3

Judging Rhetoric

Rhetoric is the science of speaking well, the education of the Roman gentleman, both useful and a virtue.

Quinulian

Knowing what is good does not by itself tell us what to do... Aristotle's Rhetoric points to a complexity in the diversity of goods [leading to] incommensurability. Because of the difference between what is good and what I should do, a given rhetorical argument and plea within one kind cannot be translated automatically into another genre. Overall, what is just, noble, and useful coincide, but each has its own kind of surplus that resists translation.

Eugene Garver

No critical judgments can be more complicated than trying to distinguish good rhetoric from bad. We all make those judgments daily, hourly; you may be at this very moment criticizing my use of “complicated,” since you prefer “threatening” or “hopeless” or “puzzling.” I am (or rather, I was, a long time before you encountered these word-choices) wrestling with what makes the best rhetorical maneuver in opening this chapter. One rhetorician-friend labeled a previous opening “lousy, uninviting.” And so I scrapped that one, along with three other possible openings.

Most such judgments seem, on first thought, to have nothing to do with ethics. In what sense, if any, are my choices here related to ethics? Since I obviously want to keep you engaged, are not your
judgments about my choices simply judgments of method and skill, not of ethics?

As I say “no” to that tough question, I land us into territory too often avoided even by committed students of rhetoric. And that landing is what has led many positivists to rule out rhetoric from genuine inquiry: whenever ethics intrudes, objectivity disappears.

My claim that ethical judgments inevitably intrude even on our judgments of technique applies to all three of the traditional rhetorical kinds – deliberative, forensic, and epideictic. It also applies to every rhetorical domain, broad or narrow. (Some prefer the term “moral”; that term can be misleading, because many see it as referring only to some narrow fixed code. “Ethical” explodes outward into the whole domain of effects on ethos, on character or personality.)

If you look closely at attacks on rhetoric, you will frequently find explicit ethical judgments, sometimes with explicit use of moral terms. “This rhetoric is just plain immoral: the speaker is cheating, lying, manipulating, deliberately distorting.” Such judgments of rhetorical are implicit in the definitions of good rhetoric we’ve encountered so far; defensible rhetoric both depends on and builds justified trust. It portrays or implies admirable ethos in the rhetor, and thus it helps to create it in the audience. Indeed all of the favorable definitions, including mine, could almost be reduced to a flat commandment:

It is ethically wrong to pursue or rely on or deliberately produce misunderstanding, while it is right to pursue understanding. To pursue deception creates non-communities in which winner-takes-all. To pursue mutual understanding creates communities in which everyone needs and deserves attention.

Like all “commandments” claiming to cover every corner of our lives, this one clearly presents choices that are as complex as the whole of life. Those who subscribe to it will encounter what all commandment-obayers encounter: disagreement about how to interpret it. What constitutes understanding? Which roads for pursuing it are effective and which threaten to victimize those who are understood? And so on.

Even for some rhetoricians, especially in recent decades, ethical distinctions are irrelevant: quality is judged solely according to technical skill. For them, if a slave-owner and an abolitionist are arguing, in 1850, the quality of their rhetoric has nothing to do with whether slavery is really a vile human practice. It is just a question of whether the rhetoric is performed well. “Even if we think Harriet Beecher Stowe’s Uncle Tom’s Cabin is just or unjust in its treatment of slavery,” they would say, “we can’t praise or blame her narrative rhetoric because of that. Surely we should not say to any rhetor: ‘Because I agree with your cause, and know that you know that your cause is just, you are a fine rhetorician.’”

In such a view, even if we know the rhetor is insincere, that knowledge has nothing to do with the quality of the rhetoric. Even if we are sure – as most are by now (mid-year 2004) – that President Bush and his advisers knew that the evidence for Iraq’s weapons of mass destruction (WMD) was shoddy, why should their cheating affect our judgment of the rhetorical skill they exhibited as they brilliantly succeeded in persuading Americans that preemptive attack was essential to national security?

This neutralist argument is by no means stupid, if we mistakenly think of rhetoric not as a path to truth but as mere decorator of truth or lies. Most who argue for any one cause believe in it as firmly as I believe that slavery is an evil, and their rhetoric reveals their convictions. At this moment when you are reading here, millions of quarrelers (we can confidently predict) are shouting slanderous, self-righteous rhettrickery at their enemies, convinced in their hearts that their cause is uniquely just, or even holy. If I find myself on their side, should that shift my judgment about whether their rhetorical strokes are praiseworthy?

The problem is thus that in judging rhetoric we can never fully escape our own deepest convictions. As we examine any rhetorical move, it will probably seem better or worse according to our own judgment about the case being made. Of course we will often find
people on “our side” employing rhetorical moves that we deplore, and people on the opposite side employing rhetorical moves that we consider clever. But the fact remains that in criticizing rhetoric, in advising about it, in trying to educate about its good and bad forms, we cannot ignore the influence of our beliefs about what is ethical. The speaker’s presumed basic intention must have some effect on our judgment of the good or bad in that domain. A practice that is absolutely justified in one situation may prove contemptible in another. And this requires that all of our judgments be considered in the light of the particular rhetorical domain.

Does that claim mean that ethical judgments are irrelevant or inevitably untrustworthy? Are you surprised to hear me answer, “Absolutely not!”? My claim is that the worst consequences of the widespread neglect of rhetorical studies are our failures to detect deliberate deception. Is the rhetor being honest, fair, forthright? Or dishonest, self-seeking, or even intending harm?

Every critic’s attempt to answer such a question is complicated by the fact that — to repeat — he or she is influenced by ethical convictions. Most readers from America, for example, will believe, as they study Thomas Jefferson’s draft of our Declaration of Independence, that it exhibits not just brilliant technical rhetoric, but methods and purposes totally defensible on ethical grounds: it is a presentation of all the good reasons why we should break free from the “wicked” British. Jefferson was totally sincere, we can assume. On the other hand, most British readers, especially back in 1776, would surely find many of his arguments not just shaky but scandalous, making unfair, even dishonest claims against the enemy. Yet if two thoughtful rhetoricians today, one from America and one from England, analyze the speech together, they can easily agree in their judgment of the quality of most of Jefferson’s moves: he is honestly pursuing a cause he believes in, and he makes many defensible charges. But even now they will find points of strong disagreement about this or that rhetorical move. Then, if the two practice a bit of rhetoricology, they will surely find a good deal of common ground underlying the differences. At the end, however, they will not be able to divorce completely their judgment of the entire rhetorical endeavor from whether they think the American Revolution was a splendid reality created by that honest rhetoric.

Underlying such complexities lies one useful distinction in that word “honest”: is the rhetor attempting to achieve an end she believes will be harmful to her listeners, or one she honestly believes will prove beneficial? Skillful rhetoric works either way, often with the tragic consequences that have given rhetoric such a bad name. Fully defensible rather than deceptive rhetoric is what we mainly depend on for daily survival.

As you trace the following three kinds of rhetoric — actually broken into ten sub-kinds and distinguished according to both skill and intentions — keep in mind the ways in which awareness of the distinctions is important, for both the rhetor and the audience. It is not just that defensible rhetors practice the good kinds; effective listeners know how to protect themselves from skillful but unethical rhetrickery.

1 “Win-Rhetoric” (WR)

What the Greeks labeled  ειστική: the intent to win at all costs, whether honorable or dishonorable. As in war, victory is essential, regardless of what must be sacrificed.

WR-a – the honest kind: My goal is to win because I know that my cause, my case, my convictions are, like Jefferson’s, right, my opponent’s cause absolutely wrong, and my methods will be totally sincere and honest.

Skillful win-rhetoric will obviously be judged good whenever the critic considers the cause unquestionably defensible, or at least sincerely embraced. We judge Winston Churchill’s famous war speeches as great both because of their skill and because we share his cause. We “know” that winning support for the fight against
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Hitler was a noble cause, and we can thus add to Churchill’s skill in rhetorical moves the rightness of his cause and his sincerity as he pursued it. Only if we found hard evidence that his only true motive was to become known as the greatest of all prime ministers would we have reason to change our judgment from “top prize” to “both brilliant and dubious.”

WR-b: Since my cause is absolutely justified I will win at all costs, including the cost of integrity, if necessary.

The rhetor is willing to employ false evidence or misleading arguments to make his or her case. The critic here must again distinguish between two judgments: about the skill and about the ethics. Here we move toward the kind of rhetrickery that a columnist recently attributed to President George W. Bush: “The Bush rhetoric technique – of implying one thing while doing quite another.” Bush had made up his mind long ago that he would attack Iraq, but he persistently said he was still deciding. And he persistently joined those on his staff determined to exaggerate the evidence about Saddam’s threat.

WR-c: I know that my cause is unjust, but winning will be profitable to me, and I’m so skillful that nobody will realize my deceptions: I will employ rhetrickery that appears to be honest.

The critic here can judge whether the rhetorical methods are brilliant or skillful or clumsy, while condemning the moves entirely on ethical grounds. Rhetorically skillful defense lawyers often find themselves practicing WR-c, sometimes feeling miserable about it. A lawyer friend of mine, after some years defending criminals whom she knew were guilty, finally shifted to the prosecution side. When I asked her if on that side she again found herself often arguing for a case she thought false, she blushed and refused to answer.

It is the identification of all rhetoric with the last two versions of win-rhetoric that contributes to the dominance of pejorative labels for it. The prominence of WR-c is especially worrisome. When the tobacco companies’ ads conceal the known disastrous harm, both the cause and the methods are indefensible, even when the techniques are extraordinarily clever.

2 Bargain-Rhetoric (BR)

Here the intent is to pursue diplomacy, mediate, find a truce.

BR-a: I want to avoid violence by achieving productive compromise. (Sometimes called “dialogic” in contrast to “agonistic.”)

Most critics will offer the judgment “good rhetoric” if the result pursued is an “accord” considered genuinely good by both sides, not merely a sell-out. When Nelson Mandela managed to avoid open warfare in South Africa, most of us saw it as a stupendous triumph of bargain-rhetoric, though of course only rhetoricians even mentioned any such term. Whenever a seller and buyer finally agree on a price that satisfies both, bargain-rhetoric has worked. 2 At its best, this is sometimes labeled “win-win rhetoric.” Business advisers like Stephen Covey have made fortunes with their advice about how to “succeed” by employing win-win rhetoric.

BR-b: I will compromise even if I know that the result is evil. I won’t stand up to the enemy.

Bargain-rhetoric will be judged bad when the accord or truce leaves the opponent triumphant. Most of us would judge Prime Minister Chamberlain’s rhetoric highly questionable as he “achieved” the Munich Accord. We now know, as only a minority knew then, that almost everything Chamberlain said was misleading, whether he was employing sincere arguments or was consciously relying on rhetrickery.
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BR-c: I want to bargain but I don’t know how to do it; I’ll simply say yes, while concealing my actual hopes.

Bargain-rhetoric will be judged bad, whether the cause is right or wrong, if the methods, the arguments, the style, are weak and the true purpose concealed or abandoned. Back in March of 2003, the bargain-rhetoric – or lack of it – of both the American administration and Saddam Hussein and his ministers was extremely clumsy, and would be judged so by any perceptive critic, whether for or against the US attack. Neither side was willing to settle down to genuine bargaining based on genuine listening. Even the efforts of some of Hussein’s minions to bargain, as revealed in November 2003, were in a form totally unpersuasive to the “enemy.” Though in my view the US leaders should have listened to the offer to back down long enough to decide whether it was authentic, there is no doubt that the surreptitious offer from Hussein’s side was a clumsy one.

3 Listening-Rhetoric (LR)

I am not just seeking a truce; I want to pursue the truth behind our differences.

LR-a: I have reason to hope that my opponent here will respond to my invitation for both of us to engage in genuine listening.

The critic here should celebrate both disputants when both sides have genuinely addressed the opposing arguments, one or both moving – or trying to move – beyond original beliefs to some new version of the truth. They have studied the rhetoric intensively, on both sides, while practicing it. As will be clear throughout here, LR-a is what I most long to celebrate and practice – the kind that is sadly rare. At its deepest levels it deserves my coinage “rhetorology” – an even deeper probing for common ground. Here both sides join in a trusting dispute, determined to listen to the opponent’s arguments, while persuading the opponent to listen in exchange. Each side attempts to think about the arguments presented by the other side. Neither side surrenders merely to be tactful or friendly. “If I finally embrace your cause, having been convinced that mine is wrong, it is only because your arguments, including your implied character and emotional demonstrations, have convinced me.” Both sides are pursuing not just victory but a new reality, a new agreement about what is real.

LR-b: Though I am quite sure that my opponent is determined to ignore my case, I will listen to his, hoping to discover some way to engage him in genuine dialogue.

Our lives are plagued with rhetorical assaults from dogmatists who seem to be unshakably committed to an absolutely unquestionable cause. Encountering them, even the most passionate devotee of LR-a has only dim hope of discovering any common ground. But history shows that sometimes the effort to listen can pay off.

We turn now to forms of listening that raise deep ethical questions.

LR-c (a shoddy version of win-rhetoric): I know that only by listening closely to my opponent can I hope to outsmart her – and thus gain what I want, no matter what it costs her.

Every successful advertiser or salesman has learned to listen to the desires of the audience while too often ignoring their true interests. Obviously if the listener listens only in order to perform more effective rhetrickery – “Oh, yes, of course, I see now that this is the kind of guy who can be sucked in with an ad for SUVs that proves SUV owners to be superior to Toyota drivers” – listening becomes unethical intrusion. The victim has every right to respond, “You listened closely to my arguments and character only in order to manipulate me.” The advertiser who conducts a poll of potential customers, determining how many are vulnerable to this or that deceptive appeal, lying about rival prices, about health effects, and so on, may raise sales by such “listening.” The victim, once he
discovers the fraud, has a right to sue. Under various terms – projection, intervention, empathy, sympathy, co-option – there has been endless debate about which forms of intrusion on the minds or souls of others are defensible: What right have I to claim that I have understood you better than you have understood me?

LR-d (what might be called “surrender-rhetoric” or “self-censorship”): Unless I give in, and pretend to have been persuaded, I will suffer this or that bad consequence – loss of job, of money, or even of life.

Every writer or speaker who has lived in a totalitarian society has faced the need to say only what the powers want to be said, totally violating one’s own beliefs. (More about this below, and again in chapter 7.)

Perhaps the most troublesome problem is that on too many occasions listening is impossible – I’m too late, my case will be ignored, no matter how admirable. Facing a fundamentalist Mormon convinced that God has explicitly ordered a murder, my chances of calming him down by listening to his case are almost nil. Nobody who happened to learn that Samson was planning his suicide “bombing” could have persuaded him, with LR, to listen to arguments against pulling down the pillars. Like present-day suicide terrorists, Samson knew that he was headed for the sanctification that followed his attack. In World War II, could any pilot ordered to perform a kamikaze attack have been talked out of it? Only the most “dogmatic” LR devotee would at least make a stab at it. We might call that form LR-e: I’ll be so committed to my listening dogma that I will insist on it even when I can see that the results will be disastrous, both for me and for others.

In other words, when there is an immediate threat of violent destruction, one must choose either to surrender or practice violence. LR of productive kinds becomes hopeless; force or the threat of force or humble surrender must take over. (Total pacifists will, I assume, cringe at this notion of responding with violence.) Would I try to practice LR-a if I were on an airplane and encountered a terrorist with a box-cutter threatening me or the pilot? I would naturally want to be able to get him to listen to my case against his action. I might be tempted to try to get him to listen for a moment (if we spoke the same language) – perhaps to shout at him that he is harming his own cause. But would I attempt to listen to his defense for his own case, in the name of good rhetoric? Obviously not. Should Churchill and Roosevelt have said to Hitler, “Let’s talk about it,” just after Hitler took over Paris?

As I first drafted this section, in early March 2003, many were using this point as praise for President Bush’s force-threatening rhetoric against Iraq: for them any form of LR with that devil, Hussein, would be stupid. As I tried to listen closely to such arguments, fearing the certainty of war, I could see why their case was not totally unreasonable, given their mistaken conviction that Saddam was threatening with WMD. “Saddam is obviously a cruel, world-threatening madman. Just look at his record. We’ve tried to reason with him, but he never listens. Our only alternative, with those who will not listen, is the threat of force, and then actual violence.” But as I revise, in late 2003 and on through 2004, I wonder daily what kind of LR could have averted all this, and what kind might now be productive in addressing the increasing numbers of those who claim to hate us.

One of the saddest forms of LR-d comes when it is obviously impossible to fight back: either surrender and engage in self-censorship or die. “I must say what those with the power over me want me to say.” J. M. Coetzee addresses this problem in Giving Offense: Essays on Censorship (1996).

The Greek writer George Mangakis… records the experience of writing in prison under the eyes of his guards. Every few days the guards searched his cell, taking away his writings and returning those which the prison authorities – his censors – considered “permissible.”
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Mangakis recalls suddenly “loathing” his papers: “The system is a diabolical device for annihilating your own soul. They want to make you see your thoughts through their eyes and control them yourself, from their point of view.” (Quoted from p. 33 of They Shoot Writers, Don’t They?[1984])

Coetzee rightly sees many forms of self-censorship as paranoia, “a pathology for which there may be no cure” (p. 36). Self-censorship in a concentration camp is one thing; it is much more questionable when the threat from above is not immediate annihilation but a lost job or accusation of disloyalty. Anyone attending to political rhetoric these days, as arriving through the media, knows that while on the one hand too many are not listening to the other side, on the other hand too many are simply listening and then practicing self-censorship that will echo what has been heard.

Facing all such “incurable” problems, what can we say about totally defensible, attentive LR-a? At its best it is the quest by the listener for some topics, topoi, warrants, to be shared with his or her opponent – agreements from which they can move as they probe their disagreements. It is the rhetor practicing rhetoricology in the effort to discover, in the “other,” some ground or platform where, as a community, they can move from some understanding toward some new territory. When both sides listen not just as rhetors but as students of the rhetoric on both sides, they can hope for a kind of diplomacy that goes further than a mere bargain or truce.

Self-Censorship vs. “Accommodation to Audience”

Perhaps the most challenging problem faced by anyone embracing LR and pursuing ethical distinctions is the fact that all effective rhetors must alter their rhetoric, at least to some degree, in order to “hit” the audience they think is there – whether or not they have actually “listened.” Isn’t that immoral? Shouldn’t one say that the only honest rhetoric is the kind uttered in total sincerity by the rhetor, with no tricky self-censorship altering techniques or emotional appeals?

If we answer yes to that, we are in trouble. No rhetorical effort can succeed if it fails to join in the beliefs and passions of the audience addressed, and that almost always requires some “accommodation,” “adjustment,” or “adaptation” to the audience’s needs and expectations. Listening will be useless unless you let it change your rhetoric. From the Sophists and Aristotle on, all rhetoricians have stressed the necessity of accommodation to the audience: attention to the biases, beliefs, hopes and fears, emotional habits, and levels of comprehension about the subject. As Vico put it, “the end sought by eloquence always depends on the speaker’s audience, and he must govern his speech in accordance with their opinions.” Baltasar Gracian says that effective speech is “like a feast, at which the dishes are made to please the guests, and not the cooks.”

It is true that the methods used for different audiences will often overlap. If Winston Churchill had found himself addressing an American audience in 1940, urging us to join England against the Nazis, some of his strokes would have resembled those he employed in his “blood, sweat, and tears” talk in England. The actual talk, however, would have had to be surprisingly different, taking into account his picture of who “we” might be. Back home, as he talked to Parliament and to the French, he played up, perhaps even a bit dishonestly, his expectations that America was ready to join in the cause, even though he had serious doubts about our joining. Would such dishonest accommodation have to be judged as unjustified? Is that kind of accommodation ethical or unethical?

The answer obviously depends on just how much is accommodated and in what way the spinning or self-censorship is performed. If everyone assumed that to be sincere a speaker must sound exactly the same for all audiences on all occasions, our social world would collapse. We depend, in all of our exchanges, on what might be called “putting on masks”: enacting, for this audience, a projected ethos that would never work on that audience. Every rhetor must choose from among the diverse “personae” that might be projected.
A speaker who feels today so angry about her opponent that she is tempted to violence may find, in addressing that opponent tomorrow, an absolute “command” to suppress the anger in order to win her point. A husband who hated a judge deciding his divorce case would be foolish to reveal that hatred honestly in the courtroom.

So the boundary between defensible accommodation and waftling, catering, sucking-up, shoddy spinning, or plain unforgettable lying is always hard to draw. But all major rhetoricians have argued that what is clearly unethical is to repudiate your main points or deepest beliefs solely for the purpose of winning an audience. Speaker and listener may thus in a sense join, and this looks like success. But when the cause won violates the speaker’s own deepest convictions, the listener becomes a dupe and the speaker becomes a winning hypocrite.

On the other side, the speaker who thinks only of his or her true beliefs and proclaims them, without thinking about how to accommodate to a given audience, will usually fail. Such totally unaccommodating “sincerity,” supporting your one true cause at all costs, can certainly be defended in some circumstances. “Speaking out,” “blurtling out,” rejecting self-censorship may even be considered noble if the speaker is, say, about to be executed by a Nazi. In our fictions, honest blurt is one of the most widely employed signs of true “character”; heroes and heroines are created by portraying total sincerity. Whistle-blowers, revealing the misbehavior of their superiors, are heroes of the media – in my view rightly so, at least when they are telling the truth. But if any nation’s leaders refused to “accommodate” to particular audiences on particular occasions, they would soon fail, and they would often harm the nation.

None of this should make us doubt that the distinction between justified and unjustified accommodation, though fuzzy, is real. My favorite example of totally defensible rhetoric was Edmund Burke’s effort to persuade Parliament and the king to pursue conciliation with the American colonies. He knew that to oppose what England was doing in America was likely to harm him, politically. But he chose to speak out. His unsuccessful but soon famous speeches “On American Taxation” (1774) and “On Conciliation with the Colonies” (March 22, 1775) were wonderfully skillful and defensible according to any standard I can imagine. The second speech, much more passionate in urging conciliation than the first, is one of the most ethically admirable political speeches in history. Accommodating to his audience as much as honesty allowed, he urged Parliament to consider diverse ways of listening to the colonists’ case, to think themselves into the colonial situation, and thus to cancel absurd tax laws and pursue conciliation. He thus presented a case that later became famous, not just in America where it seemed to support our case, but also in England. It was considered by almost every critic as first-class rhetoric, partly because readers knew that Burke knew that he was risking personal harm.

If his rhetoric had been fully attended to and his advice followed, it might even have reversed America’s fight for independence – with consequences we can never pin down. But his pleas were easily rejected, not by excellent opposing rhetoric but by the inshakable bases of the king and the Tories. As E. J. Payne put the case for Burke’s greatness, “Nowhere else...is there to be found so admirable a view of the causes which produced the American Revolution as in these two speeches. They both deserve to be studied with the utmost diligence by every American scholar.”

And they should be studied by everyone who thinks that good rhetoric is mere winning, even when the victory requires violating your deepest beliefs. Burke knew that he was treading on dangerous territory, but his passion for the good of the nation and for the truth of the current situation drove him to a great rhetorical moment. His effort to was not just immediate success but success for a just and true cause was in one sense a grotesque failure. Winning our admiration over the centuries was an unquestionable rhetorical victory.

Unethical accommodation – betraying one’s basic convictions or the welfare of the audience – can often yield impressive political victory. But it becomes disastrous whenever an audience discovers that the rhetor has violated what he said yesterday before a rival audience. Such embarrassing discoveries of shoddy accommodation
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were much less likely centuries ago than they are today, with our elaborate media recording.

But the increased likelihood of being caught doesn't seem to reduce the practice. Excessive accommodation plagues almost every political scene, almost every commercial decision, and far too many judgments by academic administrators. The rhetors openly violate their true beliefs, in order to gain support from this or that voting group or authority or donor or Board of Trustees. Whether or not they are technically skillful orators, they argue for conclusions that they think the audience wants, not for what they personally believe. Unlike Burke, they want to win at all costs, including loss of personal integrity, or predictable harm to the city or nation or world. (Am I suggesting that if I had been in the situation of Osip Mandelstam, in a Soviet prison, commanded to write a poem honoring Stalin, I would have flatly refused, choosing death? I doubt it; I would have given in and "composed an adulatory ode.")

None of this widespread cheating contradicts the basic rhetorical principle: all good rhetoric depends on the rhetor's listening to and thinking about the character and welfare of the audience, and moderating what is said to meet what has been heard. To repeat again: the good rhetor answers the audience's questions before they're asked.

Such rhetorology may sound like a purely academic practice of LR, but I hope that non-academic readers here will see its universal relevance. In a world where win-rhetoric of the thoughtless or vicious kind seems to triumph more and more, from top politicians and CEOs down to the talk shows, and where too much LR produces nothing better than self-censorship, the training of everyone to pursue critically the defensible kinds of rhetoric is one of our best hopes for saving the world – or at least this or that corner of it.