

**Stanley Fish's New Book *Winning Arguments* and Walter J. Ong's Thought**

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I am now retired from teaching in the Department of Writing Studies at the University of Minnesota Duluth. For better or worse, I devoted much of my adult life to teaching students in postsecondary educational institutions how to writing argumentative essays following the conventions of academic writing. The conventions of academic writing include attribution and documentation. In theory, attribution is a safeguard against plagiarizing somebody else's ideas and presenting them as your own. Documentation involves providing enough bibliographic information about the source of each of my attributions that you could check the source to see if I have accurately represented the person's thought.

Actually, there are various style sheets for documentation. For example, one style sheet has been prepared by the Modern Language Association of America (MLA). Another style sheet has been prepared by the American Psychological Association (APA). In academic writing, writers are expected to follow one style sheet or another consistently. But why is this the case – why can't writers just be as inconsistent as they would like to be about documentation details – and perhaps also be inconsistent in their spelling, punctuation, and grammar?

After all, didn't the nineteenth-century American public intellectual Ralph Waldo Emerson (1803-1882) tell us that consistency is the hobgoblin of small minds? Aren't writers who practice consistency in their spelling, punctuation, grammar, and documentation details thereby manifesting that they have small minds? And what about teachers like me who mark student papers for such inconsistencies – aren't we thereby manifesting small minds also? Or perhaps we are compulsive about such details, eh?

Now, argumentative writing in academic writing is not unlike argumentative writing in editorials by editorial boards of newspapers and magazines, and op-ed commentaries by pundits. But even such journalistic venues of argumentative writing follow style sheets and have strictures against plagiarism.

Now, even in live oral presentations, American politicians are expected to avoid plagiarism – by using attribution.

Now, when I teach argumentative writing in a postsecondary context, I also teach the students about having a thesis statement and about making further claim statements to break down and support the thesis statement. But of course the thesis statement makes a claim.

For each properly formed thesis statement, an antithesis statement can be formed.

Thesis: “Stanley Fish says blah-blah-blah” (assuming here that “blah-blah-blah” involves making a debatable claim).

Antithesis: “No, Stanley Fish does not say blah-blah-blah.”

Each claim statement made subsequently to support the thesis also involves making a further and subordinate debatable point and then supporting it.

Aristotle was the first person in Western culture to work out rules of formal logic to follow in philosophical argumentation (also known as dialectic). According to his rules of formal logic, the conclusion of a properly worked out sequence of syllogistic logic is a certainty, based on the operational definitions employed in the syllogism. Except for such certainties, philosophical argumentation involves reasoning about probabilities.

In addition, Aristotle discusses three kinds of argumentation used in civic oratory in his treatise known as the *Rhetoric*: (1) deliberative rhetoric (used in debates in legislatures), (2) forensic rhetoric (used in courts of law), and (3) epideictic rhetoric (about civic values; used in funeral orations, for example).

In our American experiment of representative democracy, all political debates for elective office involve epideictic rhetoric about our American civic values.

In our American context today, we Americans are also bombarded with other public forms of persuasion known as advertisements. No doubt various sellers of goods in the marketplace in ancient times advertised their offerings to the best of their abilities in the marketplace. But Aristotle does not discuss such advertisements in the *Rhetoric*.

In addition, Aristotle does identify three appeals commonly used by civic orators: (1) logos, (2) ethos, and (3) pathos. For example, today in our contemporary American political contests, a pathos appeal could include appealing to anger. An ethos appeal could involve, for example, claiming to be a winner, not a loser, and it might also include denigrating one’s opponent as a loser, not a winner. A logos appeal could involve giving reasons for and engaging in reasoning about one’s proposals for action.

But our American experiment in representative democracy emerged historically in the period in our Western cultural history known as the Enlightenment (also known as the Age of Reason). As a result, we Americans to this day oftentimes think of our American civic rhetoric as supposedly based on logos appeals. Conversely, we tend to prefer to avoid hearing certain pathos appeals such as certain kinds of appeals to anger in our civic rhetoric.

Nevertheless, we deeply value candidates’ ethos appeal, because we expect candidates to present a portrait of themselves as worthy of our trust and therefore our vote. Conversely, we do not ignore personal critiques of candidates we do not like, even though those critiques may be referred to as ad hominem attacks.

For a well-informed account of the emergence of rationalism in the Age of Reason, see the American Jesuit cultural historian and theorist Walter J. Ong’s massively researched book *Ramus, Method, and the Decay of Dialogue: From the Art of Discourse to the Art of Reason* (Harvard University Press, 1958). The Art of Reason in the subtitles refers to rationalism in the Age of Reason.

For a well-informed scholarly study of Aristotle's discussion of ethos, see the American Jesuit classicist William M. A. Grimaldi's essay "The Auditors' Role in Aristotelian Rhetoric" in the book *Oral and Written Communication: Historical Approaches*, edited by Richard Leo Enos (Sage Publications, 1990, pages 65-81). Grimaldi is also the author of a two-volume commentary on Aristotle's *Rhetoric*.

For a well-informed scholarly study of Aristotle's position on ad hominem arguments in philosophical argumentation, see Mark Morelli's essay "Reversing the Counter-Position: The *Argumentum ad Hominem* in Philosophical Dialogue" in the annual periodical titled the *Lonergan Workshop*, volume 6 (1986): pages 195-230. In the context of philosophical argumentation, an ad hominem critique of the counter-position advanced by a certain other person (or perhaps persons) involves what Aristotle himself explicitly refers to in the *Rhetoric* as the other person's ethos.

The Canadian Jesuit philosopher and theologian Bernard Lonergan's philosophical masterpiece is *Insight: A Study of Human Understanding*, 5th ed. (University of Toronto Press, 1992; orig. ed., 1957).

Mark D. Morelli and Elizabeth A. Morelli in philosophy at Loyola Marymount University, the Jesuit university in Los Angeles, California, have expertly shortened it in *The Lonergan Reader* (University of Toronto Press, 1997, pages 29-359).

Today the German philosopher Jurgen Habermas' argumentation theory appears to be in vogue in certain academic circles. For example, my friend William Rehg, S.J., in philosophy at Saint Louis University, the Jesuit university in St. Louis, Missouri, discusses Habermas' argumentation theory and Lonergan's philosophical masterpiece *Insight* in his (Rehg's) book *Insight and Solidarity: A Study in the Discourse Ethics of Jurgen Habermas* (University of California Press, 1994).

In addition, Rehg discusses Lonergan's philosophical masterpiece in connection with Habermas' argumentation theory in his (Rehg's) essay "From Logic to Rhetoric in Science: A Formal-Pragmatic Reading of Lonergan's *Insight*" in the anthology *Communication and Lonergan: Common Ground for Forging the New Age*, edited by Thomas J. Farrell and Paul A. Soukup (Kansas City: Sheed & Ward, 1993, pages 153-172).

More recently, Rehg published a fine book titled *Cogent Science in Context: The Science Wars, Argumentation Theory, and Habermas* (MIT Press, 2009). In it Rehg extends Jurgen Habermas' argumentation theory to sciences, an extension that Habermas himself has not yet undertaken. Incidentally, Rehg also draws on Lonergan's philosophical masterpiece.

Also see my 5,000-word review titled "Rehg Admirably Takes the Science Wars to a New Level" in the online and print journal *On the Horizon*, volume 18, number 4 (2010): pages 337-345.

More to the point, for understandable reasons, Rehg also extends not only Aristotle's logos appeal but also his ethos appeal to argumentation in the sciences. For better or worse, certain individual persons may enjoy greater stature and merit and prestige, and as a result command greater credibility in any context of reasoned argumentation, including argumentation in science and philosophy and politics.

But putting Rehg aside, I claim that persons who engage in argumentation in public arenas of discourse either implicitly or explicitly invoke an ethos appeal. In my judgment, an ethos appeal is the ineluctable modality of public argumentation. For example, in scholarly PUBLICATIONS, scholars engage in public argumentation in which they are expected to demonstrate that they are well-informed in their scholarly

fields of study. Their ability to demonstrate that they are well-informed in their fields of study involves their ethos appeal. The substance of what they say in their scholarly reasoning involves their logos appeal. By convention, scholars are usually expected not to play up a pathos appeal in their scholarly publications.

Now, in the Hebrew Bible, Moses is portrayed as going up on a mountain and communing up there with the monotheist deity referred to as God. Then Moses comes down from the mountaintop with two stone tablets on which certain commands are written. Each command expresses a certain value.

According to Aristotle's schema for categorizing certain forms of civic rhetoric, epideictic rhetoric involves civic values.

As the story goes, Moses presents the two stone tablets to the ancient Hebrew people, and they agree to comply with the commands on tablets. By agreeing to follow those commands, the ancient Hebrew people thereby enter into a covenant with God.

Later on, certain other ancient Hebrew prophets emerge from time to time and claim to speak for God, as Moses had claimed to do at an earlier time. Certain ancient Hebrew prophets such as Amos thematized economic justice.

Now, claiming to speak for God can be interpreted as an ethos appeal (in Aristotle's terminology). Presumably God is the ultimate authority. Today most public speakers in the United States do not explicitly claim to speak for God in the way in which Moses and Amos and other ancient Hebrew prophets did. Nevertheless, the theme of economic justice is alive and well in American political discourse – for example, in Senator Bernie Sanders' campaign.

Now, in the book *Winning Arguments: What Works and Doesn't Work in Politics, the Bedroom, the Courtroom, and the Classroom* (Harper/ HarperCollins, 2016), the prolific literary critic, law-school professor, and public intellectual Stanley Fish develops two basic line of thought, as he himself notes in a handy overview:

(1) "The first thing this book tries to do is explain how argument works in different contexts" (page 1). For example, we have courts of law, and we have the court of public opinion. Of course we also have many other contexts in which we argue.

(2) "I am also engaged [throughout the book] in another project, not quite parallel, but not unrelated either. I am making an argument about argument and its relationship to the human condition" (page 2). By argument, he means "the clash of opposing views" (page 2). No clash of opposing views, no argument.

According to the Wikipedia entry about him, Fish holds a Ph.D. in English from Yale University (1962). Because Ong held a Ph.D. in English from Harvard University (1955), it is in the realm of the possible that Fish may not be entirely unfamiliar with Ong's work. As I will indicate momentarily, Ong was not entirely unfamiliar with Fish's work.

But Fish may be entirely unfamiliar with Lonergan's philosophical masterpiece *Insight: A Study of Human Understanding*. (Ong was familiar with Lonergan's work, as I will indicate momentarily.)

In English literary studies Fish established himself as a Milton scholar, and Fish occasionally mentions Milton in *Winning Arguments*. When John Milton (1608-1674) was a student at Cambridge University, he studied the French logician Peter Ramus' work in dialectic (also known as logic), written in Latin. Later in his life, Milton wrote in Latin a textbook in dialectic conformed to Ramus' dialectic.

As mentioned above, Ong's massively researched doctoral dissertation was a study of the work of Ramus and his allies and his critics. Later in Ong's life, he and Charles J. Ermatinger of Saint Louis University translated Milton's *Logic* in volume eight of Yale's *Complete Prose Works of John Milton* (Yale University Press, 1982, pages 139-407). But Ong is the sole author of the lengthy introduction. In footnotes 115 and 116 on page 200, he cites two of Fish's publications (from 1967 and 1971 respectively).

Ong published the essay "Milton's Logical Epic and Evolving Consciousness" in a special issue of the *Proceedings of the American Philosophical Society*, volume 120, number 4 (1976): pages 295-305. Then Ong reprinted it, slightly revised, as "From Epithet to Logic: Miltonic Epic and the Closure of Existence" in his book *Interfaces of the Word: Studies in the Evolution of Consciousness and Culture* (Cornell University Press, 1977, pages 189-212). In footnote 3 on page 55, Ong mentions Fish's 1972 book. (Ong also has a number of other publications about Milton.)

In *Interfaces of the Word*, Ong reprinted his 1970 essay "'I See What You Say': Sense Analogues for Intellect" (pages 121-144), a paper presented at the First International Lonergan Congress held at St. Leo's College, St. Leo, Florida, in March 1970. In Ong's earlier book *The Barbarian Within: And Other Fugitive Essays and Studies* (Macmillan, 1962), Ong on page 126, note 50 and on page 127, note 59 refers to Lonergan's 1946 article in the Jesuit-sponsored journal *Theological Studies*, volume 7, pages 349-392.

Now, among other things, Fish discusses Deborah Tannen's distinction between debate and dialogue and Gerald Graff's critique of her distinction (page 207). So I want to return here to the full title of Ong's all-important 1958 book *Ramus, Method, and the Decay of Dialogue: From the Art of Discourse to the Art of Reason*, mentioned above. By the Art of Discourse in the subtitle Ong means the art of debate. By the Decay of Dialogue in the main title, Ong means the decay of debate with real or imagined adversaries or adversarial positions. In short, dialogue means debate; debate means dialogue. In Ong's 1958 book, he characterizes following Ramus' method as monologic in spirit because one does not explicitly address real or imagined adversaries or adversarial positions – so the monologic spirit of following Ramist method is what Ong refers to as the decay of dialogue.

Subsequently, Ong referred to the polemic spirit (from the Greek word "polemos" meaning war, struggle) in his 1964 Terry Lectures at Yale University to describe the general spirit not only in what we may describe as wars of words but also as the basic orientation toward life in our Western cultural history. The expanded version of his Terry Lectures was published as the book *The Presence of the Word: Some Prolegomena for Cultural and Religious History* (Yale University Press, 1967).

In 1979, Ong delivered the Messenger Lectures at Cornell University, which were published as the book *Fighting for Life: Contest, Sexuality, and Consciousness* (Cornell University Press, 1981). What Ong describes as contest (using the Greek word "agon" meaning contest, struggle) characterizes the spirit of back-and-forth pro-and-and-con debate in philosophical argumentation and in civic rhetoric generally.

Because Fish generally favors back-and-forth pro-and-con debate in principle, I want to call attention here to Thomas O. Sloane's scholarly book *On the Contrary: The Protocol of Traditional [Classical] Rhetoric* (Catholic University of America Press, 1997) and to his article "Reinventing *Inventio*" in the widely distributed NCTE journal *College English*, volume 51 (1989): pages 461-473. Sloane, who is now retired from English at the University of California, Berkeley, served as the editor in chief of the 850-page *Encyclopedia of Rhetoric* (Oxford University Press, 2001). But Fish doesn't seem to know much about the Western tradition of rhetoric or about the scholarship on the history and theory of rhetoric.

Now, I have no reason to suspect that Pope Francis is familiar with Ong's 1958 book. But Pope Francis likes to encourage dialogue. From what he says, I suspect that he means that dialogue involves debate.

Now, Fish characterizes Aristotle's ethos appeal as "an argument by authority" (page 32 in his characterization of Pope Francis' eco-encyclical), which makes "an argument by authority" sound a wee bit unsavory and pejorative. After all, think of all the critiques of so-called authoritarianism and authoritarian persons.

In fairness, I should also mention that Fish accurately characterizes what Aristotle means by logos, ethos, and pathos on pages 46-47.

Now, whenever I presume to speak aloud, I usually am doing so because I think that I have enough authority about a certain matter at hand to authorize me to speak aloud in the given context. But Fish is an author, so we may wonder if he has enough authority to authorize him to speak and write about argumentation theory. Whether he does or not, he as an author is ineluctably presenting what he himself characterizes as "an argument by authority." But Fish's expression "argument by authority" sounds pejorative.

But I'm not done. Let's go back to attribution. When I use attribution, I attribute a certain admittedly debatable claim to a specific person. I may go on to disagree with that person's claim. Or I may present that person's claim in a way in which I clearly mean that I agree with it, even though I may not happen to say this explicitly.

In the cases in which I either implicitly or explicitly agree with a statement that I attribute to another person, am I presenting "an argument by authority" – the other person's alleged authority? No, I am not necessarily doing that. You see, I may be well-enough informed to form my own separate judgment in agreement with the judgment expressed by the other person. In such cases, my attributions enable me to give credit to the other person and enlist the other person as an ally. In effect, I am showing that I am not the only person in the world who made the judgment expressed by the other person. (Typically, claim statements involve expressing admittedly debatable judgment about certain matters.)

Another way to think about Aristotle's ethos appeal is to note that an ethos appeal involves the orator or writer in identifying himself or herself as a person and as at least trying to connect himself or herself with the persons in the audience. Granted, a writer may be writing for an audience of people who are not usually present to him or her as he or she is actually writing, except perhaps in a kind of imagined way. But writers cannot imagine all of the real persons who may read their writings when their writing are published. I am here drawing on Ong's 1975 *PMLA* article "The Writer's Audience is Always a Fiction."

Ong served as the president of MLA in 1978. I had the privilege to attend the MLA annual convention in New York City when Ong delivered his Presidential Address. The executive vice president of MLA singled out Ong's tact for special praise in introducing him. Ong was a polymath. He has been described as a scholar's scholar.

Next, I want to turn to something Fish says. He explicitly characterizes Pope Francis' widely reported eco-encyclical as "an argument by authority" (page 32).

In part, the pope's eco-encyclical was widely reported in the secular press because he repeatedly criticizes our contemporary capitalistic economic system. The secular press glories in sensationalistic stuff. So the pope's repeated criticisms of capitalism were widely reported. But let us note that the pope prudently did not offer an alternative economic system.

But let me quote Fish himself on the pope's eco-encyclical:

"As I write, Pope Francis has just issued his encyclical on global warming and poverty [e.g., the pope's criticisms of capitalism include references to poverty]. It doesn't say anything that hasn't been said before by researchers and politicians [and by certain previous popes], but my guess is that because it is the Pope who is saying it, his arguments will have an effect greater than anything that might have resulted from all the scientists in the world issuing their own encyclical. The truth of global warming is more likely to be established by AN ARGUMENT FROM AUTHORITY than by data that supposedly speaks for itself" (pages 31-32; I've added the capitalization here for emphasis).

Incidentally, in the remainder of the paragraph from which I have quoted, Fish goes on to make certain qualified points about interpretation and argumentation that are compatible with and indeed consistent with points Ong makes about interpretation in his article "Hermeneutic Forever: Voice, Text, Digitization, and the 'I'" in the journal *Oral Tradition*, volume 10, number 1 (March 1995): pages 3-36.

In fairness to Fish, let me note that he does not happen to specify exactly what makes the pope's eco-encyclical "an argument by authority." Fish just categorizes it and moves on. Nor does he claim to have read the pope's eco-encyclical; Fish just notes that the pope has issued it.

In the parlance of the Roman Catholic Church, a papal encyclical is, by definition, a publicly proclaimed circular letter to be circulated among the bishops and practicing Catholics around the world. Papal encyclicals contain a given pope's teachings about certain matters. The church claims to have teaching authority (known, in short, as the magisterium). According to the church's teaching, papal encyclicals are said to be authoritative for practicing Catholics. I'll discuss this point further momentarily.

But first I want to spell out explicitly here that the Roman Catholic Church has a hierarchical governing structure, with the pope at the top. At first blush, this hierarchical structure is top-down. Certain critics have criticized the church for being authoritarian and for allegedly inculcating authoritarianism in practicing Catholics. But the same church authorities teach practicing Catholics that they should follow their consciences – but they are supposed to form their consciences by considering church teachings.

Figuratively speaking, conscience is catch-22. For example, this catch-22 will allow Representative Paul Ryan of Wisconsin, an Ayn Rand fan, to read Pope Francis' eco-encyclical and then publicly state that he disagrees with certain statements that the pope makes in it.

For the sake of discussion, let us imagine that “all the scientists in the world issu[ed] their own encyclical” about global warming, as Fish suggests. This exercise in imagining something that is not likely to happen in the near future brings us back to what, exactly, or what all exactly, does Aristotle mean by ethos. Put differently, does the pope’s ethos involve qualities that many scientists may not even claim to have?

Before Pope Francis issued his eco-encyclical, he garnered a lot of media attention. He walks the walk. He doesn’t just talk the talk. As a result, he has MORAL stature that most scientists understandably do not have.

So Pope Francis’ ethos in his eco-encyclical arises in part from his official position in the church and in part from his personal example.

So how many scientists who are concerned about climate warming want to reject Pope Francis as an ally? Can we have a show of hands?

As to the possibility that the pope’s eco-encyclical would have a greater effect than an imagined encyclical issued by all the scientists in the world would have, I will just say that thus far the pope’s eco-encyclical has not had a very great effect, except for the effect of garnering a lot of publicity in the media.

Besides the matter of ethos, if “all the scientists in the world” (Fish’s wording) were to issue such a statement, wouldn’t their document be cited by other people who are concerned about global warming in such a way that the other people’s reference to it could be characterized as “an argument by authority” (Fish’s wording)? If the pope’s eco-encyclical is “an argument by authority,” as Fish says it is, wouldn’t the scientists’ imagined encyclical also be “an argument by authority” as Fish puts it? In effect, isn’t Fish viewing scientists as authorities?

By definition, scientists are authorities in their realms of expertise. No doubt their expertise in their realms of expertise qualify certain scientists to call our attention to the big problem of global warming. That’s why Pope Francis explicitly cites certain scientists in his eco-encyclical. In part, his eco-encyclical is devoted to calling attention to the problem of global warming.

But the pope’s eco-encyclical is also a call for action. So there’s a big problem. And the big problem calls for action. In theory, anybody could call for action to address the problem – for example, even Fish, who is not a scientist, could call for action. But the pope is not a scientist calling for action, but a teacher in the Roman Catholic tradition of thought calling for action based on his interpretation of the Catholic tradition of thought about morality.

By definition, thought about morality involves how we act, and how we should not act.

But are there other traditions of thought about morality? Yes, there are. For example, there is deontological ethical theory (derived from Kant). But how many scientists claim to have expertise not only in their scientific fields of study, but also in a certain tradition of thought about morality? So scientists may properly call our attention to the problem of global warming. The problem of global warming may cry out for our attention and action to mitigate it.

But the pope is calling for action to mitigate it from within his Roman Catholic tradition of thought about morality. As a result, it may gall Fish that the pope can claim moral authority within his tradition of



thought about morality. As a public intellectual, Fish may not like to have Pope Francis as a competitor in the arena of the court of public opinion. However, as far as I know, Fish does not claim expertise in any tradition of thought about morality.

Now among other things, Fish, who evidently is Jewish, calls attention to the article “The Argumentative Jew” in the *Jewish Review of Books* in 2000 by Leon Wieseltier, who evidently is Jewish (page 208). Senator Bernie Sanders of Vermont, mentioned above, is also Jewish.

We Americans can thank the Hebrew Bible in the English translation known as the King James Bible for helping to inspire American Protestants to develop what the Jewish scholar in American studies at Harvard University Sacvan Bercovitch writes about in his book *The American Jeremiad*, 2nd ed. (University of Wisconsin Press, 2012).

For a more recent discussion of the American jeremiad tradition in American culture, see the law-school professor Cathleen Kaveny’s book *Prophecy Without Contempt: Religious Discourse in the Public Square* (Harvard University Press, 2016).

In any event, it strikes me that we Americans today are not in danger of having a shortage of American jeremiadists, or American jeremiads. For example, Senator Bernie Sanders excels in the genre.

Nevertheless, I can readily understand why Kaveny advocates “Prophecy Without Contempt” for religionists to practice in “Religious Discourse in the Public Square.” For when religionists express contempt for people who disagree with their views, those people might understandably stop paying attention to them.

But I wish that she had discuss secularists and their expressions of contempt for religionists and religious views. When secularists express contempt for religionists and religious faith, those people may be inclined to respond in kind.

Incidentally, among other things, Habermas is also a target of Fish’s criticism.

In conclusion, what the English playwright and prose stylist John Lyly (1553-1606) says of the character named Euphues can be said of Stanley Fish – he has more wit than wisdom. His clever word-play in his book *Winning Arguments* may be entertaining to the fictional audience of like-minded people that he evidently imagines himself to be writing for. But not so much to people who may not be like-minded.