplace in contemporary rhetoric.

5. See also Mirhady (2007b, 7), who speaks of an "almost universal agreement" but points (n. 25) to Schütrumpf (1994) and remarks that "[t]he fact that the *Rh. Al.* concurs with the *Rhet*. in including stylistic issues also seems to weigh against an initial separation of book 3."
6. See Walton (2003) 31 on the issues as criteria of relevance in argumentation.

As for the differences between the passages dealing with the issues in Book I and III, they seem to be due mainly to the different contexts, which complement one another by focusing on different aspects of the issues.

2. Issues in classical rhetoric

Before discussing the issues in the context of the *Rhetoric*, a brief outline of the structure and functioning of Hermagorean *staseis* is offered here (following Matthes 1958, 124–166 and 182–186).

As far as Hermagoras' textbook can be reconstructed, he seems to have limited the domain of rhetoric to the "political questions" (*politika zētēmata*). Within these, he distinguished definite and indefinite questions (*hypotheseis* and *theseis*). If an orator seeks to discuss a definite question persuasively, he has to identify the main issue (*stasis*) where the claims of two opposing parties contradict each other. Such contradictions may be of one of four types: (1) *stochasmos* – the question is whether there is any link between a person and an act (one of the parties claims that the other has done something, while the other denies this); (2) *horos* – the controversy is about the definition of the act (one of the parties claims that the other has committed a certain crime or injury, while the other claims that he has committed something else); (3) *kata symbebēkos* (*poiotēs* in later authors) – the dispute concerns the justification of the act (who has committed the act claims that he had some moral or legal reason to do what he has done, or tries to exculpate himself in another way, while his opponent tries to invalidate the reason or excuse offered); (4) *metalēpsis* – the two claims refer to the dispute rather than the act committed (one of the parties claims that the dispute could not legitimately take place, while the other party affirms that it could).

As a counterpart of these *staseis* or *zētēmata logika*, Hermagoras added four issues called "legal issues" (*zētēmata nomika*). The latter focused on debates arising from the interpretation of texts rather than the adjudication of an unlawful act: (1) *rhēton kai hypexairesis* (*rhēton kai dianoia* in later authors) – the actual wording of a normative text is contrasted to the alleged intent of the person(s) drafting it; (2) *antinomia* – both parties refer to different texts, which contradict one another; (3) *amphibolia* – the text contains some ambiguity and the two parties interpret it in different ways; (4) *syllogismos* – one of the parties argues that there is a gap in the text and therefore the case has to be decided on the basis of other texts (by way of analogy).

3. Facts and qualities in the *Rhetoric*

Turning to the *Rhetoric*, a *prima facie* parallel to the issues is the distinction between questions of fact and questions of quality, which appears in several passages of the *Rhetoric*.[7] Two of these show a strong similarity. In Book I, Chapter 1, there is the often-quoted separation of argumentative roles, where Aristotle writes that

> it is clear that the opponents have no function except to show that something is or is not true or has happened or has not happened; whether it is important or trivial or just or unjust, in so far as the lawmaker has not provided a definition, the judge should somehow decide himself and not learn from the opponents. (1354a 26–30)

In terms of *stasis* theory, the distinction here is between *stochasmos*, on the one hand, and *poiotēs* and *poson*, on the other. It is clear, however, that Aristotle is not speaking of issues as a tool of the orator here, but, as I take it, about the necessity of proving one's claims (*deixai to pragma*) (for which, to be sure, identifying the question is the first step).

In Chapter 15, discussing the types of witnesses among the kinds of non-technical proof, Aristotle makes a similar distinction:

> [Recent witnesses who share the risk of being accused of perjury] are only witnesses of whether or not something has happened (whether something is or is not the case) but not witnesses of the quality of the act – of whether, for example, it was just or unjust or conferred an advantage or not. On such matters, outsiders are witnesses, and ancient ones the most credible; for they are incorruptible. (1376a 13–17)

In what follows, one finds further distinctions in terms of testimonies: "Some witnesses are about the speaker, others about the opponent, and some about the facts, others about character" (23–25). While the distinction here is made, again, between facts and something else, testimonies related to character may be used to establish probability concerning the action under discussion, thus corresponding to an aspect of *stochasmos*.

These occurrences of distinctions reminiscent of *staseis* are "accidental" (Braet 1999, 410 and 413) in the sense that they are not meant to explain the difference between the questions themselves or what they are about. Aristotle's brief mentions refer to a distinction that should need no detailed explanation: in this sense, they may be taken to attest the existence of a kind of theory of issues, on the one hand, and Aristotle's knowledge of such practical distinctions used by the orators, on the other. Finally, it should be noted that these distinctions remain within the confines of judicial rhetoric, although the wording of the passage on witnesses shows that qualities other than (in)justice can occur in a speech.

7. Quotations follow the translation of George A. Kennedy (Aristotle 2007).

4. Common and specific questions

A different kind of distinction between questions is made in Book I, Chapter 3, where Aristotle defines the three branches of rhetoric according to their respective audiences, to which their "ends" (*telē*) refer (1358a 36–b 2). The *telos* determines the "final" question on which the decision of the audience will be made, and, therefore, in terms of which persuasion is needed. A deliberative speech is meant to persuade that something is useful or harmful (according to whether it is a protreptic or an apotreptic speech); a judicial speaker (who may accuse or defend) needs to persuade about the just or unjust character of an action; and epideictic speakers (whose task is to praise or blame) look at whether something is honourable or shameful (20–29).

Aristotle explains that the *telē* determine central questions of the respective branches, while those of the other branches may or may not be raised by the speaker. He also gives examples of what is essential to discuss for each branch:

> Here is a sign that the end of each is what has been said: sometimes one would not dispute other factors; for example, a judicial speaker that he has done something or done harm, but he would never agree that he has committed injustice; for [if he admitted that] there would be no need of a trial. (1358b 29–33)

He then concludes by drawing the practical conclusion that "it is first of all necessary to have propositions (*protaseis*) on these matters" (1359a 6–7).

Two further questions are closely linked to the *telē*, but are common to the three branches of rhetoric. It is also necessary, Aristotle adds, to be prepared to address the question of facts: "since impossibilities cannot be done, nor have been done, but [only] possibilities, it is necessary for the deliberative, judicial, and epideictic speaker to have propositions about the possible and the impossible and whether something has happened or not and whether it will or will not come to be" (11–16). Moreover, speakers "not only try to show what has been mentioned but that the good or the evil or the honourable or the shameful or the just or the unjust is great or small, either speaking of things in themselves or in comparison to each other" (18–22), which makes it necessary to have propositions on these questions as well.

Here, we see that questions are raised at a level different from that of the distinction between facts and qualities in legal cases. On the one hand, the three *telē* point to questions that are necessarily raised in a specific type of speech, thus serving the aim of classification in the theory of rhetoric. On the other hand, the questions of possibility/facts and magnitude appear as common to all branches.

There also seems to be a certain logical order in these questions. While Aristotle mentions the *telē* first and only then the *koina*, which is apparently motivated by the context (i.e. that he started by stating that there are three *eidē* of rhetoric), he also makes it clear that the question of possibility/facts has to come first. If it is argued

that something is (was, will be) the case or is possible, then the question determined by the *telos* can be raised, with the problem of magnitude/importance in the third place of the discussion.[8]

This logical order makes it easy for these questions identified by Aristotle to be regarded as *staseis*, following the order of *stochasmos – poiotēs – poson*, which differs from Hermagoras' system to some extent, but nevertheless reconstructs the argumentative steps of a speech.

In his 1999 article, Antoine Braet argues that Aristotle's treatment of the *staseis* in Book I differs fundamentally from that of Book III and should be regarded as a completely different variant of *staseis*. In Book I, Chapter 3, the *staseis* are based on a thorough analysis, which shows that "they form an exhaustive series" (Braet 1999, 417). Even more importantly, it becomes clear that there is an essential difference between what Braet calls *telē-staseis* and *koina-staseis*: while the latter need not be raised in every situation, the former can by no means be "dropped." Thirdly, while *staseis* in Book III have a *selective* as well as an *organisational* function, in Book I they contribute to *classifying* the means of persuasion. In particular, "[t]he author's purpose in mentioning the *staseis* in 1.3 is—from 1.4 on—to be able to list the material topics related to the *telē* and *koina*" (Braet 1999, 420). The approach reflected in Book I, Braet argues, is both deeper and broader than that of Book III, and seems more original as well, but has not been followed by later authors.

While Braet is certainly right in claiming that Aristotle gives a well-founded description of the *koina* and *telē*, as well as regards the classifying function of these questions, the question of whether a certain "*telos-stasis*" can or cannot be dropped indicates a problem in terms of the interpretation of the *telē*.

The *telē*, as described by Aristotle, determine the character of a speech by pointing to the task of the orator in terms of persuasion. If the speaker has to accuse or defend someone in court, then the "final" question is that of (in)justice, and the speech belongs to the judicial branch. For each *telos* and thus for each branch, as we have seen, there is a "final" question, and this question determines a *stasis* that, according to Braet, cannot be dropped (unlike those determined by the *koina*). This latter claim is, however, hard to defend in light of what Aristotle says about the question of possibility/fact, sc. that "impossibilities cannot be done, only possibilities, etc." (1359a 11–12). If someone is charged with a certain crime, but he can show that he cannot possibly have committed that specific action, then the question he focuses on is one of possibility/facts. The *stasis* of the speech is *stochasmos*, without even

8. While the question of magnitude can certainly be applied for each branch of rhetoric, it does not seem necessary for the speaker to raise (unlike possibility/facts, which are always, if only tacitly, present in each case). It should be admitted, however, that Aristotle only writes that "all speakers try to show" the importance/magnitude they are focusing on, which may be somewhat exaggerated but nevertheless seems to reflect the actual practice of Athenian oratory.

having to mention the questions belonging to the *stasis* of *poiotēs*. This, however, does not change the fact that the speech still belongs to the judicial genre, with justice/injustice as its *telos*. On the basis of the *telos*, then, the question can be formulated whether the person "committed an unjust action without justification" (or, following Aristotle's definition of wrongdoing, whether he "did wrong willingly and in contravention to the law," 1368b 6–7). Whether the defendant succeeds in showing that he did not commit the action, or that he was justified in doing so, in both cases the answer to the question will be negative. Yet this "final" question is not that of a *stasis*, and Aristotle seems to be aware of the difference.

Thus, while Aristotle's classification of speeches is not without any connection to the *staseis*, it is not identical with them either. What follows from that is that the speaker does not necessarily have to raise the question of *poiotēs*, which directly refers to the *telos* of the respective branch. But that is true for each of the *staseis*, for this is what makes them *staseis*.[9] In this sense, then, there is no difference between the *telē* and the *koina*, and *telē-staseis* (in the sense of *poiotēs*) are not in a privileged position in Aristotle's model of argumentation.

Before coming to the question of whether the model laid out in Book I of the *Rhetoric* is "unco-ordinated" with that of Book III, we need to have a look at Aristotle's discussion of the arguments specific to judicial rhetoric from the perspective of *stasis* theory.

5. Issues in judicial argumentation

It is generally recognised that Aristotle's remark that "people often admit having done an action and yet do not admit to the specific terms of an indictment or the crime with which it deals" (1373b 38–1374 a 2) anticipates the *stasis* of definition (*horos*)[10] and reflects the realisation that one *stasis* may be dropped in order to focus on another. It is also noted that what follows the problem of *epigramma* is somehow related to the *stasis* of quality (*poiotēs*), although the two questions are not clearly distinguished (Braet 1999, 413). Yet the question of whether and how these problems fit into the structure of Aristotle's discussion of judicial arguments has received little scholarly attention.

Aristotle's treatment of these arguments in Chapters 10–14 is governed by his definition of wrongdoing. In Chapters 10–12 topics related to motivation are discussed, which may serve as the basis of arguments aimed at showing that the character or disposition of a given person, makes it likely that they actually committed the crime with which they have been charged. In Chapter 13, arguments

9. Although it seems unlikely that the question of magnitude (*poson*) is raised independently of either of the other questions.
10. See e.g. Grimaldi (1980) 294 *ad loc.*

related to the just or unjust character of actions are examined: first the *epigramma*, which according to Aristotle refers to written law, then *epieikeia*, which is somehow related to unwritten law.

Looking at Aristotle's definition of wrongdoing, "doing harm willingly in contravention to the law," we see that Chapters 10–12 focus on "doing harm," while Chapter 13 focuses on whether something was done "in contravention to the law," with the mental element ("willingly") serving as the link between the two, and indicates Aristotle's perspective. Thus, Aristotle chose the definition of wrongdoing as the organising principle of these chapters, putting the emphasis on the perpetrator's attitude. The question is whether this well-defined perspective leaves any space for the internal logic of a system of *staseis*.

That the first group of arguments in Chapters 10–12 focuses on the question of whether a certain person has done something seems to be confirmed by the wording of the transition to the question of legal definition: "people often admit having done an action, etc." This way, Aristotle identifies not only the question of *epigramma*, but also the one that is dropped, i.e., that of the facts. Interestingly, then, we apparently have here both *stochasmos* and *horos*, the latter being introduced here for the first time in the *Rhetoric*.

In the introductory chapter of Book I, on the roles of the speaker and the judge, Aristotle only mentions three questions: whether something is/was/will be the case, whether it was just, and whether it was important. He does the same in Chapter 15 when classifying witnesses. In these distinctions, the question of "facts" seems to include that of legal definition. The question before the court is not formulated in the abstract, "whether X has done something unlawful," but as it is also clear from the wording of 1374a 1–2, the indictment has to describe the charge in more or less exact legal terms. Thus, the charge, and consequently the question to be decided by the judges, will take the form of "whether X has committed Y."

In Chapter 13, however, Aristotle is not concerned with what the litigants can (or should) do in the trial. Rather, he first says what "people often do," which provides some kind of a practical justification for the separation of *stochasmos* and *horos*. As a next step, *horos* is put into the (specifically Aristotelian) context of the discussion. As Aristotle explains, the question of *horos*, in a final analysis, is about "whether somebody is unjust and wicked or not unjust" (1374a 9–11), which is further reinforced by the references to the perpetrator's attitude.

The close affinity between *epigramma* and *epieikeia* is made explicit, once again, by the transition at 1374a 19–20: the former belonging to written law, the latter to unwritten law, they are both subordinate to the question of whether the action took place "in contravention to the law."[11] Also, the example Aristotle gives for *epieikeia*

11. On the relationship between unwritten law and natural law see, most recently, Tussay (2024).

as a way of interpretation shows the intimate link between the two, as it focuses on the problem of an insufficiently detailed legal definition. The closing sentence of the example, "according to the written law he is violating the law and does wrong, when in truth he has not done any harm and this is fair" (1374a 36–b 1), could be interpreted as saying that although the defendant did commit violent assault (*trōsai*), he did not commit injustice. Yet Aristotle's claim is actually a stronger one: the defendant did not commit violent assault, as the legislator cannot possibly have intended to apply the law to the case where someone strikes merely with an iron ring on his hand.

Thus, the difference between a case of legal definition and one of *epieikeia* is made clear, the one being conceptually based on written law, the other on unwritten law.[12] Here Aristotle also wants to highlight the common points of the two, i.e. that both make use of the topic of definition and focus on the question of intention.

While the relationship between *epieikeia* and some of the later *zētēmata nomika* will be discussed later, the sub-categories of the *stasis* of *poiotēs* needs to be examined here, for some of them are strikingly similar to certain Aristotelian topics of *epieikeia*.

In *stasis* theories, the main distinction within *poiotēs* is between *antilēpsis* and *antithesis*. The former refers to the claim that the act was not unjust, which may broadly correspond to a claim based on *epieikeia* as an interpretive method. The *antithesis* covers cases where further considerations are brought in by the speaker. Its sub-categories are *antistasis*, *antenklēma*, *syngnōmē*, and *metastasis*. The first one, *antistasis*, seeks to justify the act by pointing out that it was done to achieve something that is good. *Antenklēma* consists in accusing someone else of another unjust act, which provoked the act under discussion. *Syngnōmē* entails the admission of having committed something wrong, and asking for leniency either with reference to the lack of intention or simply by asking for pity. Finally, *metastasis* involves arguing the lack of responsibility by showing that either another person or some kind of outside influence has made the defendant to act in the way he did.

It would be, of course, difficult to find an exact correspondence between Aristotle's topics and these sub-*staseis*. The interpretation of the sources about *stasis* systems is sometimes controversial, partly because different authors make different distinctions (see e.g. Heath, 2004, ch. 2.), which makes it difficult to establish any clear correspondence even between these systems. More importantly, authors of *stasis* doctrines had the aim of clearly distinguishing between their categories.

12. An argument concerning *epigramma* focuses on the wording of the charge: if someone is accused of "sacrilege," he has to show that he only committed theft by explaining that (1) sacrilege means stealing something that belongs to the god and (2) that what he took from the temple did not belong to the god. In a case of *epieikeia*, the legal definition given by the written law is sufficiently clear as well as the fact that the act under discussion is covered by the wording of that definition: who has struck with an iron ring on his hand needs to show that his ring does not exhaust the definition of "iron" intended (but put into writing) by the legislator.

It should not be forgotten that distinctions were not Aristotle's only aim (and that his distinctions sometimes just do not follow the same lines as those of later textbooks), but are accompanied by broader unifying categories, such as the *telē* of rhetoric or the definition of wrongdoing in the case of the judicial branch.

This notwithstanding, Aristotelian *syngnōmē*, with its distinction between *adikēmata*, *atychēmata* and *hamartēmata*, although most probably not identical with the *stasis* of the same name, covers part of these issues, as do the maxims "to look not to the part but to the whole" or "to be forgiving of human weaknesses."

In the *Rhetoric*, judicial arguments related to the common topic of magnitude seamlessly follow those of *epieikeia*. Here again, Aristotle makes clear that these arguments refer to the seriousness of a wrongful action (*adikēma de meizon*, 1374b 24). Thus, the common topic is linked to the specific ones of judicial rhetoric in two ways. On the one hand, the sequence of the topics follows the outline given in Chapter 3: possibility/facts—justice—magnitude/importance, while on the other hand, Chapters 10–14 are all linked through the concept of wrongdoing. Thus, the structure follows the sequence of questions, and it also has a conceptual unity.

To sum up the observations concerning the presence of *staseis logikai* in Book I, it may be stated that the issues introduced in Chapter 3 establish the structure of laying out the material beginning with Chapter 4. Moreover, this structure is followed not only in the sense that Aristotle first gives the "material topics" of the *telē*, then those of the *koina*, but also within the discussion of at least the specific topics of the judicial branch in Chapters 10–14. There, the discussion is also shaped by the concept of wrongdoing, which in turn, corresponds to the *telos* of judicial rhetoric. There are four questions related to wrongdoing, with *epigramma* appearing in Chapter 13, reflecting partly contemporary rhetorical practice and partly the aspects of the (un)just character of actions.

6. The role of issues in the arrangement of the speech

In the last chapters of Book III, Aristotle discusses the arrangement of the speech (*taxis*), describing the functions of each of its parts, together with the topics applicable. References to issues occur in the chapters on the introduction (*prooimion*), the narrative (*diēgēsis*), and the proof (*pistis*).

The main function of an introduction, Aristotle writes, is "to make clear what is the 'end' for which the speech [is being given]" (1415a 22–23), i.e., "to set out the 'headings' of the argument in order that the 'body' [of the speech] may have a 'head'" (1415b 7–9). This seems to correspond to the task of identifying the main questions of the debate, but here it has the function of making the audience capable of following the argument (as well as making them accept that the main issue in the case is what the speaker says it is).

There is another function of the *prooimion*, which is made necessary by the moral weakness of the audience: to accommodate what Aristotle calls "remedies" (*iatreumata*, 1415a 24). Some relate to the speaker and the opponent, others relate to the audience and the subject (26–27). The former group of *iatreumata* serve to dispel or create *diabolē* (28–29), while the latter are used to make the audience well--disposed and attentive (or the contrary) (34–36).[13]

Most of Chapter 15 is then devoted to the ways of meeting *diabolē* in judicial speeches. Such accusations may influence the decision of the judge by shedding negative light on the opposing speaker's character as well as by serving as the basis of (unspoken) analogies. Aristotle mentions eleven ways the defendant can try to remove or to counterbalance the effects of *diabolē*, two of which are suitable for use by either of the parties, and one technique by which the accuser can strengthen the accusation.

One way of countering such "side-accusations," Aristotle says, is similar to how one has to deal with the main issue (*ta amphisbētoumena*) of the debate, i.e. by claiming that the allegation "is not true or [the alleged act] was not harmful or not to this person, or not so much as claimed or not unjust, or not very, or not dishonourable or that it is not important" (1416a 6–9).

Of the other ways of arguing against *diabolē*, some are directly relevant for the question of justice, such as the claim that what happened brought about something good as well, or that the act was due to mistake/bad luck/necessity, or that the defendant's intention was not directed at doing harm. Others are directed at the person of the opponent or show that *diabolē* in general or the specific accusation in the given case is not reliable. It is also here that the argument of *res iudicata*, together with the claim that the case was brought before the wrong court, is first mentioned in the *Rhetoric*: these correspond to the later *stasis* of *metalēpsis*.[14]

What is more important, however, is the structure of Aristotle's list of the issues which can be discussed for the actual *amphisbētēsis*. The first one is that of the facts. It is followed by the three basic qualities, corresponding to the three *telē* of rhetoric and the common topic of magnitude or importance can be applied for each of these as well. This reflects, without doubt, the selective function of the issues observed by

13. Cf. Aristotle's remarks on earlier textbooks (1354b 19–20) and on the characteristics of the audience in legal debates (1354b 8–11, 31–1355a 1).

14. 1416a 28–35: "Another [topic is] if there has been a previous decision, as in Euripides' reply to Hygiainon in an *antidosis* trial when accused of impiety because he had written a line recommending perjury: 'My tongue swore, but my mind was unsworn.' He said [Hygiainon] acted against the law when he brought trials into the law courts that belonged in the Dionysiac contest; for he had given or would give an account of the words there if anyone wanted to bring a complaint." See Carawan (2001, esp. 37 and 44–47) on the twofold character of *metalēpsis*. By arguing that the case has been already decided, the speaker seeks to prevent further litigation; by referring to procedural issues, he calls for litigation in a diferent setting. As Aristotle here speaks about *diabolē*, he does not have to distinguish between the two aspects and by using both the past and the future tenses (*dedōkenai logon, ē dōsein*, 33–34) he keeps both possibilities open.

Braet, but on the other hand, it also corresponds to what Aristotle says in Book I: the common topic of facts is the basis of any argument pointed at the quality of an act.[15] The common topic of magnitude can be applied for any of the three basic qualities, i.e. useful/harmful, just/unjust, honourable/disgraceful.

The same issues are mentioned in the discussion of *diēgēsis*. In epideictic speeches, Aristotle says, one has to show "either that the action took place, if it seems unbelievable, or that it was of a certain kind or importance or all these things" (1416b 20–22). Similarly, the narration of a forensic speech has to convince the audience "that something has happened or that harm has been done or injustice, or that the facts are as important" (1416b 36–1417a 2). The defendant, he adds, may be content with raising doubt in one of the issues, and therefore his narration can be shorter: "one should not waste time on what is agreed unless something contributes to the defence, for example, if [it is agreed that] something has been done but not that it was unjust" (1417a 10–12).

Finally, at the beginning of the chapter devoted to proofs we find the straightforward statement that "four points may be open to dispute." These four are, again, facts, harm, importance and lawfulness (1417b 22–26). In epideictic speeches, "there will be much amplification about what is good and advantageous," with the issue of facts discussed "only if any are incredible or if someone else is held responsible" (1417b 30–34). The issues of deliberative oratory are "whether the events predicted will occur or, if they do, whether the policy recommended is unjust or not advantageous or unimportant" (1417b 34–36).

Focusing on judicial rhetoric, we may observe that the list of the four main issues or *amphisbētēseis* is constant – except for the place of justification and magnitude, which follow one another in different order in the two passages – and that only two of the three qualities, harm and justice appear in them. On the one hand, this latter may be explained with that praiseworthiness would seem "off the point" in a legal debate. On the other, however, the question arises how "harm" is related to the *telos* of the deliberative branch of rhetoric.

While in the case of epideictic and deliberative rhetoric, the issues of quality are juxtaposed in terms of reasoning, the sequence of harm and justification seems to be of importance in legal argumentation. The fact that the question of "justness" follows the question of "harm" in all the above passages suggests that it is the harmfulness of the act committed that makes justification necessary. Once the defendant admitted that by committing a certain act he has harmed someone (*eblapsen*), he can only argue that the harm was not as great as the plaintiff claims (*ou tosonde*) or that the act was still somehow justified (*dikaiōs*).

15. This is well illustrated by the example of "the reply of Iphicrates to Nausicrates, for he admitted that he had done what the other claimed and that it caused harm but not that he had committed a crime" (1416a 10–12).

This suggests that harm, which is otherwise related to the *telos* of deliberative rhetoric, plays a special role in judicial argumentation. Such a special role is clearly shown by the definition of wrongdoing at the beginning of Book I, Chapter 10, according to which it is "doing harm willingly, in contravention to the law" (1368b 6–7, see also 13).

This, then, raises the question of whether "harm" really appears in the scheme of legal argumentation of Book III as one of the qualities. It certainly does in one passage, at 1416a 12–14: "one may balance one thing against another when a wrong has been done, [saying that] although it was harmful, it was honorable [or that] though it caused pain, it was advantageous, or something of this sort". Here, the qualities characteristic for each of the three branches of rhetoric are represented in a case that is clearly about wrongdoing. However, in the passages quoted above (1416b 36–1417a 2, 1417a 8–10, b 22–26) it is not quite clear whether it is closer to qualities or to the question of facts.[16] Aristotle apparently does not want to identify it with either.[17]

The role(s) played by harm seems to go beyond the conceptual divide between the two branches, and provides further illustration of Aristotle's method of embedding concepts in different contexts.

There again, we find some differences between the approach of Book I and Book III. The differences may, however, be accounted for within a common framework (showing towards the unity of the *Rhetoric*), by pushing Braet's observations concerning the functions of the two main discussions somewhat further. The main message of the introduction is the importance of keeping the speech between the limits of rational persuasion. What persuasion has to be pointed at is then clarified by the distinction of the three branches of rhetoric with their respective *telē*. The essential unity of rhetoric is emphasised by introducing the topics common to all three branches. Thus, the issues appear in places where Aristotle confronts the earlier rhetorical tradition, doing so by re-interpreting its elements and fitting them into his own theoretical construction.

There is no indication that Aristotle knew any fully developed theory of issues from textbooks, but the practice of concentrating on well-defined issues is sufficiently attested by Athenian oratory.[18] They were an element of the tradition that had to

16. The use of adjectives vs. verbs does not help to settle the question (an adjective might suggest a quality, a verb perhaps facts), as it is completely balanced in these passages: *beblaphenai ē ēdikēkenai* (1417a 1–2); *mē blaberon einai ē mē adikon* (9); *hoti ouk eblapsen* […] *ē hoti dikaiōs* (1417b 25–26). Note that even the "proper" quality of the judicial branch is referred to by a verb (*ēdikēkenai*) in the first case.

17. Even within deliberative argumentation, the exclusively "quality" character of *blaberon* is relativised to some extent at 1416a 7–8, where Aristotle suggests that the speaker should dispel *diabolē* in the same way as he would argue in terms of the "real" questions: *hōs ou blaberon ē ou toutōi, ē hōs ou tēlikouton*. The question of whether something is harmful for someone seems to bring it closer to facts/possibilities.

18. Cf. Volkmann (1885, 48–49), Navarre (1900, 265–266), both with the example of Lysias 13, and Usher (1999, 61–62) with Lysias 12.34–40, also mentioning Lysias 13 and 29.

be explained in Aristotelian terms. Book III, in turn, is devoted to the style and arrangement of speeches, and the issues make their appearance in passages on *taxis*. Here, the emphasis is on the presentation of arguments, and the issues are discussed within this context. As they were given an adequate analysis in Book I, there is no need to repeat this (cf. Marx 1900, 249).

The function "harm" has among the issues of judicial rhetoric shows, on the other hand, that the separation of the three branches of rhetoric according to their *telē* is far from being absolute. While Aristotle discusses the possible points of contradiction for the respective branches separately and highlights the differences among the structures of different types of speeches, he does not fail to indicate the overlaps between them either.

7. Legal issues

Similarly to the *staseis*, also the later *zētēmata nomika* were presupposed to make an appearance in the *Rhetoric*, and Aristotle's work was accordingly examined for their possible antecedents. Such issues are in fact mentioned in the *Rhetoric* at the end of Book I, among the specific topics of judicial rhetoric, under the heading of *pisteis atechnoi*, i.e. the proofs that do not have to be invented by the orator. Thus Dieter Matthes (1958, 183) could write that "im Abschnitt über den νόμος bereits die Grundlagen der hermagoreischen ζητήματα νομικά – mit Ausnahme des συλλογισμός zu erkennen sind".

In Chapter 15 of Book I, Aristotle distinguishes five kinds of non-artistic proofs: "laws, witnesses, contracts, evidence [of slaves] taken under torture, oaths" (1375a 24–25). In each of these cases, he describes the topics suitable for arguing both in favour of and against the credibility and importance of the proof concerned. In the case of laws, the topics first described can be divided into four groups: (1) the opposition of law and justice and of written and unwritten law, (2) the contradiction between different laws (or internal contradiction within one single law), (3) the ambiguity of the legal text, and (4) the inadequacy of a law for the changed circumstances. These can be used by the orator arguing against the written law, should it be "contrary to the case" (1375a 27–28: *enantios tōi pragmati*). For the orator arguing in favour of the law, which is then "in accordance with the case," Aristotle gives topics which aim at showing the necessity of applying the law enacted. This means that these latter do not address the questions of contradiction and ambiguity, nor whether a particular provision is outdated or not. It treats every attempt at departing from the alleged evident interpretation of the text as "trying to be smarter than the doctor."

We have already seen that the topics of justice and injustice, and in particular those of *epieikeia* are considered as containing some traces of the *zētēmata nomika*. Indeed, the notion that "[it is fair] to look not to the law but to the legislator and not

to the word but to the intent of the legislator" (1374b 11–13) is apparently based on the same idea as what is later called *rhēton kai dianoia* (cf. Stroux 1949, 27, n. 31; see also the collection of relevant passages from the orators and elsewhere in Triantaphyllopoulos 1985, 156–159, n. 142). While the topic of the legislator's intent can be apparently recognised in this passage, Matthes (1958, 183) tried to interpret the reference of Chapter 15 to *gnōmē aristē* (1375a 29–31) as a further instance of the same topic. The topics listed by Aristotle definitely furnish arguments against an inconvenient law by attacking written law *tout court*. Yet the only point where the intent underlying a text may come into question here is the interpretation of the very expression *gnōmēi tēi aristēi*. We may then say that the *epieikeia* or unwritten-law argument is backed by an argument from definition, but this does not make *gnōmēi tēi aristēi* refer to the legislator's *gnōmē*. If we take a look at the corresponding argument for the opposite (1375b 16–18), we see that it is based on an alternative interpretation of the same phrase, thus making it clear that it is dealing with the judges' "best consideration." The definition of *gnōmē aristē* has to be based on the legislator's intent, similarly to what we have seen in the case of arguments from fairness. Therefore, it is an instance of arguing from the legislator's intent insofar as the opponents refer to this intent (one of them explicitly) in explaining how an expression of a legal text should be understood.

References to the legislator's intent could rather be related to the last argument described by Aristotle against the law: "if, on the one hand, the situation for which the law was established no longer prevails but the law still exists, one should try to make this clear and fight with this [argument] against the law" (1375b 13–15). Describing "the situation for which the law was established" presupposes a reconstruction of the legislator's intent: the only difference from definition is that here it has to be contrasted with a specific situation (*ta pragmata*) rather than a characteristic of the act under discussion; therefore it aims at the non-application of that law in general and not in a particular case.

What is common in the arguments from contradiction, ambiguity and outdatedness is that they all start from the interpretation of the law referred to by the opposing party, rather than denying the validity of written law as such. This may explain why they are kept together by Hermagoras and those following him, although the emergence and subsequent development of the *zētēmata nomika* would deserve more thorough investigation.

Aristotle, however, does not make a separate group of these issues, as opposed to the ones which later appear as *staseis*. On the one hand, they are classified as the topics belonging to the *pisteis atechnoi*, but, on the other, they follow definition and *epieikeia* rather closely, making another example of related topics, which are divided by theoretical classification but linked through their position in the discussion.

8. Conclusion

In this paper I examined some possible links between Aristotle's *Rhetoric* and Hellenistic *stasis* theories, focusing on the appearance of issues in Books I and III of the *Rhetoric* and the function they have within Aristotle's conception of legal argumentation.

Concerning the conceptual separation of the three branches of rhetoric in Book I, Chapter 3, I argued that their respective *telē* cannot be regarded as issues in themselves, although the three aspects of the issue of quality do correspond to them. What follows from the distinction between the *telē* and the issues is that we do not need to take, with Braet (1999), the description of *amphisbētēseis* at 1358b 29–1359a 5 to formulate an "inescapable burden of proof." While e.g. the question of (in)justice is characteristic of the judicial branch in the sense that, in the words of Aristotle, the parties of a trial cannot agree that the action committed was unjust, this does not mean that the proof necessarily has to be directed at the question of justice. In other words, the issue of a judicial speech is not necessarily that of quality. If this interpretation of the *telē* is correct, then we cannot see in Chapter 3 an "attempt" to formulate an unconventional doctrine of issues.

I also argued that in Chapters 10–14 of Book I the topics follow the order of facts–definition–quality–magnitude, which reflects the logical order described in Chapter 3. Moreover, the remark introducing the issue of definition (which does not seem to be recognised by Aristotle as a separate issue but rather as an aspect of quality) suggests that they can be taken as strategic choices among different lines of defence, which tacitly anticipates a characteristic feature of later doctrines of issues.

In Book III, the lists of issues usually contain facts, harmfulness, justice, and magnitude. Here, the main question is how harmfulness fits into the scheme of legal argumentation. The reason for its appearance may be that here, too, the discussion is oriented by the structure of Aristotle's conception of wrongdoing, with the issues of facts and harmfulness being separated within the element of "doing harm." Unlike in Book I, however, the mental element does not play a privileged role, perhaps because the discussion focuses on arrangement rather than on justice and injustice.

Topics reminiscent of the later *zētēmata nomika* were briefly examined. Of the four issues, two appear in Chapter 13, and two among the topics related to the use of non-technical proof in Chapter 15. While the latter, ambiguity and contradiction, are explicitly mentioned by Aristotle, of the other two only the contrast between the wording of the law and the intent of the legislator figures on the list of topics regarding *epieikeia* (in addition to the conceptual explanation of *epieikeia* as a principle of interpretation). *Syllogismos* is perfectly compatible with the Aristotelian concept of *epieikeia* and the related methods of argumentation, but it is not mentioned as a separate instance.

Acknowledgements

Work on the paper was made possible by a Bolyai Research Grant of the Hungarian Academy of Sciences, and financial support received from ÚNKP-21-5 New National Excellence Program of the Ministry for Innovation and Technology, funded from National Research, Development, and Innovation Fund.

References

Aristotle. 2007. *On Rhetoric: A Theory of Civic Discourse*, trans. George A. Kennedy. New York and Oxford: Oxford University Press.

Braet, Antoine C. 1999. "Aristotle's Almost Unnoticed Contribution to the Doctrine of Stasis." *Mnemosyne* 52 (4): 408-433. https://doi.org/10.1163/156852599323283559

Carawan, Edwin. 2001. "What the Laws Have Prejudged: Παραγραφή and Early Issue-Theory." In *The Orator in Action and Theory in Greece and Rome: Essays in Honor of George A. Kennedy*, ed. Cecil W. Wooten, 17-51. Leiden: Brill. https://doi.org/10.1163/9789004350984_006

Clark, Donald L. 1957. *Rhetoric in Greco-Roman Education*. New York: Columbia University Press.

Cope, Edward M. 1867. *An Introduction to Aristotle's Rhetoric*. London and Cambridge: Macmillan.

Dieter, Otto A. L. 1950. "Stasis." *Speech Monographs* 17 (4): 345-369. https://doi.org/10.1080/03637755009375016

Grimaldi, William M. A. 1980. *Aristotle*, Rhetoric *I: A Commentary*. New York: Fordham University Press.

Heath, Malcolm. 1994. "The Substructure of Stasis-Theory from Hermagoras to Hermogenes." *Classical Quarterly* 44 (1): 114-129. https://doi.org/10.1017/S0009838800017250

Heath, Malcolm. 1995. *Hermogenes*, On Issues: *Strategies of Argument in Later Greek Rhetoric*. Oxford: Oxford University Press.

Heath, Malcolm. 2003. *Metalepsis, paragraphe* and the Scholia to Hermogenes. *Leeds International Classical Studies* 2 (2). https://eprints.whiterose.ac.uk/381/

Heath, Malcolm. 2004. *Menander: A Rhetor in Context*. Oxford: Oxford University Press.

Heath, Malcolm. 2007. "Teaching Rhetorical Argument Today." *Bulletin of the Institute of Classical Studies* 50 (Supplement 96): 105-122. https://doi.org/10.1111/j.2041-5370.2007.tb02485.x

Könczöl, Miklós. 2008. "Law, Fact and Narratives in Ancient Rhetoric: The Case of the causa Curiana." *International Journal for the Semiotics of Law* 22: 399-410. https://doi.org/10.1007/s11196-007-9054-0

Liu, Yameng. 1991. "Aristotle and the Stasis Theory: A Reexamination." *Rhetoric Society Quarterly* 21 (1): 53-59. https://doi.org/10.1080/02773949109390908

Marsh, Charles. 2012. "A Legal Semiotics Framework for Exploring the Origins of Hermagorean Stasis." *International Journal for the Semiotics of Law* 25: 11-29. https://doi.org/10.1007/s11196-010-9210-9

Marx, Friedrich. 1900. "Aristoteles' Rhetorik." *Berichte über die Verhandlungen der könilich sächsischen Gesellschaft der Wissenschaften zu Leipzig: Philologisch-historische Klasse* 52: 241-328.

Matthes, Dieter. 1958. "Hermagoras von Temnos 1905–1955." *Lustrum* 3: 58-214.

Matthes, Dieter. 1962. *Hermagorae Temnitae testimonia et fragmenta*. Lipsiae: Teubner.

Mirhady, David C. 2007. "Introduction." In *Influences on Peripatetic Rhetoric: Essays in Honor of William W. Fortenbaugh*, ed. David C. Mirhady, 1–18. Leiden and Boston: Brill. https://doi.org/10.1163/ej.9789004156685.i-286.6

Nadeau, Ray. 1959. “Classical Systems of Stases in Greek: Hermagoras to Hermogenes.” *Greek, Roman, and Byzantine Studies* 2 (1): 53-71.

Navarre, Octave. 1900. *Essai sur la rhétorique grecque avant Aristote.* Paris: Hachette.

Schütrumpf. 1994. “Some Observations on the Introduction to Aristotle’s Rhetoric.” In *Aristotle’s Rhetoric: Philosophical Essays*, eds. David J. Furley and Alexander Nehamas, 99-116. Princeton (NJ): Princeton University Press.

Stroux, Johannes. 1949. “Summum ius summa iniuria.” In *Römische Rechtswissenschaft und Rhetorik*, 7–66. Potsdam: Stichnote.

Thompson, Wayne N. 1972. “Stasis in Aristotle’s Rhetoric.” *Quarterly Journal of Speech* 58 (2): 134-141. https://doi.org/10.1080/00335637209383109

Triantaphyllopoulos, Johannes. 1985. *Das Rechtsdenken der Griechen*. München: Beck.

Tussay, Ákos. 2024. “Natural law and unwritten law in Classical Greek thought.” *Hungarian Journal of Legal Studies* 65 (1). https://doi.org/10.1556/2052.2024.00534

Usher, Stephen. 1999. *Greek Oratory: Tradition and Originality*. Oxford: Oxford University Press.

Volkmann, Richard. 1885. *Die Rhetorik der Griechen und Römer in systematischer Übersicht*. 2nd ed. Leipzig: Teubner.

Walton, Douglas. 2003. *Relevance in Argumentation*. Mahwah (NJ) and London: Lawrence Erlbaum Associates.

Woerther, Frédérique. 2012. *Hermagoras: Fragments et témoignages*. Paris: Les belles lettres.