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**A Commentary on and Translation of Chaim Perelman's  
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A Commentary on and Translation of Chaim Perelman's 1933 "De l'arbitraire dans la  
connaissance" [On the Arbitrary in Knowledge]

"Two writers whom historians of twentieth-century rhetorical theory are sure to feature," writes Wayne Brockriede, "are Kenneth Burke and Chaïm Perelman. They may dominate an account of rhetorical theory in this century as Adam Smith and George Campbell dominate Wilbur Samuel Howell's characterization of eighteenth-century" (76). The history of Kenneth Burke's rhetorical theory has been featured in English language histories, with a number of books and articles dedicated to an excavation of its origins, flaws, and brilliant insights. To illustrate: Burke's works and writings from 1915 through the 1940s are the subject of books by Ann George and Jack Selzer: *Kenneth Burke in Greenwich Village: Conversing with the Moderns, 1915-1931* and *Kenneth Burke in the 1930s*. Scholars, writing in English, have yet to pay similar attention to Perelman's scholarship during the same time period.

We offer a translation of and commentary on Perelman's 1933 "De l'arbitraire dans la connaissance" [On the Arbitrary in Knowledge ["Arbitrary"]], which was sponsored with a subvention from the Université libre de Bruxelles and published by the Maurice Lamertin publishing house based in Brussels, as an initial effort to fill a void in the history of Perelman's scholarship and background on evolution of the New Rhetoric Project (NRP)<sup>1</sup>

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<sup>1</sup> We include in the NRP all the articles and books that develop Perelman and Olbechts-Tyteca's new rhetoric, beginning with Perelman's lecture delivered in 1949 at the Institut des Hautes Etudes de Belgique announcing the project and ending with the death of Perelman in

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2  
3 during the 1930s. Historians will find our commentary and translation an important addition  
4  
5 to the history of twentieth-century rhetorical theory because it displays the philosophical  
6  
7 prelude to the NRP; indeed, many of the issues and concepts Perelman introduces in this  
8  
9 1933 article populate Perelman and Olbechts-Tyteca's 1958 magnum opus, *Traité de*  
10  
11 *l'argumentation: la nouvelle rhétorique*. Our commentary and translation challenges most  
12  
13 English renditions and Perelman's account of the NRP's development.  
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16  
17 Perelman's scholarship of the 1930s has been neglected by historians of rhetoric,  
18  
19 although there is scholarship on Perelman's scholarly trajectory from French (Vannier) and  
20  
21 Italian (Gianformaggio) scholars that capture some of the nuances we identify here. This  
22  
23 neglect was encouraged by Perelman himself as he rarely cited articles from this period as  
24  
25 he matured as a scholar, and in his histories of his intellectual trajectory, he would either  
26  
27 begin with his first post-war book *On Justice*, eliding the 1930s, or quickly dismiss his work  
28  
29 of the 1930s as that of a logical positivist in despair about the possibility of reasoning about  
30  
31 values. Indeed, after finishing his book on justice in 1945, Perelman reports he could not see  
32  
33 how value judgments "could have any foundation or justification" (8) in logic or reason.  
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39 According to Perelman's history of his intellectual development, until his "rhetorical  
40  
41 turn" in 1947-48, he remained a strong adherent of logical empiricism. Perelman portrays a  
42  
43 clear demarcation between his pre-rhetorical turn commitment to logical empiricism and his  
44  
45 postwar turn to rhetoric as an answer to his despair about the limitations of reason.  
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47

48 Sometime in 1947, Perelman read Brunetto Latini's Old French translation of Ciceronian  
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53  
54 \_\_\_\_\_  
55 1983. We note that Perelman's lecture was published with Olbrechts-Tyteca as a co-author in  
56  
57 1950 (Perelman and Olbrechts-Tyteca).  
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1  
2  
3 rhetoric in the *Trésor* (ca. 1265), which Jean Paulhan had included in the appendix of his  
4  
5 1941 book, *Les fleurs de Tarbes; ou, La terreur dans les lettres*. In the preface to his 1977  
6  
7 *L'empire rhétorique. Rhétorique et argumentation*, which was not published in the English  
8  
9 *Realm of Rhetoric* (see Bolduc 2018), Perelman reports that Latini's work provoked a  
10  
11 "revelation" that rhetoric offered the vehicle necessary to reason about values, prompting his  
12  
13 rhetorical turn (1977, 9; see also Frank and Bolduc).<sup>2</sup> Using this language of conversion,  
14  
15 Perelman declares that until his revelation, he had carried out his research "in the spirit of  
16  
17 logical empiricism" (*L'empire rhétorique* 7-9).  
18  
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20  
21

22 Perelman and Olbrechts-Tyteca featured the novelty of their work and emphasized  
23  
24 that it constituted a breakthrough, further accentuating Perelman's turn to rhetoric as a  
25  
26 conversion. As Perelman writes: "In 1945, when I published my first study of justice, I was  
27  
28 completely ignorant of the importance of rhetoric" (*New Rhetoric and the Humanities*, 7).  
29  
30 Perelman's "revelation" about rhetoric invested the NRP with some drama: here was a  
31  
32 distinguished philosopher rejecting the dominant philosophical movement of the twentieth  
33  
34 century in favor of an ancient discipline known for its concern for audience and  
35  
36 persuasion, and yet forgotten by most of his contemporaries, who considered it as solely  
37  
38 devoted to ornamentation and figures of style.  
39  
40  
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43 Many scholars accept the conversion narrative of Perelman's rhetorical turn, and  
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48  
49 <sup>2</sup> In this, Perelman also implicitly evokes the Antique tradition of the conversion to a  
50  
51 philosophical life. See Nock and Herrero de Jáuregui (2010), who describes the transformation  
52  
53 of conversion from a philosophical to a religious phenomenon in the Hellenistic and Roman  
54  
55 worlds.  
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## Perelman's 1933 "On the Arbitrary in Knowledge"

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2  
3 see the NRP as product of Perelman's confrontation with and rejection of logical  
4  
5 empiricism. Carlin Romano, in his largely positive review of Perelman's philosophy,  
6  
7 endorses Perelman's conversion narrative, writes that Perelman's "early training and  
8  
9 writings screamed 'logical empiricist' — another of those 'we can't argue about values'  
10  
11 types influenced by A.J. Ayer and the Vienna Circle" (47). Perelman then, according to  
12  
13 Romano, "rediscovered" the Western rhetorical tradition. The most complete survey of  
14  
15 Perelman's intellectual trajectories in English, Gross and Dearin's *Chaim Perelman*,  
16  
17 observe in their otherwise outstanding book that  
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20

21  
22 [f]or the most part, Perelman's writings at the end of the 1930s remained  
23  
24 strongly anchored in the intellectual currents of that era: Cartesian rationalism,  
25  
26 logical positivism, and empiricism. His analysis of several logical paradoxes  
27  
28 and antinomies in law had shaken his faith in these doctrines, but his  
29  
30 attachments to the orthodoxy of his age had not been completely severed. (2)  
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32  
33

34 Very few scholars seemed to have read Perelman's pre-1947 scholarship, and it is clear,  
35  
36 based on our translations and commentaries, that Romano is no exception; further, those  
37  
38 scholars that have read this pre-1947 work, including Gross and Dearin, do not detect  
39  
40 Perelman's efforts to sever his anchor to the Cartesian tradition in his work of the 1930s.  
41  
42

43 We do not hear Perelman screaming in celebration of logical empiricism as we  
44  
45 conducted our research or as we engage his fourteen articles and doctoral dissertation  
46  
47 conducted during the 1930s. The volume and tenor of his scholarly voice, is in the main,  
48  
49 carefully modulated: he embraces reason, finds worth in logical empiricism, while  
50  
51 interrogating the assumptions undergirding the doctrine and straining against the  
52  
53 intellectual currents of his era to expand the range of reason to include values. The  
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3 Université Libre de Bruxelles has now archived Perelman's writings and notebooks,  
4  
5 which we have consulted for the translation of and commentary on "Arbitrary" as well as  
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7  
8 other works that remain in the French. Our extensive review of the materials in the  
9  
10 archives and a close reading Perelman's articles published prior to 1946 suggest that  
11  
12 Perelman's postwar turn to rhetoric was more of a progression than a conversion.  
13  
14 Perelman did not so much reject logical empiricism as broaden its reach; moreover, he  
15  
16 remained loyal to the central premise of logical empiricism—the commitment to reason  
17  
18 and logic.  
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21  
22 The turn to rhetoric allowed him to sweep the ideas he had developed between  
23  
24 1931 and 1947-48 into the foundation of a non-formal logic, and the topos of conversion  
25  
26 offered him a narrative by which to characterize his theory, which he developed in  
27  
28 collaboration with Olbrechts-Tyteca, as new and original. Many of the notions and  
29  
30 concepts he advanced in the NRP have their origins in "Arbitrary" and find their way into  
31  
32 the NRP. More important, although Perelman and others position his work within the  
33  
34 movement of logical empiricism and positivism, in this article Perelman challenges  
35  
36 several of the tenets of logical positivism, including the fact/value distinction, the need for  
37  
38 value rational hierarchies; he also uses dissociation to deconstruct binaries, which were  
39  
40 significant deviations from the logical empiricism movement. This article thus exposes  
41  
42 Perelman's turn to rhetoric as not quite a conversion; it also reveals how many of the  
43  
44 central tenets of the NRP are already present in his early writings. "Arbitrary," written  
45  
46 when Perelman was 21 years old, demonstrates that he was, at best, a troubled follower of  
47  
48 logical positivism and had moved toward non-formal logic long before his "rhetorical  
49  
50 turn" in the late 1940s.  
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Perelman's 1933 "On the Arbitrary in Knowledge"

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"On the Arbitrary in Knowledge": Context and Themes

Perelman was a student of the leading logical empiricists writing in the 1930s: Gottlob Frege, Kurt Gödel, and Alfred Tarski. They were at the center of the logical empiricist/positivist movement. His 1938 dissertation focused on Frege's system of mathematical logic, he contested Gödel's proof in a 1936 that created a small controversy, and was Tarski's student for a year in Poland. Perelman labeled himself both a logical empiricist and a logical positivist during this period. The two definitions are intertwined and yoked in practice. The *Stanford Encyclopedia of Philosophy* defines logical empiricism as a movement rather than a doctrine, one that overlapped with logical positivism (Creath). The *Cambridge Companion to Logical Empiricism* holds that "logical empiricism is understood to be synonymous with logical positivism," or even "neopositivism" (Uebel and Richardson 1).

Logical empiricism was a response to the horrors of World War I, which positivists believed were the result of Hegelian German Idealism, atavistic impulses, and uncontrolled passions. In the aftermath of World War I, prominent scientists and philosophers concluded that "cultures were incapable of the necessary reform and renewal because people were in effect enslaved by unscientific, metaphysical ways of thinking" (Creath). Logical empiricism identified mathematical logic and experience as the appropriate sources of reasoning, rejected metaphysical thinking, and endorsed the fact/value dichotomy (Putnam). Values were deemed "meaningless" and lacking reason or a logic. Perelman's own definition of positivism focused on the fact / value dichotomy (Perelman 1976, 99-100).

If our work complements that of such scholars as Laetitia Gianformaggio and

1  
2  
3 Guillaume Vannier, who see Perelman's rejection of positivism as having taken place in  
4 phases, it challenges the conversion narrative fashioned by Perelman himself and accepted  
5 by most scholars afterwards, which describes the turn to rhetoric as a stunning revelation.  
6  
7  
8 Vannier identifies two phases in Perelman's rejection of positivism: the criticism of logical  
9  
10 positivism (tied to the Vienna Circle, and Grzegorzczuk's irrational emotivism) prior to 1945, and  
11  
12 the criticism of all forms of positivism *tout court* thereafter. Gianformaggio, on the other hand,  
13  
14 identifies four phases in Perelman's philosophy—the pluralist (1933-1945), the emotivist (1946-  
15  
16 1948), the dialectical (1948-1950), and the rhetorical (1950 forwards) (1993, 429-50).  
17  
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22 We find that Perelman had developed many of the key concepts of the NRP before his  
23  
24 turn to rhetoric and in the period between 1931 and 1947 and used them to ground his  
25  
26 thinking; his 1933 article on the arbitrary in knowledge is a critical first step. Perelman ties  
27  
28 his 1933 "Arbitrary" to his 1931 "Esquisse d'une logistique des valeurs" [Outline of a  
29  
30 Logistics of Values] (See page 5; note one of his 1933 article). In his brief 1931 article,  
31  
32 Perelman establishes his scholarly agenda, describes his quest for a logic of values, and  
33  
34 establishes an agenda targeting the fact/value dichotomy, which was accepted as an article of  
35  
36 faith by many within the logical positivist movement. Two years later, in "Arbitrary,"  
37  
38 Perelman follows this agenda to develop the framework for a logic of values, and offers a  
39  
40 vocabulary that would later find its way into the architecture of the NRP. This article thus  
41  
42 establishes the important philosophical touchstones for Perelman and Olbechts-Tyteca's new  
43  
44 rhetoric project.  
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50 If both Perelman's 1931 and 1933 articles fall outside mainstream logical empiricism, it  
51  
52 is the latter, "Arbitrary," which sets forth the constellation of ideas that would eventually  
53  
54 populate the intellectual infrastructure of the NRP, which include: I). The influence of  
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2  
3 Perelman's mentor, Eugène Dupréel. II). The notion of dissociation. III). The interrogation and  
4  
5 collapse of the fact-value dichotomy. IV). The emergence of a non-formal expression of reason.  
6  
7  
8 V). The emergence of an uncodified rhetorical sensibility. V). The religion of reason. VI) The  
9  
10 status of the Jew in Europe. VII) The need for group tolerance. We will explore these ideas in  
11  
12 some detail below as they help the reader of our translation better contextualize the arguments  
13  
14 Perelman makes in "Arbitrary".

15  
16  
17  
18 *I. The Influence of Eugène Dupréel*

19  
20 In the 1930s, Perelman had two primary mentors at the Université libre de Bruxelles:  
21  
22 Marcel Barzin and Eugène Dupréel. Whereas Perelman acknowledges both mentors in "On the  
23  
24 Arbitrary in Knowledge"—Barzin (1891-1969), a prominent scholar, well versed in logic and  
25  
26 mathematics, served as Perelman's dissertation advisor—he celebrates Dupréel in this article,  
27  
28 devoting a long footnote to Dupréel's influence on him, and citing from Dupréel's "De la  
29  
30 nécessité," "Convention et Raison," *Traité de morale*, and *Le Renoncement*, as well as Dupréel's  
31  
32 unpublished course on metaphysics.<sup>3</sup> Dupréel (1879-1967), who taught at ULB from 1906-  
33  
34 1949, advocated value pluralism (see Barzin 1950). The *Biographical Dictionary of Twentieth-*  
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42  
43 <sup>3</sup> Perelman later repudiates the idea that he was the inheritor of Dupréel's agenda (and thus  
44  
45 places himself in the lineage of Barzin), asserting that his intent was to explore and note the  
46  
47 insufficiencies of formal logic and logical positivism. He criticized Dupréel for failing to secure  
48  
49 the means of reasoning about values or the necessary techniques that would allow us to justify  
50  
51 our choices or our decisions. Dupréel, Perelman acknowledged, had discussed persuasion,  
52  
53 common sense, a meeting of minds and the reasonable, but settled for making the assertion that  
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55 values were multiple (1979b, 70-71).  
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*Century Philosophers* (Brown et al, 1996, 206), summarizes Dupréel's thought by describing his four major principles:

1. Values and concepts are defined by and "related to their contraries."
2. Values are "multiple and in tension."
3. Philosophy offers reason to help mediate the tension between and among values.
4. Modern societies sponsor value pluralism in which there is continuous "moral tension, conflict, debate, and accommodation. ... Unsurprisingly, Dupréel had little sympathy with political systems which propose a universally valid single value system, notably Kantianism, pragmatism, or totalitarian systems.

Dupréel had, as Perelman writes in "Arbitrary," made an "indelible" imprint on him, and Perelman acknowledges that many of Dupréel's thoughts had been "incorporated into my [Perelman's] own thought."

According to Perelman, Dupréel had broken with the traditional philosophical point of view, criticizing nearly all of the presuppositions of Classical thought (1979, 62); he later points out that Dupréel's background in sociology, and his notion that sociology was essential for understanding how a philosopher elaborated his philosophy, distinguished him from other classical philosophers of his time (Perelman 1968, 228). More importantly for an understanding of "Arbitrary," Dupréel, for Perelman, had also rejected the notion of 'necessary thought' so central to Classical philosophy, and stood against the necessity of any specific social order

## Perelman's 1933 "On the Arbitrary in Knowledge"

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3 (Perelman 1979b, 65; 1947 pt. 2, 63-70).<sup>4</sup> In fact, "Arbitrary" builds upon Dupréel's 1928  
4 monograph *De la nécessité* [On Necessity], which Perelman cites.  
5  
6

7  
8 In "Arbitrary," Perelman engages directly with Dupréel's thinking on values and  
9 pluralism, adopting and then transforming them. Perelman considers the nature of value  
10 judgments and endorses the notion that reality is socially constructed. In a footnote, Perelman  
11 observes that the "idea of reality [as developed in the article] as a social construction comes from  
12 Dupréel's unpublished 'Course on Metaphysics.'" While some within the logical positivist  
13 movement sought to reduce knowledge to mathematical and deductive principles, seeking to  
14 place questions of ontology and epistemology outside the reach of the human audience, in this  
15 article Perelman located the human community at the center of judging objectivity: "an object  
16 only exists only through the agreement of several people and through the possibility of such an  
17 agreement," Perelman observes.  
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32 Perelman, who later states that he had developed his notion of the *accord des esprits*—  
33 the meeting of minds—from Dupréel (1968, 236), would later center on the process used to  
34 achieve this agreement (argumentative reason) targeted to an audience (rhetoric) of varying  
35 levels of quality and qualification. But Perelman's conclusion about the presupposition on which  
36 such an agreement produces objectivity belies the conversion narrative he later postulates: in this  
37 1933 article he argues that human agreement presupposes "reasoning by analogy," an idea he  
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49 <sup>4</sup> Perelman points out Dupréel nonetheless maintained the place of truth, based on an ideal of a  
50 universal meeting of minds, in his philosophy (Perelman 1979b, 66). Coenen-Huther, who  
51 sketches out the evolution of Dupréel's philosophy, sees Dupréel proposing probability, which in  
52 turned fueled his notion of pluralism, as a countermeasure to necessary thought.  
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3 and Olbrechts-Tyteca will explore at greater length and depth in the *Traité* (1969, §82-86), and  
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5 which, as we will see below, is a marker of Perelman's initial foray into non-formal reason.

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7  
8 "The importance of analogy is extraordinary" Perelman observes, for it allows humans to assume  
9  
10 that they can share the same reality: "Our understanding of the real is certainly the belief that  
11  
12 others, in putting themselves in our place, would perceive the same things as we do."  
13

## 14 15 II. *The Notion of Dissociation*

16  
17 This article also presents, for the first time, Perelman's use of dissociation. If  
18  
19 Perelman only gestures at the principle of dissociation here, he and Olbrechts-Tyteca will  
20  
21 thoroughly develop it in the third section of the *Traité*, describing it as mode of  
22  
23 argumentative reason, and rooting their development of the concept in the works of John  
24  
25 Locke, Rémy de Gourmont, and Kenneth Burke (1969, 411-12).<sup>5</sup> In the *Traité*, Perelman and  
26  
27 Olbrechts-Tyteca define dissociation as the deconstruction and reconstruction of associations  
28  
29 between and among concepts and notions (1969, §89-96).<sup>6</sup> In "Arbitrary," Perelman finds  
30  
31 himself faced with two seemingly mutually exclusive systems of judgments, those dealing with  
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41 <sup>5</sup> The dissociation of ideas is an important concept not only in the NRP, but also more generally  
42  
43 in contemporary rhetorical theory: Janinski, in his *Sourcebook on Rhetoric*, writes, "Dissociation  
44  
45 is a particular form of argument discussed by Perelman and Olbrechts-Tyteca (1969). Its  
46  
47 centrality to not only modern discussion but also in the way we think and reason in the world  
48  
49 justifies a separate and more extensive entry" (2001, 175).

50  
51 <sup>6</sup> Dissociation may also derive from Dupréel's notion of convention, which, as Perelman  
52  
53 describes, allows for a new order of values to be established within a social order (Perelman  
54  
55 1979b, 65-66).  
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3 reality / truth and the other dealing with values. Rather than accept the "value-reality/truth" pair  
4  
5 as an immutable antimony, he discusses a possible "dissociation" of the two into third type that  
6  
7 would "surpass" the original pair. We thus find in this 1933 article the clear precursors to the  
8  
9 *Traité's* "philosophical pairs" and to Perelman and Olbrechts-Tyteca's exposition of  
10  
11 dissociation, which Olbrechts-Tyteca declared the most novel contribution of their magnum  
12  
13 opus (Olbrechts-Tyteca 1979, 81-82).

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18 *III. The interrogation and collapse of the fact-value dichotomy.*

19  
20 Perelman uses dissociation in "Arbitrary" to interrogate the what is best known as the  
21  
22 fact/value dichotomy. Hillary Putnam, in the definitive book on the subject, writes that "the  
23  
24 fact/ value dichotomy ("is" versus "ought") and the analytic-synthetic dichotomy ("matters of  
25  
26 fact" versus "relations of ideas"), was foundational for classical empiricism as well as for its  
27  
28 twentieth-century daughter, logical positivism" (2002, 9). Putnam's book chronicles the history  
29  
30 of this dichotomy, which he suggests "collapsed in the face of criticisms by Quine and others  
31  
32 early in the second half of the twentieth century" (2002, 61). Quine offered his critique in 1951.  
33  
34 Perelman, influenced by Dupréel, produces a similar dissolution of this pair in the early 1930s.  
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38  
39 However, it is important to note that in this early article Perelman does not use the  
40  
41 language "fact/value" as readers of our translation will quickly remark.<sup>7</sup> Instead, he puts into  
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46 <sup>7</sup> Although Perelman continues to maintain a careful distinction between the real and truth (see,  
47  
48 for example, 1955, 28), he will later engage explicitly with the lexicon of facts versus values  
49  
50 as described by Putnam. Perelman and Olbrechts-Tyteca devote significant attention in the  
51  
52 *Traité* to the relationship between and among facts, values, and truth in Part II, sections 17,  
53  
54 18, and 19 of the *Traité*. This also appears in his correspondence. See, for example, his letter  
55  
56 of 10 January 1972 to Letizia Gianformaggio, where he sees the origin of the fact/values  
57  
58 dichotomy in an agreement made by the universal audience (Archives Perelman 89 PP 22.5  
59  
60 [see also his 2 April 1973 letter to Geoges Kalinowski, in which he stresses that 'truths' are the  
object of the agreement of the universal audience (Archives Perelman 89 PP 24.2)]), and his  
letter of 13 June 1973 to Leon Husson, where he defines facts and values based on the degree to  
which they are accepted without contest (Archives Perelman 89 PP 23.2).

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2  
3 play not two but three types of judgment: reality judgments, truth judgments, and value  
4  
5 judgments, beginning the article with an initial dichotomy contrasting value judgment with  
6  
7 reality judgment, and then quickly shifting to a dichotomy contrasting value judgment with truth  
8  
9 judgment. To understand Perelman's use of truth judgments and reality judgments, and his  
10  
11 oscillation from the latter to the former, we must recall the intellectual context in which he is  
12  
13 writing, and to which he responds in this article. These—judgments of truth and reality—are  
14  
15 two key, and related, notions, which our current idea of 'fact' collapses.  
16  
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20 First, we can look to Descartes, and his example of a goat and a chimera, for an  
21  
22 initial distinction between judgments of truth and reality. Descartes likens judgments of  
23  
24 truth to chimera, and judgments of reality to a goat, explaining that while we can affirm as  
25  
26 true the existence of the idea of a chimera without chimera being necessarily real, we can affirm  
27  
28 a goat both as a true idea and as a true real, material object (Descartes 1996 VII 36–7). Perelman  
29  
30 will later take issue with Descartes' insistence that all judgements are based on ideas (Descartes  
31  
32 1996 VII, 56), and undermine the Cartesian notion of absolute truth. In his "L'idéal et la règle  
33  
34 de justice" (1961a, 307), for example, he evokes the traditional opposition of persuasion to  
35  
36 truth, pointing out that the only truth that exists is one that has been previously accepted. He  
37  
38 also proposes rhetoric—as argumentation, and particularly the epideictic—as the best means  
39  
40 of implementing a logic of value judgments (1961a, 330).  
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46 Second, recall that in the early twentieth century, such scholars as George Edward  
47  
48 Moore (1899; 1902) and Bertrand Russell (1904) argued for a correspondence between truth  
49  
50 and reality. The correspondence theory of truth thus places truth in a relation to reality,  
51  
52 suggesting, as Glanzberg (2013) writes, that "a belief is true if there *exists* an appropriate entity –  
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3 a fact – to which it corresponds.”<sup>8</sup> However, Perelman is well-positioned to interrogate this  
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5 relationship between reality and truth: Frege, on whom Perelman will write his dissertation but  
6  
7 three years after writing this article, is an early critic of correspondence theory (Frege 1918-19),  
8  
9 and Tarski, with whom Perelman will study in Poland, will publish in 1933 his “Concept of  
10  
11 Truth in Formalized Languages” [*Pojęcie prawdy w językach nauk dedukcyjnych*] in which he  
12  
13 unpacks how truth hinges on semantics, and which leads him to question the link made by  
14  
15 contemporary philosophers between reality and statements of truth.<sup>9</sup> In “Arbitrary”, Perelman  
16  
17 highlights the difficulties of defining value judgements by means of reality judgments,  
18  
19 turning instead to notions of truth, which includes the claim that “Every truth judgment must  
20  
21 be proven or demonstrated.”  
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27 The distinction Perelman makes between reality and truth judgments also once again  
28  
29 manifests Dupréel's influence, here in sociological terms. First, consider how Dupréel opposes  
30  
31 reality judgments rather than truth judgments to value judgments, describing value judgments as  
32  
33 those that promote a certain value, and reality judgments as those that transfer value (1939, 112-  
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42 <sup>8</sup> The correspondence theory follows on the heels of the identity theory of truth, in which a truth  
43  
44 is *identical* to a fact (see Glanzberg 2013). As Moore writes, there is no “difference between  
45  
46 truth and the reality to which it is supposed to correspond” (Moore, 1902, p. 21). Both Moore  
47  
48 and Russell, early proponents of identity theory, soften their stance and propose correspondence  
49  
50 rather than identic equivalence between truth and reality.  
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53  
54 <sup>9</sup> Tarski argues that the notion that the truth of a proposition consists in its agreement with and  
55  
56 correspondence to reality is unsatisfactory (Tarski 1944, 342-43).  
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3 113): this reveals the influence of the work of French sociologist Emile Durkheim on Dupréel.<sup>10</sup>  
4  
5 Dupréel most certainly read Durkheim's 1911 *Jugements de valeur et jugements de réalité*, in  
6  
7 which Durkheim defines reality judgments as tied to existing objects [1911, 437]), as well as his  
8  
9 1925 "Sociologie et philosophie", in which he contrasts value judgments with reality  
10  
11 judgments.<sup>11</sup> From Durkheim, for whom values are social in nature and cannot be reduced to, or  
12  
13 separated from, reality judgments (see Karsenti 2012, 34<sup>12</sup>), Dupréel asserts that his notion of  
14  
15 value judgements as having a role in establishing a new social order. According to Domincy,  
16  
17 Dupréel describes a reality judgment as having an assertive illocutionary force, describing an  
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26 <sup>10</sup> Dupréel's sociology of values is in part a response to Durkheim's sociology (see Coenen-  
27  
28 Huther). Perelman's knowledge of Durkheim is attested in his carnets of notes. In his 1946 notes  
29  
30 on Pierre Bovet's "Les conditions de l'obligation de conscience" [*Année psychologique* (1912,  
31  
32 pp. 55-120)], Perelman specifically points to Durkheim (Carnet 27; Archives Perelman 89 PP  
33  
34 43); he also takes notes on Durkheim's 1938 *L'éducation morale* (Carnet 28; Archives Perelman  
35  
36 89 PP 43).

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40 <sup>11</sup> A reality judgement, for Durkheim, is sensory in nature, based on what the subject feels;  
41  
42 whereas a value judgment is intrinsic to the object being judged, and thus objective in nature  
43  
44 (Durkheim 2004, 118). Judgments of reality are thus limited to describing what things are, unlike  
45  
46 value judgments which determine the worth of things in relation to a particular sensibility  
47  
48 (Durkheim 2004: 117).

49  
50  
51 <sup>12</sup> As Karsenti (2012, 34) writes, "Durkheim's moral sociology is a sociology of moral facts,  
52  
53 facts intrinsically linked to other types of facts, judgments and acts; facts in which social subjects  
54  
55 are actively implicated."  
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3 accepted convention; whereas a value judgment has a declarative illocutionary force aiming at  
4  
5 establishing a new social fact (2007, 14).<sup>13</sup>  
6  
7

8 In "Arbitrary," Perelman thus begins by following his mentor Dupréel and a sociological  
9  
10 impulse in order to define value judgements, but quickly jettisons reality judgements for truth  
11  
12 judgments as a means of defining them. Perelman declares, "We could consider judgments of  
13  
14 reality as those that bear on reality, but what is reality? Every metaphysics will respond  
15  
16 differently .... Yet a broad agreement for us is essential." He then turns to truth judgments as a  
17  
18 better means of defining value judgments—truth judgments are, he says, "easy to define", but  
19  
20 carefully points out, however, that "[t]ruth judgments can ... be just as false as they are true, but  
21  
22 it is necessary that they be demonstrated as such." In fact, we might say that Perelman ties truth  
23  
24 (and truth judgments) to verification, which is core to this article, and which will lead to  
25  
26 Perelman's concern with the justification of value judgments (see Perelman 1961c).<sup>14</sup>  
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37 <sup>13</sup> He will later argue that we can recognize a truth judgment because of its self-sufficiency, it  
38  
39 affirms judgments and confirms actions without further need of justification, and has an absolute  
40  
41 character (Dupréel 1947-48, 362). Recall too that for Dupréel, truth is tied to necessity, and that  
42  
43 he insists upon a hierarchy of values (see Reymond 1941). On the other hand, Goblot, who may  
44  
45 be credited with having introduced sociology into the field of logic, explains that value  
46  
47 judgments are mystically pre-logical, based on the pair appearance-reality (Fruteau de Laclos  
48  
49 2016, 87-89).  
50  
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53  
54 <sup>14</sup> For example, as Perelman writes, "By considering the text of Aristotle or of the Bible as  
55  
56 relating truth, we grant them the value of being means of verification."  
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3 That Perelman turns from reality to truth judgements to craft a definition of, and an  
4  
5 opposition to, value judgments suggests, then, that he is indeed "elaborating" Dupréel's thought.  
6  
7 Perelman has modified rather than discarded Dupréel's thought in his work with truth judgments,  
8  
9 pointing out that the truth or falsity of a truth judgment is tied to a Durpéelian critique of  
10  
11 necessity: "This is the reason why we call false as well as true propositions truth judgments: we  
12  
13 grant them the same degree of necessity." However, unlike Dupréel, Perelman here addresses  
14  
15 philosophers rather than sociologists (see Tindale 2010); his use of examples from the hard  
16  
17 sciences (chemistry) and his insistence on verification certainly move the subject of this article  
18  
19 away from sociology into the analytical philosophy of the early 1930s.  
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24  
25 If Perelman sketches out an agenda for the dismantling what we now understand as the  
26  
27 dichotomy of fact/value in his 1931 "Logic of Values," it is in "Arbitrary" that he attempts to  
28  
29 carry it out. Having found Edmond Goblot's 1927 *Logique des jugements de valeur* deficient—  
30  
31 he will later write that Goblot's logic was technical rather than philosophical, since it does not  
32  
33 provide any guidance for how to reason about values (see Perelman 1958, 22; 1961, 299),  
34  
35 Perelman grounds his distinction in both confused notions—which derive from Dupréel's 1911  
36  
37 work (see Dupréel 1911, 520)—and dissociation. In this article, for example, Perelman opens  
38  
39 by identifying a judgment that is neither fact or value, and asserts that some "strange 'third'  
40  
41 [*tiers*] category of judgment would by its presence alone have dissociated the value-reality pair".  
42  
43 Further, he dissociates truth from a judgment of truth. As he writes, "we can consider as a value  
44  
45 judgment any judgment that asserts that a given proposition is a judgment of truth or a value  
46  
47 judgment. [...] As a result, in our conception truth judgments can indeed become value  
48  
49 judgments .... conversely, any value judgment can become a judgment of truth the moment that  
50  
51 we adopt a means of verification with which we can demonstrate its truth or falsity." And finally,  
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3 some twenty-five years later in the *Traité*, Perelman and Olbrechts-Tyteca will point out the  
4  
5 role played by time in argument, that arguments evolve and change because of argumentation,  
6  
7 and "that facts may mutate into values and values into facts" (1969, 76, 513) without making  
8  
9 reference to Perelman's 1930s articles, the ideas of which are folded into the *Traité*.  
10  
11

#### 12 IV. *The Emergence of a Non-Formal Expression of Reason*

13  
14 Perelman is among the first in the 20<sup>th</sup> century to identify and catalog the non-formal  
15  
16 characteristics of reason. A fair reading of Perelman's work and his collaboration with  
17  
18 Olbrechts-Tyteca suggests that he saw non-formal reasoning as a complement to formal  
19  
20 reasoning. Indeed, the *Traité* draws from the laws of formal reasoning to develop the principles  
21  
22 of non-formal reasoning: Perelman and Olbrechts-Tyteca modify Aristotle's formal laws of  
23  
24 identity, non-contradiction, and the excluded middle to account for the vagaries of values and the  
25  
26 need to justify actions in the face of uncertainty with a non-formal logic. We see in this article,  
27  
28 "Arbitrary," Perelman's initial efforts to challenge the restrictions placed on reason by formal  
29  
30 logic. We see in this article,  
31  
32 "Arbitrary," Perelman's initial efforts to challenge the restrictions placed on reason by formal  
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34 logic.  
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36  
37 From the beginning of his intellectual explorations, Perelman sought to expand the range  
38  
39 of reason. His criticism of classical rationalism was not intended as a rejection of the doctrine,  
40  
41 rather, it was intended to challenge its monopoly on reason. Perelman would write in 1979, "the  
42  
43 claim has even been made that all non-formal reasoning, to the extent that it cannot be  
44  
45 formalized, no longer belongs to logic. This conception of reason leads to a genuine  
46  
47 impoverishment of logic as well as to a narrow conception of reason" (1979a, vii). "Arbitrary"  
48  
49 is Perelman's initial effort to argue for a more universal, cosmopolitan definition of reason.  
50  
51

52  
53 Similarly, Descartes, who in the *Traité* is the foil and present throughout beginning with  
54  
55 its very first sentence, appears for the first time in Perelman's body of work in this 1933 article.  
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3 The concept of reason and reasoning advanced by Descartes, Perelman and Olbrechts-Tyteca  
4 will later observe, considered "rational only those demonstrations which, starting from clear  
5 and distinct ideas, extended, by means of apodictic proofs, the self-evidence of the axioms  
6 and distinct ideas, extended, by means of apodictic proofs, the self-evidence of the axioms  
7 to the derived theorems." (1969, 1). Descartes, Perelman and Olbrechts-Tyteca maintained,  
8 embraced geometry and math as the methods of true reason (1969, 10; 506). In addition, they  
9 asserted that Descartes denied the possibility of value pluralism, contending that if two  
10 people disagree, one must be right and the other wrong, betraying a univocal rather than a  
11 polyvocal view of truth and values. For Descartes, they wrote, truth is tied to certainty, and  
12 is best discovered by the individual through internal deliberation (1969, 359). In short, the  
13 portrait of Descartes that Perelman and Olbrechts-Tyteca provide in the 1958 *Traité* is that  
14 of a solipsist, formal rationalist, and an opponent of practical deliberation and rhetoric.  
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29 But in this 1933 article, as we have seen, Perelman takes issue with Descartes. He  
30 highlights, for example, that with Descartes Classical rationalism moved from empiricism to  
31 critique, "a doctrine that highlights the place of the subject in the development of knowledge."  
32 The corollaries of this thought—that the subject plays "an active role in knowledge", which  
33 "leads to a modification of the relation called truth"—present Perelman's initial formulations of  
34 non-formal reason.  
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43 This early critique of Descartes serves as a springboard to reflections on the arbitrary,  
44 and Perelman acknowledges here the role of the arbitrary in determining truths and  
45 knowledge. The method of verification used to assess facts or values can, at times, result  
46 from an arbitrary choice. Quoting Dupréel, Perelman writes, "All truth presupposes the  
47 arbitrary. In order to debate or to seek agreement on truth judgments, something arbitrary must  
48 have been accepted beforehand. There is nothing more accurate than the well-known expression  
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3 'In order to debate, we must be in agreement about something.'" Yet, Perelman leaves open the  
4 possibility that arbitrary rules might be justified. In this article, in an inchoate form, are the  
5 beginnings of the "regressive philosophy" he develops in opposition to the First Philosophy of  
6 Aristotle and the ancient Greeks, which is the focus of his 1949 article "Philosophies premières  
7 et philosophie régressive" (Frank and Bolduc 2003). A regressive philosophy assumes some  
8 arbitrary points in any philosophy, but continues to test them through a rational dialogue that  
9 might shed the light of justification upon them.  
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20 There are two further descriptions of non-formal reasoning in this 1933 article that  
21 become significant in the NRP: induction and analogy. "... [I]nduction is the basis of the  
22 syllogism's richness," Perelman writes, "fundamentally, it constitutes the most productive part of  
23 any syllogism." Here, Perelman identifies the crucial role played by experience in syllogistic  
24 reasoning. It is through induction that a minor premise creates a major premise in a syllogism.  
25 Perelman retained and imported into the NRP the critical role played by experience in logical  
26 empiricism, but held it could inform and help determine values.  
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37 In addition to induction, Perelman underscored the value of the analogy and wrote  
38 favorably about its use in history and jurisprudence. Perelman observes, "The importance of  
39 analogy is extraordinary. We do not use it only in history and law; we use it constantly in social  
40 life." The fact that "social life" was the essential component of analogy led some logical  
41 positivists to declare the analogy as "unacceptably metaphysical" (Quinton 1991, 39). Perelman  
42 acknowledges some of the weaknesses of the analogy, but still holds that it can offer insight into  
43 judgments. Forty-six years later, Perelman would again assert, as he had intimated in 1933, that  
44 "[t]he argument from analogy is extremely important in non-formal reasoning" (1979a, 22).  
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Harold Zyskind, an astute critic of the NRP, detected the importance of analogy and

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3 juxtaposition in the NRP. "The form of inference," Zyskind observes, "of the new rhetoric gives  
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5 it its specific character.... The form of inference is neither deductive nor inductive, but  
6  
7 comparative..." (1979, xvi). As we see in this 1933 article, and which is expressed in stronger  
8  
9 terms in Perelman's later work, both alone and in collaboration with Olbrechts-Tyteca, the  
10  
11 specific inferential character of the NRP is comparative, often expressed in analogous reasoning,  
12  
13 which some in the logical positivist movement denied was legitimate.  
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16  
17 Perelman also presents a line of reasoning that anticipates and prepares for his and  
18  
19 Olbrechts-Tyteca's later reframing the law of non-contradiction with the notions of  
20  
21 incompatibility and dissociation. As Perelman writes in "On the Arbitrary in Knowledge,"  
22  
23 we must anticipate the possibility of reaching contradictory conclusions demonstrated by  
24  
25 different means of verification, all of which we accept. Unwilling to reject the principle of  
26  
27 contradiction, we will be obliged either to limit the scope of certain of our means of  
28  
29 verification in such a way so that the contradiction disappears, or to hierarchize our means of  
30  
31 verification in such a way so that the contradiction disappears, or to hierarchize our means of  
32  
33 verification, so that we can discern which of the means is preferable in the case of a conflict.  
34  
35 This explanation anticipates and mirrors Perelman and Olbrechts-Tyteca's notion of  
36  
37 incompatibility presented in the *Traité*, which allows those involved in argument to avoid  
38  
39 the perils of contradiction (either A or B) by engaging in procedures designed to retain both  
40  
41 A and B (1969, 195-205).  
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#### 45 46 V. *The Emergence of an Uncodified Rhetorical Sensibility* 47

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49 At the beginning of *The New Rhetoric and the Humanities*, Perelman reports studying the  
50  
51 "Elements of Rhetoric" for a high school examination in 1926. At that time, rhetoric remained  
52  
53 under the spell of Ramus: it was, Perelman noted, "definitely associated with the 'flowers of  
54  
55 rhetoric' – the name used for the figures of style with their learned and incomprehensible names"  
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(1979a, 1). Perelman would in 1947-48 come to understand Ciceronian rhetoric and how it joins reason to its expression, enacting a form of reason through argumentation. In 1933, he did not have this understanding, but he did display a sensitivity to notions that he would, after his rhetoric turn, classify as rhetorical. For example, in "Arbitrary," Perelman attends to a central principle of rhetoric: "What characterizes truth is that in order to communicate it, we must take someone else's point of view." In a telling paragraph, Perelman describes a rhetorically-inflected sense of social truth:

The social goal of the truth explains in practical terms why there are far fewer means of verification than moral rules. Indeed, when it is a matter of convincing someone else of a proposition's truth, we must put ourselves in his place, and take his point of view; we must demonstrate what we affirm with his methods of verification. A means of verification that my interlocutor does not accept is in no way helpful to me to convince him. The value of a means of verification derives from the fact that it is held in common, and the more that a means of verification is commonly held, the more valuable it is. We will be thus less tempted to invent new means of verification than new forms of a moral ideal, because if the latter are of more value by their quality, the former are of more value by the quantity of their adherents.

We note here how Perelman affirms social truths, that those who seek audiences to accept propositions of truth must adapt to and use the methods of verifications of these audiences, and that the "more that a means of verification is commonly held, the more valuable it is" if persuasion is to result.

This paragraph reveals, in an undeveloped form, a sensitivity to argumentative truths, persuasion, audiences, and what would become Perelman and Olbrechts-Tyteca's take on

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2  
3 epideictic rhetoric. In the *Traité*, Perelman and Olbrechts-Tyteca would identify the  
4  
5 function played by the epideictic in establishing the values necessary for argumentation  
6  
7 (1969, 50). These values, however, are not static but in process as Perelman, in this article,  
8  
9 vests the subject of knowledge and persuasion with significant agency. He extends this  
10  
11 early line of thinking in the *Traité* when Perelman and Olbrechts-Tyteca observe that the  
12  
13 subject of argumentation is active, not passive. Rhetoric, they note, is a temporal process  
14  
15 that can allow for a progressive and cumulative change in the subject's perceptions and  
16  
17 values (1969, 450). Finally, "Arbitrary" exposes the spiritual source of Perelman's  
18  
19 scholarship, Spinoza's vision of reason.  
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#### 24 VI. *The Religion of Reason*

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27 As Perelman writes in "Arbitrary:" "All men are endowed with reason; it is by this that  
28  
29 they are men" and "To assume that there are universal rules that every man must accept is to  
30  
31 assume that these rules are a part of human nature." Perelman here questions and qualifies what  
32  
33 is meant by the declaration that humans are endowed with reason, suggesting that it is both a  
34  
35 universal and an innate trait and that it is socially constructed. Influenced by Spinoza, Perelman  
36  
37 paired the innate ability of humans to reason with experience and practical deliberations as  
38  
39 checks. As Rebecca Goldstein observes, "Spinoza placed all his faith in the powers of reason, his  
40  
41 own and ours. He enjoins us to join him in the religion of reason..." (2006, 12). Perelman, a  
42  
43 freethinker, humanist, and a non-religious Jew, was in matters of reason and religion a Spinozist.  
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48  
49 Like Spinoza, Perelman understood that reason in the abstract, ruled by the rules of  
50  
51 mathematics and geometry, could not enter human time and space without practical deliberation  
52  
53 and the testing of ideas for errors (see Kisner). Following Spinoza, Perelman sought to test,  
54  
55 through practical deliberation, the associations humans used as they reasoned to conclusions.  
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3 When humans make good use of reason, Spinoza argued, they achieve a state of true freedom.  
4  
5 The relationship between reason and freedom, which can be traced to Spinoza's influence, is a  
6  
7 theme Perelman develops in this article, and which demonstrates how he was, in the 1930s,  
8  
9 moving away from logical empiricism, which he saw as both limiting the realm of reason to facts  
10  
11 and bound to the artificial logics and languages of math and geometry.  
12  
13

#### 14 VII. "Tolerance between Groups" – The Status of the Jew in Europe

15  
16 Perelman, a Jew in pre-war Belgium, fully understood the threat he and other Belgian Jews  
17  
18 faced with the rising tides of anti-Semitism. In his 1931 article, "Esquisse d'une logistique des  
19  
20 valeurs," Perelman explicitly mentions the Dreyfus affair as an indication of the need for  
21  
22 multiple values, although he rarely brings Judaism or anti-Semitism to the surface of his  
23  
24 scholarship of the 1930s. The Dreyfus affair was the representative anecdote of anti-Semitism  
25  
26 during this time period, but it appears here only obliquely, via a proverbial saying which evokes  
27  
28 the late nineteenth-century image depicted in the paintings *La Vérité sortant d'un puits* [Truth  
29  
30 coming out of the well] by Édouard Debat-Ponsan (1898); this painting, held at the Musée  
31  
32 d'Orsay in Paris, has as an alternative title "La Vérité (affaire Dreyfus)." <sup>15</sup> This painting  
33  
34 suggests by means of allegory that the truth of anti-Semitism's role in the conviction of Dreyfus  
35  
36 would be exposed.  
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43 As one reads Perelman's scholarship in the 1930s and understands that he was active in  
44  
45 Zionist affairs, was an emerging leader of Belgian Jews, and that his wife was a prominent figure  
46  
47 in the Zionist leadership of the era, his motivation for his search for a logic of values, one that  
48  
49 would allow for value pluralism, comes into focus. If he could, as a scholar, help to create a  
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56 <sup>15</sup> Jean-Léon Gérôme painted a similar work of art in 1896.  
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3 system of reason that gave birth to a logic that allowed for multiple and co-existing values, then  
4  
5 the status of the Jew in Europe would be better secured, which he would set forth with the  
6  
7 doctrine of *double fidelité*.  
8  
9

10 This doctrine, which Schreiber argues is central to an understanding of Perelman, upends  
11 and inverts the anti-Semitic slur that European Jews were guilty of dual loyalty, the charge  
12 leveled at Dreyfus. Jews were, this doctrine held, loyal to the tribe of Israel and not to the  
13 European nation states in which they resided. *Double fidelité*, Perelman's answer, argued that  
14 Jews could be and were loyal to both the European state in which they lived and were citizens of  
15 and to the values of the Jewish civilization. One can see in his writings of the 1930s and in  
16 "Arbitrary" in particular his efforts to move beyond logical positivism to a vision of reason that  
17 could inculcate and sponsor value pluralism, and thereby legitimizing the status of the European  
18 Jew.  
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32 Perelman concludes the article by declaring, "The tolerance between groups, all of which are  
33 established by means of value judgments, is the most immediate practical consequence of our  
34 theory." This aspiration, the "tolerance between groups," is the polar star of the NRP and of the  
35 *Traité*. The interrogation of reason and the system of rhetorical argumentation Perelman sets  
36 forth, alone and in collaboration with Olbrechts-Tyteca, are intended to create a spirit of  
37 tolerance based on ontological and epistemological pluralism, hosted in the realm of rhetoric.  
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#### 50 Conclusion

51 "Arbitrary" has been the source of criticism, some of it recent. Franz van Eemeren and his  
52 colleagues who are responsible for the pragma-dialectical approach to argumentation, have  
53 targeted Perelman and the NRP for criticism, beginning with this article (van Eemeren 2014,  
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3 258).<sup>16</sup> In their review of the NRP, they note that Perelman's "early thoughts [on logic and  
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reason] do not seem to have been received very enthusiastically" and cite Harvard's H.T. Costello's 1934 two-sentence review of Perelman's article in the *Journal of Philosophy*. Here, Costello asserts Perelman had not developed his postulates, "nor has he succeeded in expounding them very well" (1934): 613.

Yet, for a Harvard professor to offer a review in the *Journal of Philosophy* (one of the premier philosophy journals in the field), even one that was negative, of a 21-year-old Belgian student's overview on reason and logic suggests that the article was noteworthy, and that it had earned attention in philosophical circles. Other, present-day scholars, more appreciative of Perelman's work, place this article in its context of Perelman's 52-year body of work.

Perelman's "Arbitrary" sets forth the topical agenda for the NRP and offers the reader insight into the evolution of his thought. The article is also prescient, anticipating Quine and the collapse of the fact/value dichotomy, and beyond Quine, the intellectual roots of the NRP.

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<sup>16</sup> Although "no argumentation scholar who wants to make a significant contribution to the field can afford to ignore ... the insights offered by Pragma-Dialectics" (van Eemeren 2006, vii), practitioners of this school have consistently misread Perelman and Olbrechts-Tyteca, claiming in their early work that Perelman had a bias against logic (see Crosswhite, Frank 1993; 2004).

**"On the Arbitrary in Knowledge" 1933**

Since the end of the nineteenth century and the success of pragmatism, that philosophy of action, the notion of **value** has become one of the most common in philosophical vocabulary. Many new metaphysics consider the pair 'value-reality' as fundamental.<sup>17</sup>

This distinction was soon introduced into logic, where the notion of value judgment was opposed to reality judgment. But we did not ask ourselves whether all judgments entered into one of these two categories. Confident that we were making a metaphysician's distinction, we implicitly assumed that any judgment affirmed either a value or a reality. If not, the entire construction would have undergone an irreversible shock. The existence of a judgment that was neither a value judgment nor a judgment of reality would have made clear the imprecise nature, if not the inadequacy, of a theory unable to explain it. This strange 'third'<sup>18</sup> category of judgment would by its presence alone have dissociated the value-reality pair; it would have demanded as a principle of explanation more fundamental notions that would have allowed us to explain all the terms at hand; the opposition 'value-reality' would have been surpassed and reduced to something more general. In this way, even the hypothesis alone of a third judgment that is

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<sup>17</sup> TN: Although Perelman will later identify Goblot as his primary source for the distinction of value and reality judgments, Perelman alludes here to the work done by Dupréel, following Durkheim, on judgments of reality.

<sup>18</sup> TN: Perelman uses here 'tiers', a term that is common in fiscal and legal language, and which is later used by Levinas, with whom Perelman was in relation. For Levinas, 'le tiers' ensures that the ethical responsibility imposed by the other on the subject will not become unjust.

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2  
3 neither a judgment of value nor of reality destroys all the value of this distinction, which draws  
4  
5 its very richness from its claim to universality.  
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7

8 Yet logically there are only two correct ways to show that a certain genus contains only  
9  
10 two types: by defining the two types and showing that the types, thus defined, depletes the genus  
11  
12 completely, or by defining positively only a single type, considering the second as the genus  
13  
14 minus the first type.<sup>19</sup> These are precisely the two methods possible for defining value and reality  
15  
16 judgments within the category of judgments.  
17  
18

19  
20 The first method is obviously the most elegant, but it contains a difficulty: the obligation  
21  
22 to show that there is no other judgment than those judgments which we have just defined. By  
23  
24 doing away with this obligation, we commit a sophism known as the sophism of double  
25  
26 definition.  
27  
28

29  
30 If we believe that within a genus A, there are only the two types, M and N, we arbitrarily  
31  
32 posit that the positive definition of N is identified with the negative definition 'type of A that is  
33  
34 not M'. In the cases with which we are concerned, we assume that what we define as value  
35  
36 judgment corresponds to any judgment that is not a judgment of reality.  
37  
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39 We believe that we can avoid this troubling, but important, conclusion, in setting the two  
40  
41 types alongside each other without defining either one; the reader will manage quite well, we  
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47 <sup>19</sup> *TN: Perelman here uses the language of science, genus [genre] and species [espèce], here*  
48  
49 *translated as 'type'. In 1968, Perelman will co-author (with Paul Foriers) the entry on Natural*  
50  
51 *Law in the Dictionary of the History of Ideas, stressing the necessity to define it in relation to its*  
52  
53 *environment. Francis J. Mootz III asserts an important association of Perelman's theory of*  
54  
55 *argumentation with natural law.*  
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3 think. But if the author benefits somewhat from this, the lack of rigor will have the same  
4  
5 consequences; since the reader, in reading and in trying to understand—and thus in defining the  
6  
7 fundamental terms—will make the same mistake of logic of defining the same term twice. He  
8  
9 will comprehend this with greater difficulty than if he had been gently led by an informed  
10  
11 philosopher.  
12  
13

14  
15 If the reader is cautious and remains on guard, however, he will make use of the second  
16  
17 method in order to define two opposing terms; this method, because of its simplicity, does not  
18  
19 assume any implicit postulates. If the reader is limited to 'value or reality judgments', he will  
20  
21 define one of these terms positively, reserving for the second a negative definition.  
22  
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24  
25 Which term must be defined in positive terms? Because this is not important logically,  
26  
27 we will let ourselves be guided by reasons that are practical, and we will choose the term for  
28  
29 which it will be the easiest to find a precise definition, and on which we can reach the broadest  
30  
31 agreement.  
32  
33

34  
35 Goblot defined judgments of reality as those that are not value judgments.<sup>20</sup> This  
36  
37 approach was correct, and by using the second method of definition, he did not commit any  
38  
39 errors of logic; however, because he did not base his argument on a positive definition, he  
40  
41 unfortunately removed all value from the negative definition. In fact, Goblot speaks of value  
42  
43 judgments without defining them.  
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57 <sup>20</sup> *Logique des jugements de valeur*, p. 3.  
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Should value judgments be considered as judgments which bear on values? This only pushes aside the difficulty.<sup>21</sup> It is precisely because it is used so often that this notion of value has been defined in every which way, and choosing between these multiple definitions presupposes a philosophical attitude that is far too defined for someone who wants to construct a general logic of value judgments.

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If we want to define judgments of reality in positive terms, we are confronted with the same type of difficulty. We could consider judgments of reality as those that bear on reality, but what is reality? Every metaphysics will respond differently to this question. To adopt the definition of any one of them is to remove from the definition [of reality] that we want to adopt its necessary<sup>22</sup> generality. Yet, for us a broad agreement is essential.

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We have tried to resolve this difficulty by opposing value judgments not to reality judgments but to truth judgments<sup>23</sup>, which will be easy for us to define. This slight modification

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<sup>21</sup> *TN: Perelman will use much the same language in his 1939 dissertation on Frege concerning the contradiction at the heart of idealism, in the idea of the 'moi' subject as the bearer of representations. Perelman points out that for Frege, if the subject is not a representation, idealism must jettison its founding tenet; however, if the subject is a representation, it must be the representation of a being [être], and still the problem remains (226).*

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<sup>22</sup> *TN: Perelman's evocation of the nécessaire here recalls Dupréel's work on necessity.*

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<sup>23</sup> *TN: Recall that Perelman's shift from reality to truth judgments in order to oppose them to value judgments reflects first the intellectual context—Dupréelian, and this sociological, as is implicit in the term 'reality judgment' [jugements de réalité]—in which this work originates,*

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3 will lead us to insist on the special nature of value judgments—that they are arbitrary—as  
4  
5 opposed to truth judgments, which are necessary.<sup>24</sup>  
6  
7

8 We define truth judgments--and this is the fundamental element of the problem--as **those**  
9  
10 **whose truth or falsity we can demonstrate**. Truth judgments can therefore be just as false as  
11  
12 they are true, but it is necessary that they be demonstrated as such. A simple affirmation is not  
13  
14 enough: we affirm value judgments which we nevertheless define as judgments that are not truth  
15  
16 judgments. Every truth judgment must be proven or demonstrated. Yet, to demonstrate a  
17  
18 judgment, we must make use of certain rules called means of verification. We must be engaged  
19  
20 in the investigation and in the analysis of these rules.  
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27 The means of verification the most generally used is deduction.<sup>25</sup>  
28

29 Verification of a deduction is secured through extension and comprehension.  
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31

32 In respect to extension, to deduce is to assert about one member of a class what has been  
33  
34 asserted about all the members of the class. All of modern logic assumes the validity of  
35  
36 deduction by making use of variables and of the principle of the substitution of variables. Logical  
37  
38 construction makes use of this principle in order to assert given propositions that have been  
39  
40 postulated based on general propositions.  
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49 *while signaling how by invoking 'truth judgments' [jugements de vérité], Perelman is addressing*  
50 *philosophers, and carefully using the language of truth associated with philosophy.*  
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54 <sup>24</sup> TN: Perelman is referring here to the demonstrability of truth judgments.  
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56  
57 <sup>25</sup> TN: See Tarski 1933.  
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4 In respect to comprehension, to deduce is to assert, from a subject, a predicate P, while  
5 we have asserted from it all its predicates, including P. We can bring this mode of deduction  
6  
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8 back to the preceding mode by placing ourselves in the point of view of the predicate: by  
9  
10 deducing, we assert of one predicate what we have asserted of all the predicates, that they are  
11  
12 inherent to a given subject.  
13

14  
15 Deduction is an application of the principle 'what is true for all is true for each'; this  
16  
17 principle is very generally accepted, but it is not productive: it can never teach us what we do not  
18  
19 know.  
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22  
23 The assertion that sensory experience is a means of verification has another significance  
24  
25 entirely: it is indeed experience that allows us to penetrate the real; deduction cannot suffice.  
26  
27 However, experience alone cannot allow us to prove a judgment. Indeed, we understand by  
28  
29 means of judgment the statement<sup>26</sup> of a relationship between terms. In this way, every judgment  
30  
31 presupposes a symbolism, a language whose fundamental operation consists in establishing a  
32  
33 correspondence between the sign and the designated.<sup>27</sup> We establish this correspondence by  
34  
35 means of deduction.  
36  
37

38  
39 Let's take the simplest proposition possible: 'Paul is writing'.  
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41  
42 In order to prove this proposition, sensory experience is totally inadequate, despite all  
43  
44 appearances. Indeed, it is enough to note that someone who doesn't know the language in which  
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49 <sup>26</sup> TN: Perelman here uses the term *énoncé*, which recalls the linguistic basis of some of the early  
50  
51 work on judgments, especially that of Tarski (following, of course, Aristotle).  
52

53  
54 <sup>27</sup> TN: Perelman uses the term *désigné*, which may indicate a certain amount of agency and  
55  
56 choice, rather than Saussure's sign, *signifiant* [signifier] and *signifié* [signified].  
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3 it is written cannot prove it; it will also be extremely difficult to teach a primitive man the  
4  
5 distinction between 'Paul is writing' and 'Paul is drawing.' To prove this proposition, the sense  
6  
7 of sight is not enough. The verification presupposes the definition of the two terms 'Paul' and 'to  
8  
9 write.' It seems to me that these definitions are not essential, and we do not know of a method of  
10  
11 verification with which we may prove them. We will say that these definitions—like all  
12  
13 definitions, for that matter—are arbitrary: since they are not truth judgments, they are value  
14  
15 judgments. The verification of the proposition 'Paul is writing' presupposes first two definitions,  
16  
17 two value judgments, that will constitute that major premise of a syllogism; the minor premise of  
18  
19 this syllogism will be proven by sensory experience (I see that the person designated by the name  
20  
21 Paul is drawing letters), and whose conclusion 'Paul is writing' will be obtained from these  
22  
23 premises. We could obviously go even further and say that it is not by simple experience alone  
24  
25 that we observe that 'the person designated by the name of Paul is drawing letters.' And we  
26  
27 would be right. But we have wanted to point out only one direction in which we can go without  
28  
29 the hope of arriving at a conclusion.  
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36 For that matter, it is pointless to want to arrive at a conclusion.<sup>28</sup> To do so is to admit that  
37  
38 we can go no further in our reasoning, that we will make no progress. The truth is not to be found  
39  
40 in the depths of a well; it descends there with the light, and if the depths are not illuminated, they  
41  
42 remain somber and unfathomable.<sup>29</sup> The truth is perhaps in that which we already know; it is  
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51  
52 <sup>28</sup> TN: *That is, to go beyond the limits of a deduction.*

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54 <sup>29</sup> TN: *If the notion that truth is hidden and can only be found at the bottom of a dark well*  
55  
56 *derives from Democritus, this proverbial phrase also refers obliquely to a well-known painting*  
57  
58  
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3 certainly not in what we do not know, as long as we don't know. Ignorance implies only the  
4  
5 arbitrary, since a truth judgment is that which we can prove.  
6  
7

8 In reasoning about the real, we place ourselves straight away within the fact<sup>30</sup> that we are  
9  
10 trying to progressively clarify; we take the most complicated rather than simplest route.<sup>31</sup> Since  
11  
12 facts are confused notions,<sup>32</sup> the goal of our [faculty of] knowledge<sup>33</sup> is to unravel them as much  
13  
14 as possible, but knowledge never manages to render it completely clear. We see examples of this  
15  
16 in language and in law.  
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25  
26 *of the same name by (La Vérité sortant d'un puits [1898]) by Édouard Debat-Ponsan which*  
27  
28 *makes explicit reference to the Dreyfus affair.*

29  
30 <sup>30</sup> *TN: Perelman's term for fact here—donné—derives from empirical science.*

31  
32  
33 <sup>31</sup> This proposition, and the spirit [esprit] from which we consider it, have been borrowed from  
34  
35 Dupréel. If the fundamental idea of this article is due to this need of logic that Professor Barzin  
36  
37 has been able to make present to our minds, every informed reader will note how much this idea  
38  
39 is tightly interwoven in Dupréel's philosophy, whose imprint on me is indelible. Although many  
40  
41 of his ideas seem personal--so much are they incorporated into my own thought--it is my duty to  
42  
43 mark out the passages in which I have only followed or elaborated my teacher's thought.  
44  
45

46  
47 <sup>32</sup> *TN: Perelman later develops "confused notions" as an explicit alternative to Descartes'*

48  
49 *"clear and distinct ideas." See his 1979 essay on "The Use and Abuse of Confused Notions."*

50  
51 *The very first confused notion that he treats at length is justice.*

52  
53  
54 <sup>33</sup> *TN: Perelman's use of "connaissance" here points to his conception of it as a kind of specific*

55  
56 *disciplinary knowledge, tied to philosophy.*  
57  
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3 Induction is a much more common means of verification than we may believe. Not only  
4  
5 is it the tool specific to scientific thought, but it is also indispensable to common sense.  
6

7  
8 Fundamentally, it constitutes the most productive part of any syllogism.  
9

10 In a sense, it operates in the inverse way of deduction. It is based on the assertion of the  
11  
12 existence, proven by experience, of a being [*être*] E possessing the properties A, B, C, D ... K,  
13  
14 and on the fact that we have not found it to possess the properties A, B, C, D without also  
15  
16 possessing the property K. Induction consists of asserting that any being possessing the  
17  
18 properties A, B, C, D is identified with the being E, which possesses additionally the property K.  
19  
20 Induction is in this sense the transition from the part to the whole, the assertion that a set of  
21  
22 tested properties is tied to certain other properties.  
23  
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27 We note in passing just how weak the foundations of induction are. Induction is based on  
28  
29 the assertion of the presence of one phenomenon and the absence of another. This assertion,  
30  
31 which we believe to be sustained by experience alone, is reinforced, however, by the very  
32  
33 attitude of the scholar<sup>34</sup> who believes in the permanence either of the things [*êtres*] he studies or  
34  
35 of their evolution. This attitude, quite noteworthy in common sense<sup>35</sup>, becomes in science the  
36  
37 belief in the existence of universal laws. And it seems that this may be the only productive  
38  
39 attitude for science, whose next goal is to foresee the future by explaining the past, something  
40  
41 that it can only do by transferring something permanent. And this belief in the permanence of  
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49 <sup>34</sup> *TN: Perelman uses the term savant here, which tends to be used for men educated in and*  
50  
51 *knowledgeable of science.*  
52

53 <sup>35</sup> *TN: Perelman is careful to use here the vernacular form of the sensus communis, sens*  
54  
55 *commun.*  
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3 what exists, that is, of what has been tested, inevitably bears on the belief in the permanence of  
4  
5 what does not exist, that is to say, of what has not been tested. This is the weakness of induction,  
6  
7 for it is not clear that what has not yet been tested does not exist. All induction is at the mercy of  
8  
9 the greater precision of our tools and methods of research.  
10  
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14  
15 We have said that induction is the basis of the syllogism's richness. We will attempt to  
16  
17 prove this by means of a few examples, such as the following syllogism: the atomic weight of  
18  
19 chlorine is 35.46; this gas is chlorine, and so its atomic weight is 35.46.  
20  
21

22  
23 In order for the major premise to be accepted without any restrictions, it cannot be a  
24  
25 simple experimental fact; for this, we would have had to weigh all the chlorine in the universe,  
26  
27 which is clearly impossible. It would be a matter indeed not only of weighing extraordinary  
28  
29 quantities of chlorine wherever it is found as an element, but also of weighing it continually and  
30  
31 unceasingly in order to be certain that its weight has not changed over time.  
32  
33

34  
35 Chemists have resolved this question in a much simpler way. They consider that any pure  
36  
37 substance is defined by its physical constants, that is, by its measurable properties that are by  
38  
39 definition identical in every part of a homogenous substance. They thus define chlorine as a pure  
40  
41 substance possessing a set of physical constants A, B, C, D ....., among others that have 35.46 as  
42  
43 its atomic weight. The major premise derives, then, from the very definition of chlorine by  
44  
45 means of deduction.  
46  
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48  
49 Let's now consider the minor premise: it asserts that a gaseous sample is chlorine. This  
50  
51 observation can be considered as the conclusion of a syllogism whose major premise would be  
52  
53 formulated by the definition of chlorine and whose minor premise would be formulated by a  
54  
55 judgment proven by experiment, and by affirming that the sample at hand possesses all the  
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3 physical constants of this substance. But in this case we do not see the utility of the syllogism for  
4  
5 asserting that the sample studied has an atomic weight of 35.46; this fact does not need to be  
6  
7 deduced, since it has been proven by experiment.  
8  
9

10 In reality, for the syllogism to be useful, the minor premise must be proven by induction.  
11  
12 It is in having tested the properties A, B, C, D... of the substance in question rather than its  
13  
14 atomic weight that we assert by induction that this substance is chlorine. Whereas in deduction,  
15  
16 since the major premise reminds us that chlorine has an atomic weight of 35.46, we can say the  
17  
18 same of the sample which we determine to be chlorine. The syllogism thus has no purpose  
19  
20 [raison d'être] if the minor premise has not been obtained by induction. We were thus justified  
21  
22 in saying that it is induction that explains the richness of this mode of reasoning.<sup>36</sup>  
23  
24  
25  
26

27 Before moving to the examination of other syllogisms that would allow us to study the  
28  
29 various modes of this operation, we will pause at an interesting point, which is that of scientific  
30  
31 definitions.  
32  
33

34 Suppose that someone who has just concluded that the sample's atomic weight is 35.46  
35  
36 weighs it, and the scale shows that it weighs 37. This result could be interpreted in various ways:  
37  
38

- 39 1. The chemist could say that the method he used to calculate the atomic weight of  
40  
41 chlorine includes an error rate of 5%, or that this error is due to his carelessness. He  
42  
43 will obviously have to accept this latter possibility if, in re-weighing again by the  
44  
45 same method, he obtains a more probable result.  
46  
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51  
52 <sup>36</sup> TN: Perelman here smuggles into the syllogism the expectation that experience captured with  
53  
54 induction, rather than the formal and abstract structure of the syllogism, is the source of the  
55  
56 syllogism's strength.  
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2. He could assume that the substance which was weighed is not necessarily pure chlorine, either because of the method used for obtaining it or because of the faulty application of this method. In any case, this means that the substance under study does not correspond to the chemical definition of chlorine.
  3. Something more interesting: He could assert that the sample studied is purer than those that have been known up to that point, or that the methods used to obtain it are more precise and that we should modify the definition of chlorine by substituting the new atomic weight for the old one. This will mean declaring one definition false. But we thought that definitions were arbitrary, and now we want to create a truth judgment!  
  
In fact, a chemical definition is more than a definition. What is arbitrary here is the name that is used to designate a substance possessing certain physical constants; however, this substance exists. By asserting that the atomic weight of chlorine is 37 and not 35.46, we assert the existence of one substance and we deny the existence of another, because we assume that the difference is due to the experimenter and not to the samples studied.
  4. The last hypothesis that the chemist might make is that the difference is not due to the scientist, but to the substance being studied, which could have all the properties of the previous chlorine but a different atomic weight. In the end, it is a matter of another substance which must be distinguished from the first. If chemists speak of two forms, of two isotopes of chlorine, it is because they believe that common chemical properties allow us to see these two substances only as two species of the same genus. But someone like Jean Perrin, who is especially interested in the physical

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2  
3 proprieties of matter, will give them a different name; he thus proposes the name  
4  
5 'hydrum' for the isotope of hydrogen that has an atomic weight of 2.<sup>37</sup>  
6  
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9

10 The classical syllogism that we will take as a second example differs little from the first:  
11  
12 all men are mortal; Socrates is a man, and thus Socrates is mortal.  
13  
14

15 The major premise again falls under the definition of the word 'man', because a human  
16  
17 being [*être*] who is not mortal will be considered a god or at least as a demi-god, and never as a  
18  
19 man. The minor premise has been again proven by induction, for reasons analogous to those that  
20  
21 we have noted above. If we replace 'Socrates' by the name of a man who is still alive, we will  
22  
23 see that it is quite impossible to prove this proposition in any other way. Indeed, to say of a man  
24  
25 that he is mortal is to say that he will die; it is to accord to him a property that is in the end only a  
26  
27 potency, and which we cannot prove before it comes to pass.  
28  
29  
30  
31

32 It is through the intermediary of such an assertion of a property of potency that we shift  
33  
34 from the induction of coexisting properties to the induction of successive phenomena, the [type  
35  
36 of] induction that gives rise to most scientific laws.  
37  
38

39 If we say that the speed of the diffusion of gases is inversely proportional to the roots of  
40  
41 their density, in the end we only define the gases by a property that is common to all of them.  
42  
43 The best proof of this is that this property allowed the constitution of a kinetic theory applicable  
44  
45 to all gases. Suppose that a gas does not follow this law and we are only able to explain this  
46  
47 divergence in another way: we will need to limit the significance of the law and say that it  
48  
49 applies only to gases that we call 'regular'. This will lead us to modify the definition of the term  
50  
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57 <sup>37</sup> *Comptes rendus des séances de l'Académie des Sciences*, Paris 1933. N. 13, p. 629.  
58  
59  
60



1  
2  
3 'gas', and we will consider regular gases as one type [*espèce*] among others, possessing in  
4  
5  
6 addition the property of following the law that concerns the speed of diffusion.  
7

8 We use this same argument in such qualitative sciences as law. The fundamental  
9  
10 operation here consists of an induction: in describing a legal case<sup>38</sup>, we ascribe to it—in  
11  
12 accordance with the properties that we are testing, and by using these elements of definition that  
13  
14 constitute laws—other properties from which we can later deduce this description.  
15  
16

17 And it is here that we quickly grasp what is common to all these laws: they are only  
18  
19 definitions; their analytical nature is the very foundation of their universality. Their richness  
20  
21 derives from the fact that they were based on experience, from which the elements of the  
22  
23 definition have been drawn.  
24  
25  
26

27 If we study something having the properties A, B, C, D and we give it a name, we will be  
28  
29 able to assert—without any error—that anything bearing this name will have the properties A, B,  
30  
31 C, D. This is the simplest manner by which to solve the serious problem of the foundation of the  
32  
33 universality of laws. We have shown above how the modification of a law is nothing other than  
34  
35 the modification of a definition, the term that is defined is said to exist.  
36  
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39 To conclude, let us note that scientific induction is this very same induction that we use  
40  
41 in syllogisms. If we were not immediately aware of this, it was because in reasoning about  
42  
43 symbols we did not insist upon the manner in which each proposition has been proven. In using  
44  
45 examples taken from reality, we see how in every syllogism the major premise derives from a  
46  
47 definition, whereas the minor premise has been proven by means of induction, which, moreover,  
48  
49 allows the syllogism to be an interesting and rich means of reasoning.  
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56 <sup>38</sup> *TN: Perelman uses espèce juridique here.*  
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Analogy is a more controversial means of verification than other types, but we have recourse to it much more often than we might think. Indeed, it provides us with a useful means of conceptualizing something that we cannot test<sup>39</sup>.

It is by analogy that we can reason about a fourth term, which is truly undetermined, when three terms are facts.

The fourth term is a state of awareness<sup>40</sup> of someone or a phenomenon that is indeterminate. When we reason about a phenomenon that we can test, we use facts that we know directly: these are the facts of our senses and of our interior experience. We know our actions and our inner state of mind<sup>41</sup>; we also know others' actions. If we have understood how our inner state reacts to certain actions and influences others, we reason by analogy by assuming that similar actions will hold similar sway over others' states of mind. We grant this awareness to others by analogy, when their behavior is similar to ours.

At first glance, we may have thought that this was a matter of induction: we perceive in someone expressions that we have only ever perceived in ourselves when we were aware of them; these expressions of the other person must thus be accompanied by his awareness of them as well. This means of reasoning distances itself from induction on an important point: we believe that we can test any induced property sooner or later; however, it is impossible to

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<sup>39</sup> *Perelman uses the term expérimenter characteristic of empirical science.*

<sup>40</sup> *TN: Perelman uses conscience here.*

<sup>41</sup> *TN: Perelman uses états d'âme here, which here is tied more to the individual's situation relative to his consciousness/awareness than to his mood.*

1  
2  
3 experiment on someone else's state of mind. There is not a continuous pathway from induction  
4  
5 to analogy, as we might believe; analogy becomes more and more vague, less and less precise.  
6  
7 Every time we speak of induction, we are talking about the possibility of experiment, which is  
8  
9 not allowed in the case of analogy. As Bergson says "It is literally impossible for you to prove,  
10  
11 either by experience or by reasoning, that I, who am speaking to you at this moment, am a  
12  
13 conscious being. I may be an ingeniously constructed natural automaton, going, coming,  
14  
15 discussing; the very words I am speaking to affirm that I am conscious may be pronounced  
16  
17 unconsciously."<sup>42</sup>  
18  
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22 If the bases of reasoning by analogy are weak, a fact deduced by analogy can, however,  
23  
24 be modified, corrected, amended; it is therefore not exactly arbitrary. We construct a state of  
25  
26 mind<sup>43</sup> based on how it is expressed; this construction will be better developed with better  
27  
28 knowledge of its expressions. But in order for a truth concerning a specific sentiment to be  
29  
30 established, in order for an agreement to be made, we must assume that all the human beings  
31  
32 [*êtres*] that we declare to be analogous have similar feelings when they carry out specific actions;  
33  
34 however, this is not demonstrable because we cannot know other sentiments than our own. We  
35  
36 cannot postulate this similarity<sup>44</sup>, this permanent feature of human psychology. This is, for that  
37  
38 matter, the fundamental postulate of historical criticism.  
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47 <sup>42</sup> Henri Bergson, *Energie spirituelle*, p. 6. TN: Henri Bergson, *Mind-Energy. Lectures and*  
48  
49 *Essays*, translated by H. Wildon Carr (Westport, CT: Greenwood Press, 1920), p. 9.

50  
51 <sup>43</sup> TN: Perelman once again uses *états d'âme* here.

52  
53 <sup>44</sup> TN: Perelman here uses the term *identité*, which evokes similarity, what is held in common,  
54  
55 rather than 'identity' as the identification of a person or entity.  
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3 To analyze another's sentiments according to his actions requires, in addition to  
4  
5 knowledge of these actions, a faculty of imagination that brings the historian closer to the  
6  
7 novelist. Indeed, it is not enough to put ourselves in the place of the other person who is under  
8  
9 study, under examination, to imagine what we would feel in acting in such a way; we must  
10  
11 imagine ourselves living in another time, in another context, taught differently, with a different  
12  
13 education. This is much more difficult. In the end, we must create another character based on the  
14  
15 facts we have at hand. We cannot be ignorant of the influence that the historian<sup>45</sup> will have on the  
16  
17 reconstruction of the past in making the past come to life in the present.  
18  
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21

22 Reasoning by analogy occurs very frequently in law, and here too it is a matter of  
23  
24 reconstructing a sentiment, of seeking what is called the 'spirit of the law.' In fact, it is the  
25  
26 'spirit' of the lawmaker, his intentions and his goal, that must be reconstructed, according to the  
27  
28 [legal] acts he has left us, acts that are equivalent to those which allow us to judge our peers'  
29  
30 sentiments. But the role of the imagination is much less important here than it is in history<sup>46</sup>,  
31  
32 because what matters is not so much the lawmaker's seemingly old-fashioned intention, but the  
33  
34 social utility of a specific law, that is to say, the goal that it would serve if it were promulgated  
35  
36 today. In seeking the spirit of the law, we put ourselves in the place of the law-maker, all the  
37  
38 while maintaining current social conditions. *We will obviously try to understand the law-maker's*  
39  
40 *intentions to prevent us from arbitrarily from creating interpretations serving our own interests,*  
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49 <sup>45</sup> TN: Perelman here describes the historian's *valeur personnelle*, which recalls Aristotle's  
50  
51 *definition of ethos*.

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54 <sup>46</sup> TN: Perelman is alluding to the historian who brings history to life by means of his  
55  
56 *imagination*.  
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3 *but we will not refuse to acknowledge the social utility of the interpretations;*<sup>47</sup> the judge will  
4  
5 modify what he believes to be useful to modify. Whence the important role of jurisprudence  
6  
7 whose goal is admittedly to reconstruct the past, that is to say the lawmaker's intention, but in  
8  
9 modifying it after a confrontation with the present.<sup>48</sup>  
10  
11

12  
13 The importance of analogy is extraordinary. We do not use it only in history and law; we  
14  
15 use it constantly in social life. What's more, without it, it would be difficult to distinguish the  
16  
17 exterior from the interior world. We often distinguish internal from external experience: we  
18  
19 believe that the latter has greater precision, that only it can become a scientific object. But this  
20  
21 distinction, which is believed to be fundamental, rests only upon analogy. When we speak of the  
22  
23 reality of the exterior world, we do not always realize that this reality does not depend on us  
24  
25 alone. What is a vision, a dream, an illusion, if not a thing that we alone see? A vision that  
26  
27 everyone could see would resemble, strangely enough, reality. Our understanding of the real is  
28  
29 certainly the belief that others, in putting themselves in our place, would perceive the same  
30  
31 things as we do. And this 'same thing': we call it 'thing' and it is thus independent of us,  
32  
33 precisely because it makes an impression on another person in the same way that it does on us.  
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41  
42 <sup>47</sup> *TN: Perelman's language here is somewhat elusive; translated literally, he writes: "We will*  
43  
44 *obviously try to understand the law-maker's intentions so as not to fall into too much of the*  
45  
46 *arbitrary, but we will not rigidly hold ourselves there."*  
47  
48

49 <sup>48</sup> *TN: i.e., "A proper application of jurisprudence would seek to reconstruct the past in order to*  
50  
51 *understand the intent of those who made the laws, but modify the interpretations of the laws*  
52  
53 *when the interpretations of the law makers are confronted with the problems immediately facing*  
54  
55 *the judge."*  
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3 What is exterior can be perceived by others; what is subjective cannot be perceived by others; an  
4  
5 object exists only through the agreement of several people and through the possibility of such an  
6  
7 agreement.<sup>49</sup> Now, and this is the important point, such an agreement presupposes reasoning by  
8  
9 analogy; it assumes that others, in putting themselves in our place, will perceive as we do  
10  
11 something that we can perceive only indirectly. Knowing only their actions and their words, we  
12  
13 must by means of analogy reach a conclusion about a fact of consciousness.<sup>50</sup>  
14  
15

16  
17 What we have developed above indicates sufficiently the importance of analogy. The fact  
18  
19 remains that this mode of reasoning contains a fundamental difficulty: when can we say that the  
20  
21 acts that we perceive are analogous to our own? The very notion of analogy is obscure and  
22  
23 imprecise. In saying that one fact<sup>51</sup> is analogous to another, we very often set forth an arbitrary  
24  
25 judgment, which is added to that [judgment] by which we have declared analogy as a means of  
26  
27 verification to be valid. Note too that this judgment can have some significance, for it is based on  
28  
29 this that we will grant to other creatures a conscience or a soul. It would be enough to believe  
30  
31 that animals cry in an analogous fashion to ours to reject the Cartesian theory of animal  
32  
33 machines. It would be enough to see no analogy between the actions of a man and that of a social  
34  
35 group to reject as abstruse any notion of a collective soul.  
36  
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41 If we seek to prove a legal judgment, we are confronted with similar difficulties to those  
42  
43 that we encounter when we wish to define a term. Is it true that in Belgium a young man cannot  
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49 <sup>49</sup> This idea of reality as a social construction comes from Dupréel's unpublished Course on  
50  
51 Metaphysics.

52  
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54 <sup>50</sup> *TN: Perelman uses here conscience.*

55  
56  
57 <sup>51</sup> *TN: Perelman employs fait here rather than the more empirical données.*  
58  
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3 be married until he is fully eighteen-years-old? Yes, I will be told, for it is affirmed by article  
4  
5 144 of the Napoleonic Code. You must then prove that this Civil Code is in effect in Belgium. It  
6  
7 will be shown that it came into effect in 1807. By whom, I will ask? Did this person have the  
8  
9 legal right to institute such a code in Belgium? I will receive answers, but I will continue to ask  
10  
11 questions. There will be a moment when no answers will be forthcoming, but I can always  
12  
13 continue to ask questions. In fact, in order for certain legal propositions to be considered as true,  
14  
15 and thus as verifiable, we must place ourselves before the law and its conventions. Certain  
16  
17 propositions, which we will not attempt to demonstrate, will be accepted (and if we try to go  
18  
19 further back, we find ourselves faced with the inextricable difficulties raised by the question of  
20  
21 the relationship between law<sup>52</sup> and the State). Every legal system, just as every language,  
22  
23 operates from arbitrary facts,<sup>53</sup> conventions, and value judgments.  
24  
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29  
30 Among the methods of verification, we think it useful to admit those that are established  
31  
32 by specific conventions. Someone who believes that all that he reads in the Bible or in Aristotle  
33  
34 is true, accepts the text of the Bible or Aristotle as a means of verification. It could be objected  
35  
36 that these means of verification are, in the end, only indirect; that they are based on the exalted  
37  
38 idea we have of Aristotle's, or the author of the Bible's, authority<sup>54</sup>; that we believe them  
39  
40 because we consider them more capable than we are of finding the truth. But it matters little why  
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46  
47 <sup>52</sup> TN: Perelman's use of *droit* here rather than *loi* means that he evokes the whole of the judicial  
48  
49 system rather than a specific law.  
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51  
52 <sup>53</sup> TN: Perelman here refers to *données*, again, drawing on the language of empirical science.  
53

54  
55 <sup>54</sup> TN: Perelman here refers to *compétence*, which recalls the legal language of the authority and  
56  
57 jurisdiction.  
58  
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3 we grant them our belief. As soon as we accept that all that they say is true, we do not need to  
4  
5 prove their authority at every moment in the matter at hand (for this would mean proving their  
6  
7 assertions by another means); we employ the argument of authority that assumes that we do not  
8  
9 exercise the most direct means of verification. By considering the text of Aristotle or of the Bible  
10  
11 as relating truth, we grant to them the value of being means of verification.  
12  
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15  
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17  
18 In this regard, we can ask an important question, which is: are means of verification  
19  
20 necessary or arbitrary? Are they judgments of value or judgments of truth?  
21

22  
23 Let's lay out the problem in all its generality. Take a proposition P: to say that P is a  
24  
25 judgment of truth is to assert that it can be proven. This is where we will need to draw a  
26  
27 distinction: we can, by the preceding proposition, wish to say that P is a value judgment for Paul  
28  
29 who is speaking, or that it is a judgment of truth for everyone. In the first case, in saying that P is  
30  
31 a judgment of truth for Paul, we still assert a truth judgment, that is to say a demonstrable  
32  
33 verification. Indeed, Paul can or cannot prove P; if he can, the proposition is true; if he cannot,  
34  
35 the proposition is false, but in each case there is a truth judgment, a judgment that is not  
36  
37 arbitrary. We could use the same reasoning for the judgment by which Paul asserts that P  
38  
39 constitutes for him a value judgment.  
40  
41  
42

43  
44 In the second case, by asserting that P is for everyone a truth judgment, we claim that  
45  
46 everyone admits a method of verification with which we could demonstrate it: we basically  
47  
48 affirm the necessity of a means of verification. In the same way as when we say that P is for  
49  
50 everyone a value judgment, we assert that no one offers a means of verification with which we  
51  
52 could demonstrate it.  
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55  
56 Are these assertions arbitrary, or not? Can we demonstrate them, or not?  
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3 To answer these questions, let's ask ourselves what we mean by asserting that judgments  
4 require verification.<sup>55</sup> By this we mean that the judgment 'a specific means of verification is  
5 valid' is a true judgment for everyone, and thus verifiable by everyone. And yet we can only  
6 prove it by another means of verification accepted by everyone, a necessary means of  
7 verification that would be again verifiable, by everyone, by a third means of verification, etc., *ad*  
8 *infinitum*. We see that the assertion of a means of verification as necessary would compel us  
9 either to keep climbing a ladder with no end or to stop at a means of verification that has been  
10 declared arbitrary. If we are tied to the idea of always climbing higher on the ladder of our  
11 reasoning, the necessity of a means of verification is tied to the necessity of the means that  
12 precedes it, etc.; that is, we will never reach a justified necessity.  
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27 Let's imagine another possibility, which consists of declaring a given means of  
28 verification to be arbitrary; that is, to consider as a value judgment the judgment by which we  
29 assert its validity. If it is a value judgment, it is logically possible not to admit it; if we do not  
30 admit it, the means of verification demonstrated by it becomes in turn a value judgment, because  
31 it is no longer verifiable. It would thus be permissible to reject it, and to reject all the judgments  
32 that follow. By admitting that a single means of verification, the one at which we had stopped, is  
33 arbitrary, we remove all absolute necessity, and thus all universality, from an assertion that  
34 declares the validity of any one of the means of verification whatsoever. But if we are free to  
35 reject an arbitrary judgment, nothing prevents us from admitting it, and it is thus logically  
36 possible that everyone may accept a given means of verification. We thus cannot demonstrate the  
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54 <sup>55</sup> TN: Perelman's language is again somewhat unclear; he writes, literally, "that means of  
55 verification are necessary."  
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3 truth of a judgment that asserts the necessity of a specific means of verification, nor can we *a*  
4  
5 *priori* demonstrate its falsity; we can only do so in making an appeal to experience, that is to a  
6  
7 given means of verification. Yet, as it is not necessary to agree to this means of verification; we  
8  
9 can, at the conclusion of this long argument, agree that every judgment claiming that a particular  
10  
11 universal validity of a given means of verification is an arbitrary judgment, an unverifiable  
12  
13 judgment, a value judgment.  
14  
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16  
17 This leads directly to the fact that we can consider as a value judgment any judgment that  
18  
19 asserts that a given proposition is a judgment of truth or a value judgment. Indeed, in order for it  
20  
21 to be possible to demonstrate that P is a judgment of truth, it must be shown that everyone  
22  
23 accepts the means of verification by which is it demonstrated. In the same way, we cannot  
24  
25 necessarily demonstrate that there is someone who does not accept a specific means of  
26  
27 verification. To say that P is a judgment of truth is thus an arbitrary judgment, a value judgment.  
28  
29 By this it is equally arbitrary to assert that P is not a judgment of truth, that it is a value  
30  
31 judgment.  
32  
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37 In this way we reach the conclusion that it is just as arbitrary to assert a universal  
38  
39 necessity as it is to assert a universal arbitrary. And this is understandable. We mean by arbitrary  
40  
41 that which is not necessary. When the limits of the necessary are not definitively defined, we  
42  
43 cannot require that the limits of the arbitrary be circumscribed once and for all.  
44  
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46  
47 We can conclude from the above that there is no rigor in speaking of the universal  
48  
49 necessity or arbitrariness of a given means of verification. But if we deepen the mechanism of  
50  
51 verification, we will see that the arbitrary is at the basis of verification in general. We have in  
52  
53 fact seen the dilemma posed by the search for a statute [*statut*] of judgments asserting the  
54  
55 validity of a means of verification when it continually begins again, or stops at a means of  
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3 verification that is judged to be arbitrary. If the first possibility forbids us theoretically from  
4  
5 asserting that a given means of verification cannot be demonstrated, it expressly asserts that,  
6  
7 unless there are an infinite number, there is at least one means of verification that we will not  
8  
9 demonstrate. It is this means that will be arbitrary. If we call an indemonstrable means of  
10  
11 verification the basis of verification, we can say that there is always at least such a basis, and in  
12  
13 this sense, verification in general is arbitrary at its base. As a result, in our conception truth  
14  
15 judgments can indeed become value judgments, if we do not accept a means of verification with  
16  
17 which the value judgments had been verified; conversely, any value judgment can become a  
18  
19 judgment of truth the moment that we adopt a means of verification with which we can  
20  
21 demonstrate its truth or falsity. By accepting a means of verification, we consequently increase  
22  
23 the number of value judgments. Yet it is not absolutely necessary that a given means of  
24  
25 verification be accepted, and thus that a judgment be verified. All truth presupposes the arbitrary.  
26  
27 In order to debate or to seek agreement on truth judgments, something arbitrary must have been  
28  
29 accepted beforehand. There is nothing more accurate than the well-known expression "In order  
30  
31 to debate, we must be in agreement about something."<sup>56</sup>  
32  
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39 The above pages probably contain an assertion that could seem to many people  
40  
41 audacious. We consider definitions as value judgments: they are indeed arbitrary.  
42

43 But, someone could answer us, if definitions are not truth judgments, they nevertheless  
44  
45 should not constitute value judgments; they may not be judgments at all.  
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54 <sup>56</sup> For this line of thinking, see E. Dupréel, "Convention et raison" *Revue de Mét. et de Morale*  
55  
56 1925.  
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3 In order for this objection to be justified, it must either be proven that a judgment does  
4 not constitute the statement of a relationship between terms, or our definition of judgment must  
5 be rejected. Now this seems to us a thorny enterprise, and it falls to him who wishes to take it up  
6 to show its utility.  
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12 Indeed, our opinion is further strengthened by modern axiomatic data [*données*]. This,  
13 following Hilbert, considers an axiomatic system as a set of a definition of terms called  
14 'undefinable', that is to say that we cannot define them in an explicit fashion by a nominal  
15 definition.<sup>57</sup> Axioms would in the end only constitute definitions, the only way to define the  
16 fundamental terms of a deductive system. Definition by postulate is in this way opposed to  
17 nominal definition: if the operation occurs in a different manner, it nevertheless makes use of the  
18 same goal, and we do not see why someone should take exception to considering definitions as  
19 judgments, when no one contested the claim that judgments are a property of axioms.  
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32 Establishing this parallel between axioms and definitions also allows us to respond to  
33 those who are astonished that we consider axioms to be value judgments, when we consider the  
34 propositions deduced from them to be truth judgments. They will tell us that any proposition can  
35 be chosen to serve as an axiom, since in a deductive system axioms and propositions are  
36 interchangeable; they will not see a reason why we should consider axioms and the propositions  
37 that are deduced from them as having a different status. We will respond to this by saying that  
38 the case is the same for nominal definitions and for the analytical judgments that we deduce from  
39 them. The proposition "man is mortal" in the end is only deduced from the definition of the term  
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54 <sup>57</sup> TN: Perelman refers here to Hilbert's axioms.  
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3 'man', which is a truth judgment, whereas the definition is a value judgment. It is the same in a  
4 deductive system in which an axiom, as unverifiable, is logically arbitrary, and propositions, as  
5 demonstrable, are truth judgments.  
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10 Even those who consider axioms to be intuitions, which are accepted because they are  
11 self-evident, consider these axioms (from the perspective of verification) as different from  
12 deduced propositions. If deduced propositions have been demonstrated through deduction from  
13 axioms, the axioms have only been demonstrated by intuition. It suffices to reject intuition as a  
14 means of verification in order for the arbitrary nature of notions to be obvious, and yet the same  
15 is not true of propositions of the deductive system.  
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24 To avoid any confusion, it would be useful to insist on the relationship between what we  
25 generally consider as true and what we call truth judgment.  
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29 All that we ordinarily call true does not constitute a truth judgment; we have just seen this  
30 for axioms. It is the same for any truth that we consider indemonstrable. In the end, truths are  
31 only truths because we want them to be, and axioms are more akin to definition than to  
32 observation. All that is not demonstrable is not logically necessary: being arbitrary, an assertion  
33 constitutes a value judgment.  
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41 On the other hand, truth judgments go beyond the realm of truth: indeed, they can make  
42 false statements, that is, statements whose falsity we can demonstrate. Now the assertion of the  
43 falsity of a false proposition constitutes a true statement because of the principle of double  
44 negation, itself deduced from the principle of the excluded middle [*tiers*]. This principle  
45 constitutes in fact a proposition resulting from a certain definition of the concepts of equality and  
46 of negation, which is joined to the Aristotelian logic of the concept. These are all arbitrary  
47 things, but we accept them, and it is because we accept them that it is indispensable, in order to  
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3 remain coherent, to grant the same degree of necessity to false judgments as to true judgments,  
4  
5 for the principle of double negation allows us to move easily from one to the other. This is the  
6  
7 reason why we call false as well as true propositions truth judgments: we grant them the same  
8  
9 degree of necessity.  
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12  
13 The same reason that prompted us to admit the principle of the excluded middle leads us  
14  
15 to admit the principle of contradiction. Now that we have admitted it, we must anticipate the  
16  
17 possibility of reaching contradictory conclusions demonstrated by different means of  
18  
19 verification, all of which we accept. Unwilling to reject the principle of contradiction, we will be  
20  
21 obliged either to limit the scope of certain of our means of verification in such a way so that the  
22  
23 contradiction disappears, or to hierarchize our means of verification, so that we can discern  
24  
25 which of the means is preferable in the case of a conflict.  
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28  
29 So as not to name the conflicts between experimental facts and arguments of authority  
30  
31 that are known, let us note that this rule [of limiting the range of the methods of verification or  
32  
33 placing them in a hierarchy] finds the greatest number of its applications in law, where  
34  
35 propositions frequently can be demonstrated by means of various procedures of verification. Yet,  
36  
37 in the case of conflict [between the various means of verification], it is easy to see that any  
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39 preference given to one over the other can be only made through arbitrarily accepted value  
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41 judgments.  
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49 We therefore point out that our attitude assumes adherence to certain definitions, to  
50  
51 certain conventions, to certain value judgments. This in itself shows that our theory is not at all  
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53 necessary, since there is nothing about it that is absolute. We strive only for a necessity that is  
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3 termed internal, that which is imposed following the admission of certain arbitrary rules; we  
4  
5 seem to have reached it.  
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8 The rigor of our deductions will not, however, prevent errors in the application of our  
9  
10 theory. This is essentially an attempt to classify judgments, and as such cannot exclude the  
11  
12 drawbacks of every classification. A classification is nothing other than a tool; we must know  
13  
14 how to use it; the more that we are in the habit of handling it, the more efficient it will be.  
15  
16

17 I have distinguished between truth judgments and value judgments. Now some may  
18  
19 accept that a specific judgment is a truth judgment, whereas they do not accept the means of  
20  
21 verification that would allow it to be demonstrated; the contrary is not impossible either. But  
22  
23 what matters is that it is possible for someone<sup>58</sup> to determine the methods of verification that he  
24  
25 accepts, since the number of these rules is not infinite. If it were infinite, someone<sup>59</sup> might never  
26  
27 know, but rules of which we are unaware are akin to being inexistent; they are not accepted. Yet  
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29 a judgment of truth must be demonstrated by accepted means of verification.  
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## 36 II

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38 By solving the problem of truth and the arbitrary, the theory that we have set forth above  
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40 will allow us to resolve several fundamental problems in the history of philosophy; in particular,  
41  
42 the problem of the relationship of subject and object, and the problem of error.  
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54 <sup>58</sup> TN: Perelman uses here *une conscience in line with Aristotle's notion of human sentience*.

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56 <sup>59</sup> TN: Perelman once again employs the term *conscience*.  
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3 The problem of the relationship of subject and object has provoked inextricable  
4 difficulties in every philosophy. And if we are going to run through the various solutions that  
5  
6 have been given for these, we do so less in order to create a history than to illuminate several  
7  
8 angles from which this problem can be posed. We are thus less concerned with seeking historical  
9  
10 fidelity than a logical and precise approach that will allow us to clearly see the flaws and also the  
11  
12 advantages of the recommended solutions.  
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20 In any empirical philosophy, the subject-object relationship is considered especially from  
21  
22 the point of view of the object. According to such a theory, our knowledge is formed exclusively  
23  
24 by exterior input. Everything comes from sensation; this strikes our faculty of perception, which  
25  
26 resembles a blank sheet whose properties are such that they permit sensations to be imprinted on  
27  
28 them. The truth is only a correspondence between the object and the mark it leaves on our  
29  
30 mind.<sup>60</sup>  
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34 Of what does this correspondence consist? It is difficult to say. But so that we can speak  
35  
36 of truth, however, it requires that the mark left by the perceived object always be the same. Yet,  
37  
38 this is only possible when the subject never changes, and when the matter that has been  
39  
40 permeated by the sensation [i.e., the object] undergoes no variation. In a word, this empiricism  
41  
42 presupposes that the knowing subject is comparable to a blank sheet not only at the beginning  
43  
44 but also over the course of its existence. It cannot evolve, for in being modified, it would  
45  
46 influence and even change perception in such a way that the knowledge that we would obtain  
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48 could no longer be called true. Empiricism's subject should not get in the way of perception; it  
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57 <sup>60</sup> TN: Perelman uses here the term esprit.  
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3 should be like soft wax, which is what everyone has already said, and yet even this is too much.  
4  
5 The subject would be something malleable, impressionable without making an impression, and  
6  
7 to be honest, without agency. We can boldly qualify these expectations of the subject to be  
8  
9 contradictory.  
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12 We have, however, believed in the productivity of the empirical explanation, which has  
13 probably suggested to certain neorealist modernists their conception of intuition.<sup>61</sup> They have  
14  
15 found the empiricist theory of the relationship between subject and object to be so lucid that they  
16  
17 have not hesitated to apply it when the object was imperceptible and when it could not be known  
18  
19 by means of sensation. In order to explain the manner in which ideas can be known, they have  
20  
21 considered them to be the reflection of certain essences, created based on the model of things.  
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23 Just as our knowledge of things is only the reflection of the things themselves, our knowledge of  
24  
25 ideas is only a reflection of their essence. An essence makes an impression on us as a thing, but  
26  
27 instead of impressing us via the senses, it directly strikes a faculty of our mind<sup>62</sup>—intuition. And  
28  
29 if we wonder of what consists this intuition, we will see that is nothing other than a *tabula rasa*  
30  
31 even more mysterious than empiricists' intuition, because it is endowed with a special faculty of  
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33 being able to obtain for us self-evident fact, a self-evident fact that goes far beyond sensory  
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35 evidence and that boasts of being absolute.  
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43 These two empiricist conceptions of perception and cognition [*intellection*] affirm the  
44 absolute reality of the object. The subject is here reduced to an entirely passive role; it must  
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51 <sup>61</sup> Cf. Frege, *Der Gedanke* (Beiträge zur Philosophie des Deutschen Idealismus 1918 pp. 58-77).  
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53 <sup>62</sup> TN: That Perelman uses here the term *esprit* suggests that he is not limiting it to an intellectual  
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*faculty*.

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3 intervene as little as possible. If it is real, nothing is said about it, however. If it is manifest by  
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5 means of its own attributes, it only creates confusion and error.  
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10  
11 Classical rationalism differs less than we would think from the empiricism that I have just  
12 described. Before Descartes, the essential difference was in the fact that 'universal reason' was  
13 used in place of the *tabula rasa*. Knowledge consisted of an exterior object imposing itself on an  
14 impersonal reason. Here, as in empiricism, the personal subject did not intervene in the  
15 development of truth; its influence was only observed in error.  
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23 Empiricism and a rationalism of this type hardly differ in their aspirations; they set forth  
24 something that is complementary to the object and identical in everyone. For some, it is a *tabula*  
25 *rasa* without any properties, and it is easy to consider it as universal; for others it is universal  
26 reason, whose properties we do not confirm. In this way, truth is explained by the identity of the  
27 object and the universality of a same subject. All men are endowed with reason; it is by this that  
28 they are men; it is this impersonal faculty that renders them equal. Each person can only assert  
29 his individual personality in being mistaken; this error is explained by that which is personal—  
30 the intervention of the senses and of memory.  
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42 It is with Descartes that rationalism began to move away from empiricism to draw closer  
43 to critique, a doctrine that highlights the place of the subject in the development of knowledge.  
44 Descartes' novelty was in observing that matter and souls are reciprocally inscrutable substances.  
45 Our thought cannot be influenced by the corporeal [*étendue*]; the relationship comprised of  
46 exterior object / impersonal reason must thus be overturned. Our knowledge of the non-corporeal  
47 [*étendu*] cannot come from the corporeal [*étendue*]; the idea of the corporeal [*étendue*] and of its  
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3 modifications is innate to our reason.<sup>63</sup> Reason, empty in its prior conception, has been filled  
4  
5 with ideas. This is the fundamental divergence between rationalism and empiricism, the essential  
6  
7 difference between Descartes and Locke.  
8  
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10 If the innate ideas of Descartes are still tied to an origin that is exterior to reason, critique  
11  
12 assimilated these innate ideas and made them an integral part of reason. It is by means of these  
13  
14 ideas that reason knows; any knowledge implies the necessary application to perceptible data of  
15  
16 different categories. Knowledge is thus no longer the simple trace that objects imprint on the  
17  
18 subject. The subject now plays an active role in knowledge; we agree to grant it properties that  
19  
20 influence perception. A critique of knowledge will become necessary in order to discover the  
21  
22 part played by the object and subject in knowledge, since the object appears altered to our  
23  
24 understanding.  
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29 This conception leads to a modification of the relation called truth; it is no longer a  
30  
31 correspondence between the object and the idea that we have of it. The object as such is  
32  
33 unknown to us; we never know the object as it appears in the subject, that is, the idea that we  
34  
35 have of the object. Truth will be obtained by an internal critic, through the coherence of different  
36  
37 ideas of a same object. We could at first believe that this criterion of coherence, established by  
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44 <sup>63</sup> TN: In this paragraph, Perelman evokes the question of the Cartesian definition of substance,  
45  
46 first considered by Descartes as dual: the separation of the body (which occupies space) [the  
47  
48 étendue] from the spirit (and which occupies the space of the intellect) [the non-étendue].  
49  
50 However, the term étendue is not from Descartes. According to the Trésor, an illegitimate  
51  
52 translation of inétendu [or non-étendue], used by Bergson; Perelman's use of étendue may thus  
53  
54 reveal Bergson's influence.  
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3 idealism, draws its value from the principle of contradiction, but this is far from sufficient. If it  
4  
5 allows us to affirm that there is an incompatibility between A and non-A, it leaves us mystified  
6  
7 when it is a matter of seeing if the ideas A and B can be affirmed simultaneously for the same  
8  
9 object without incoherence. In order for this to be possible, we must express B according to A or  
10  
11 A according to B, and this requires particular rules, and arbitrary means of verification and  
12  
13 definitions.  
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17 In these various conceptions of knowledge, there is an idea whose importance has never  
18  
19 diminished and whose role has increased with time: the idea of necessity.<sup>64</sup> This idea, as Dupréel  
20  
21 has masterfully shown, has only ever been defined as a negative property. In the end it coincides  
22  
23 with the sentiment of the impossible. It is thus of a psychological nature; what is necessary is  
24  
25 what appears to us to be necessary. Now, any relationship in and of itself has nothing that  
26  
27 compels our affirmation to the exclusion of other relationships; to claim so would be to endow it  
28  
29 with force ("De la nécessité," p. 29). And it is useful to insist on the fact that necessity bears an  
30  
31 extra-logical element. A truth is not absolutely necessary because it has been demonstrated;  
32  
33 indeed, its necessity will depend on the necessity of the means of verification, which are a last  
34  
35 resort and logically arbitrary.  
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41 In fact, the idea of necessity derives directly from reality in itself; necessity is only a trace  
42  
43 of reality. In the same way that any reality is imposed on the sphere of being [*être*], any  
44  
45 necessary truth is imposed on the sphere of knowledge [*connaître*]. To believe in a reality in and  
46  
47 of itself is to set forth at the same time the absolute necessity of a judgment asserting such a  
48  
49 reality. The necessary judgment is imposed as reality; if reality exists in itself, that is to say  
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57 <sup>64</sup> See E. Dupréel, "De la nécessité," *Archives de la Société Belge de Philosophie* 1, 1928.  
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3 independently of the knowing subject, the necessity with which it is affirmed is absolute. The  
4  
5 subject has only to yield to the feeling of self-evidence that it experiences.  
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8 This affirmation of the thing in itself, postulated by the idea of necessity, implies at the  
9  
10 same time an element common to all perceiving beings; indeed, they must all recognize the  
11  
12 compelling presence of this reality that is imposed upon them. They will thus have a share in the  
13  
14 common faculty that we can call universal. The notion of universal reason is nothing other than  
15  
16 this faculty. This universality is not tested [i.e., by experiment], nor can it be. A universality  
17  
18 never derives from experience, because we cannot conceive of a particular experience allowing  
19  
20 us to assert truths independent of space and time. It is impossible to observe a universality; we  
21  
22 can only posit it.<sup>65</sup> This is one of the fundamental conditions of Kantianism, and it is so much an  
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33 <sup>65</sup> Kant, *Critique de la Raison Pure*, p. 41. "Experience teaches us, to be sure, that something is  
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35 constituted thus and so, but not that it could not be otherwise. **First**, then, if a proposition is  
36  
37 thought along with its necessity, it is an *a priori* judgment; if it is, moreover, also not derived  
38  
39 from any proposition except one that in turn is valid as a necessary proposition, then it is  
40  
41 absolutely *a priori*. **Second**: Experience never gives its judgments true or strict but only assumed  
42  
43 and comparative **universality** (through induction), so properly it must be said: as far as we have  
44  
45 yet perceived, there is no exception to this or that rule. Thus if a judgment is thought in strict  
46  
47 universality, i.e., in such a way that no exception at all is allowed to be possible, then it is not  
48  
49 derived from experience, but is rather valid absolutely *a priori*." [Immanuel Kant, *Critique of*  
50  
51 *Pure Reason*, translated and edited by Paul Guyer and Allen G. Wood (Cambridge: Cambridge  
52  
53 University Press, 1998), p. 137] If we are in agreement with Kant that experience cannot furnish  
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3 essential characteristic of criticism that we can easily deduce it. To posit universality is to assert  
4  
5 its necessity. Yet Kant, as well as Descartes, cannot posit it by means of an arbitrary judgment;  
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7  
8 we are always led back to the arbitrary when we seek the reasons for any necessity.  
9

10 To arbitrarily assert the existence of an absolute necessity is as much to assert its  
11  
12 inexistence. Whence the need for applying Lequier's famous alternative.<sup>66</sup> He was wrong to use  
13  
14 it for the problem of liberty and determinism, but this problem is not so fundamental that we  
15  
16 cannot arbitrarily exercise our [faculty of] choice. A scholar will not accept the arbitrary, for he  
17  
18 is already located within a system of postulates that he cannot refute. Nor will a moralist be able  
19  
20 to accept this freedom: he is determined to admit free will through his moral system.<sup>67</sup> It is only  
21  
22 in placing ourselves on the formal level of necessity and of the arbitrary that we can choose. And  
23  
24 here we are in agreement with Lequier. **We arbitrarily set forth the arbitrary as the basis of**  
25  
26 **every necessity.** As we believe that we have already shown, there is no logical necessity that  
27  
28 certain truths must be universally accepted or that particular means of verification must be  
29  
30 universally recognized as valid.  
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36 Are there extra-logical reasons for asserting such a universality? It will be worthwhile to  
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38 examine this problem.  
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48 us with a strict universality, we have tried to show above, contrary to Kant, the analytical  
49  
50 character of any universality set forth in such a way.

51  
52 <sup>66</sup> I can assert or deny one or the other (liberty, necessity) only by means of one or the other (*La*  
53  
54 *Recherche d'une première vérité*, p. 135).

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56 <sup>67</sup> For this, see Dupréel, *Traité de Morale* sections 451-61 T. II p. 521 sqq.  
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3 To assume that there are universal rules that every man must accept is to assume that  
4 these rules are a part of human nature; it is to admit the existence of a nature that imposes such  
5 rules. This naturalism places him who affirms it first and foremost in the obligation of asserting a  
6 thing in and of itself. A [human] nature is indeed something that is affirmed independently of the  
7 knowing subject and that is developed according to necessary rules. As a result, this naturalism is  
8 incompatible with our viewpoint, the fundamental consequence of which is the negation of every  
9 being in and of itself. Let's move beyond this and place ourselves in the opponent's camp.  
10 Having set forth a [human] nature, with all that follows, how could he demonstrate the  
11 universality of this nature? He could only set it forth as a universality can be set forth. He will  
12 boast, however, of never having been contradicted by experience, but this, let's note, is  
13 inevitable. As soon as he observes a rule that is not accepted by someone, he will declare it to be  
14 not necessary, and he will declare the rules that have been affirmed (whose number he will have  
15 progressively decreased) to be all the more universal. We know very well today that it is not  
16 experience that will decide *a priori* truths for supporters and their adversaries. Suppose,  
17 however, that we find two people who do not affirm the validity of any rules they hold in  
18 common. In this case, we will not be convinced by experience; instead, we will declare one of  
19 them to be crazy, and exclude him from the debate.

20 We should not believe, then, that experience may rattle the naturalists' thesis (and I mean  
21 by this those who wish to deduce properties of a [human] nature that they have themselves  
22 posited). This thesis also cannot demonstrate opponents' thesis, for if they admit the arbitrariness  
23 of all rules and of all means of verification, naturalists will always declare that what matters are  
24 rules common to all (there are always some among reasonable people) and which result from  
25 their human nature.

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3 On the other hand, we have seen that the assertion of a universality of nature, which  
4 would demonstrate the thesis of some and destroy that of others, is arbitrary. We are thus also  
5 permitted to contest its necessity, even to place ourselves in the naturalists' point of view. No  
6 one will blame us then for a certain skepticism, which is essentially the negation of every nature  
7 and of every absolute necessity.  
8  
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10  
11 The sceptic is essentially someone who believes that a truth is not imposed from without  
12 by itself; he accepts some truth like other truths, but he accepts it for reasons that are not purely  
13 logical and that he knows are arbitrary. Perhaps he has sought, more than others, to understand,  
14 to grasp and to explain the nature of truth. Yet we can only explain by means of something that is  
15 different from that which we want to explain.<sup>68</sup> To conceive of knowledge as absolute and final is  
16 to consider it inexplicable, and it is a profound delusion to believe that explanatory virtues reside  
17 in the fact that they are inexplicable and thus obscure.<sup>69</sup>  
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32 This is the illusion of every absolutist theory, of all those who posit an absolutely final  
33 term, of all those who are as one in believing that they see clearly, when they are one only in  
34 obscurity and ignorance. Any attempt to explain, if not in vain, debases the absolute as it would  
35 debase a concrete substance.  
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41 We can only explain an absolute or a substance 'per se.' If such an explanation may have  
42 meaning—and this we may doubt—to comprehend a substance or an absolute would signify that  
43 the term to be explained would be identified with a sort of intuition. But it is the intuition that  
44 becomes, then, the absolute, the inexplicable, and the explained term is no longer 'per se'.  
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54 <sup>68</sup> Cf. E. Dupréel, *Cours de Métaphysique*.

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56 <sup>69</sup> Cf. *De la nécessité* V 'Les deux inconnus'.  
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3 But we have hardly made any progress, for it is other inseparable and indivisible terms—  
4 intuition, nature, or reason—that we posit as if atoms of our knowledge. In the end, these are  
5 only words, limits<sup>70</sup> to our knowledge, which we would like to render clear by treating them as  
6 self-evident. Self-evident fact is only the perception of something inexplicable beyond which our  
7 knowledge stops and gives in. To posit an atom of knowledge is to say not only that we do not  
8 know, but that we will never know. An absolute is such an atom, but science cannot admit  
9 anything indivisible; it cannot recognize definitive limits, for it assumes that it is always capable  
10 of moving backwards. It knows that there will always remain something to explain, but this  
11 something will become something else because of the progress of science. To posit an absolute is  
12 to say that we can make no further progress, and conversely, as soon as we say that we can make  
13 no further progress, we posit a term that is absolute because it is irreducible, and that will have  
14 the same character no matter the name we give it.

15  
16 Any stance on the problem of truth is confronted with the following alternative: either we  
17 consider it as an irreducible and incomprehensible (and thus irrational) fact<sup>71</sup>, or we consider it  
18 rational, and thus explicable by something other than itself, by something that is logically  
19 precarious, by something which by its very nature precedes every logical necessity.

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49 <sup>70</sup> TN: Perelman uses *arrêts* here, which suggests that the acquisition of knowledge ceases in this  
50 context.

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54 <sup>71</sup> TN: By using once again the empirical *donnée* here, Perelman demonstrates the arbitrary  
55 nature of empirical thought.

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3 The explanation that we have given concerning value judgments places us among those  
4 who accept this latter position. And the principle consequence that ensues is another conception  
5 of the problem of error.  
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10 For absolutists, knowledge is constituted by a relationship between the subject and the  
11 object in which truth would come from the object and the subject's error. By defining their  
12 position in this way, it is useful to recall the analysis that we have given above which excludes  
13 from the subject all that we find of universal in it: reason, intuition, etc. These universal faculties  
14 in reality only constitute what is objective in the subject; they are not the cause of the error.  
15 According to absolutists, the error does not derive from what is personal in the subject, and most  
16 of all, sensation. The error is then explained by what is subjective in perception, memory, and  
17 what is subjective in knowledge and in the association of ideas.  
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29 But if we grant a certain—admittedly harmful—influence in the development of  
30 knowledge to the subject, do we not see that any theory of knowledge in which the object is the  
31 exclusive source of knowledge is doomed to fail?<sup>72</sup> For isn't it necessary to prove that the subject  
32 does not intervene in our understanding of self-evident fact, which is the sole criterion of truth?  
33 And if self-evident fact can mislead us, isn't it necessary to seek another criterion of truth?  
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41 The problem of error also destroys a theory that is opposed to truth: that of the  
42 pragmatists. For them, if we remain within the strict logic of their reasoning, a proposition is true  
43 when it is useful to him who affirms it, when he succeeds in making use of it. In this way, we  
44 understand James's declaration: "The truth of an idea is not a stagnant property inherent in it."  
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54 <sup>72</sup> TN: Perelman's language is once again somewhat opaque. He writes, literally: "...any theory  
55 of knowledge based on the subject-object relationship is doomed to fail."  
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3 Truth happens to an idea. It *becomes* true, is *made* true by events."<sup>73</sup> For James, the truth of a  
4 proposition is dependent on the external. On this point, we are in agreement with him: we make  
5 it depend on the means that we have to prove it. But unlike the pragmatists, we do not believe  
6 that truth is an individual affair. We are able to distinguish the utility of some knowledge, of its  
7 truth, for a given individual. There are useful errors and harmful truths. How could we be misled  
8 if the truth varied according to our liking?  
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11 Our position is intermediate, falling between that of the pragmatists and the  
12 substantialists. For substantialists, truth depends on nothing; it is necessary. For pragmatists,  
13 truth depends on every individual; it has no degree of necessity. For us, truth depends on certain  
14 rules that are logically arbitrary, but which constitute the foundation of all necessity. For some,  
15 agreement is necessary; for others, agreement can only be made based on interest: it varies  
16 accordingly, and contains nothing that is determinative. For us, the rules of agreement are  
17 arbitrary but are necessary for the consequences that ensue.  
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20 These rules are not necessary; being indemonstrable, they are arbitrary. We accept them  
21 without their imposition. We yield to them for reasons of utility or of efficacy; we admit them by  
22 means of value judgments, whose arbitrary nature excludes truth. And it is through this that we  
23 are pragmatists, but our pragmatism does not reject all necessity; it limits itself to denying an  
24 absolute necessity. A relative necessity is the foundation of every truth. There are necessities  
25 relative to arbitrary rules that are accepted. Every scientific collaboration, and every joint effort  
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52 <sup>73</sup> TN: William James, *Pragmatisme*, p. 12; Perelman quotes from the French translation of  
53 James's 1907 "Pragmatism" which was originally part of a series of lectures. See *The Meaning*  
54 of Truth Great Books in Philosophy (Amherst, NY: Prometheus Books, 1997), p. x.  
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3 of thought in general, is based on the admission of the same rules, of the same means of  
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5 verification.  
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8 This point of view explains error with the same ease with which an immorality is  
9  
10 explained in morality. There are moralists who believe in an absolute good, who consider  
11  
12 immorality as the fact of transgressing a moral rule. It matters little if we accept it: we are  
13  
14 supposed to accept it, because there is an absolute good, and the same morality is applied to all  
15  
16 human beings. This is also the point of view of those who believe in the existence of an absolute  
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18 truth: you are in error because you deny this truth that you are obliged to admit.  
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22 We are more tolerant, and we know how to distinguish the immoral from the moral. The  
23  
24 cannibal who follows the rules of his group is not immoral because he transgresses our rules. He  
25  
26 is only amoral in respect to the rule that forbids eating human beings, since in order to transgress  
27  
28 a rule, one must accept it, at least implicitly. To be immoral is to transgress a rule to which we  
29  
30 adhere.  
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34 In the same way, to be in error, to be mistaken is to place ourselves in contradiction with  
35  
36 a means of verification to which we adhere. I am mistaken if I deny the existence of God while  
37  
38 admitting the Bible as a means of verification. If I reject the validity of this means, I am not in  
39  
40 error. Any affirmation is not either true or false: it can be arbitrary. And it is arbitrary when we  
41  
42 assert a proposition that is not a truth judgment, whose truth or falsity we cannot demonstrate by  
43  
44 means of accepted methods of verification.  
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49 The rapprochement that we have just made between error and immorality suggests that  
50  
51 profound analogies can exist between moral rules and the rules we set forth as the means of  
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53 verification. And indeed, what characterizes these two types of rules is that they are both  
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3 arbitrarily set forth by means of a value judgment. These rules are arbitrary, and it is through this  
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5 that they both constitute the center of a social group's unity<sup>74</sup>.  
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8 A group will never be formed in order to assert an uncontested proposition.<sup>75</sup> In asserting  
9  
10 that two plus two is equal to four, we do not distinguish among those who admit arithmetic's  
11  
12 means of verification. We do not distinguish them and we do not separate them out; we do not  
13  
14 form a group apart. To form a group is to agree on an arbitrary proposition or set of propositions.  
15  
16 It is the arbitrary that is the soul of a group; it is because of this very arbitrariness that there are  
17  
18 multiple groups: the arbitrary leads to pluralism.<sup>76</sup>  
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22 It is the social role of moral rules and of the means of verification that explains all the  
23  
24 analogies that we can observe between morality and truth. Morality and truth are presented in  
25  
26 three different forms: the belief in a universal good corresponds to the belief in an absolute truth;  
27  
28 the ideal of a specific good finds a parallel in the belief in a human truth; the theory of individual  
29  
30 good or the morality of a strictly personal inspiration corresponds exactly to pragmatism, to the  
31  
32 theory of individual truth. The problems of the theory of knowledge, as those of morality, seem  
33  
34 to us to be most easily explained through the consideration of the relationships between and  
35  
36 among multiple groups.<sup>77</sup>  
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44 <sup>74</sup> TN: Perelman's use of the term *ralliement*, which we translate here as *unity*, suggests a  
45  
46 *bringing together and an accord*; it is tied etymologically to the English term 'rallying'.

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49 <sup>75</sup> Cf. Dupréel, *Le Renoncement*, p. 35.

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52 <sup>76</sup> TN: *Implicit here is the idea that multiple groups necessarily hold different sets of*  
53  
54 *propositions.*

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57 <sup>77</sup> TN: *We see here the influence of Dupréel's emphasis on sociology.*  
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However, we should be aware of the fundamental difference between morality and truth: their goals are indeed entirely different. A moral rule has value in itself; by affirming it, we place ourselves on a level that is as lofty as it is even more inaccessible. A moral rule confers distinction upon us: this is what allows us to differentiate ourselves from others. A moral rule is made for us, not for others; our adherence is enough for it. The social role for a moral rule is to allow the constitution of a group of action.

A rule that will allow us to affirm true propositions does not have the same social function. A truth is characterized by the fact that we want it to be transmissible. We say a proposition is true when we want others to adhere as well. A contemplative group is constituted around a truth; the tendency is for a truth to become universal. And vice versa, for that matter: to pursue the ideal of unification in a single group is to believe in the absolute truth of the assertion upon which the group is based. The members of such a group believe in a universal truth that they are charged with disseminating, but their belief is only an ideal, and what proves easily its arbitrary nature is that a group is formed in order to defend it.

The social goal of the truth explains in practical terms why there are far fewer means of verification than moral rules. Indeed, when it is a matter of convincing someone else of a proposition's truth, we must put ourselves in his place, and take his point of view; we must demonstrate what we affirm with his methods of verification. A means of verification that my interlocutor does not accept is in no way helpful to me to convince him. The value of a means of verification derives from the fact that it is held in common, and the more that a means of verification is commonly held, the more valuable it is. We will be thus less tempted to invent new means of verification than new forms of a moral ideal, because if the latter are of more value by their quality, the former are of more value by the quantity of their adherents.

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What characterizes truth is that in order to communicate it, we must take someone else's point of view. Science and religion are essentially different because of this: if science attempts to forever diminish the arbitrariness of its affirmations, religion does not moderate arbitrariness at all, but rather demands that you place yourself in a certain position where you may accept its own value judgments. Despite all its pretensions of universality, a religion will serve as the ideology for groups to act only if we are convinced and accept its means of verification. If science comes to us,<sup>78</sup> religion, on the other hand, compels us to come to it.<sup>79</sup> This establishes the difference between a group of action and a group of contemplation,<sup>80</sup> a difference that even goes beyond the distinction between open and closed groups, since both here are open groups.

To conclude, we summarize once again our position, which is an intermediate position [on the questions of necessity and the absolute].

There is a category of minds for whom everything is necessary; every judgement, in their mind, is true or false; there are no value judgments. Value is confused with perfection, another

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<sup>78</sup> *TN: That is, if science persuades us of its truths.*

<sup>79</sup> *TN: That is, religion compels us to come to and accept its ideologies.*

<sup>80</sup> *TN: Perelman here seems to characterize a group of contemplation as one that is dedicated to thinking and knowledge; nevertheless, he stresses the traditional opposition of the *vita activa* and the *vita contemplativa*.*

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3 name for reality. The universe constitutes a unique order; ordinalism goes hand in hand with  
4  
5 monism.<sup>81</sup>  
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8 For others, all is value; there is only the dynamic [i.e., the conflict generated by many  
9  
10 absolute values]. Everything here is force or the struggle of forces. There is nothing stable, no  
11  
12 formalism, no necessary truth. Pluralism is tied to the negation of every ordinalism.  
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15 As for us, following Dupréel, we affirm the existence of arbitrary rules, and thus of a  
16  
17 plurality of possible orders. To admit a means of verification is necessarily to admit all that we  
18  
19 can deduce from it; every truth depends upon a value judgment, but there are value judgments  
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21 that give rise to truths. Every necessity depends upon an arbitrary affirmation: in denying  
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23 absolute necessity, we do not, however, abolish all necessity.  
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28 In the same way that every moral act assumes a rule to which we adhere and that, as such,  
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30 cannot be described as moral, every true affirmation assumes an arbitrary rule, which thus cannot  
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32 be described as true. Morality and truth are found not in rules, but in the application of these  
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34 rules. This is why passion can play a role when it is a matter of the foundation of arbitrary rules,  
35  
36 but the debate that tends toward an agreement on truths underlying an agreement on the means of  
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38 reaching it will seek to place itself within the field of the necessary.  
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42 The tolerance between groups, all of which are established by means of value judgments,  
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44 is the most immediate practical consequence of our theory. For that matter, our theory implies  
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49 <sup>81</sup> TN: Perelman here may be evoking Vilfredo Pareto's work on choice theory in economics, and  
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51 in particular, his 1906 *Manuale di economia politica, con una introduzione alla scienza sociale*  
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53 (Milan: Societa Editrice Libreria).  
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3 strict necessity within a group, which is expressed by a perfectly legitimate use of notions of  
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5 truth and error.  
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## Perelman's 1933 "On the Arbitrary in Knowledge"

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## Perelman's 1933 "On the Arbitrary in Knowledge"

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