



Eristic dialectic: the fencing master's judgment

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Abstract

The article examines how, in the manuscript that goes under the title *Dialektik*, Schopenhauer conceives of eristic dialectic as a sort of intellectual fencing. Locating this art relative to other arts and relative to the notion of competition, we seek to bring out its relations with the practice of duelling. The fencing master is one who evaluates debating moves with an eye not so much to logical rules as to their efficacy in putting the opponent on his back foot or in embarrassment.

Keywords: Debate, Eristic dialectic, Arthur Schopenhauer

Sommario

L'articolo esamina la nozione della dialettica eristica concepita come una sorta di scherma intellettuale, e presentata come tale da Schopenhauer nel manoscritto *L'arte di ottenere ragione*. Collocando l'arte della dialettica eristica rispetto ad altre arti e rispetto alla nozione di competizione, si enfatizzano i suoi rapporti con la pratica del duello. Il maestro di questa arte valuta il successo di una mossa dibattimentale non tanto con le regole della logica quanto alla luce della sua efficacia di mettere l'avversario in imbarazzo.

Parole chiave: Dibattito, Dialettica eristica, Arthur Schopenhauer

1. An art among the arts

Since “debate” is not a univocal term, there are many ways in which debates and debaters may be evaluated. Even absent an overall taxonomy of the varieties of debates or of the objectives of debaters, the following notes aim to explore some aspects of what, in the terminological notes to the manuscript known as *Dialektik* (Schopenhauer 1830), Arthur Schopenhauer might be getting at in describing eristic dialectic as a sort of mental, spiritual or intellectual fencing and in indicating the master of this sort of fencing as the proper judge of how such debates unfold.

The passage that delineates the book's subject matter distinguishes eristic dialectic, on the one hand, from logic, which aims at pure objective truth and, on the other, from sophistry, which aims to defend false theses, and runs as follows:

Dialectic, then, has as little to do with truth as the fencing master (*Fechtmeister*) considers who is in the right when a quarrel (*Streit*) leads to a duel (*Duell*). Thrust



and parry is the whole business. It is the art of intellectual fencing (*geistige Fechtkunst*) [...] The true conception of dialectic is the one we have formed: it is the art of intellectual fencing used for the purpose of getting the better of it (*Rechtbehalten*) in dispute and, although the name *eristic* would be more suitable, it is more correct to call it eristic dialectic (Schopenhauer 2011, pp. 29 and 32, amended).

The basic idea is not hard to identify: there is an art of using words of which there can be masters as there are masters in the art of using a sword, and with respect to which the masters' judgments are in one way or another privileged. To home in more closely on the category that Schopenhauer has in mind, we may note that the word "*Fechtkunst*" is made up of two elements, of which one ("*Fecht[en]*") has to do with the use of swords and the other ("*Kunst*") means "art". The *Kunst* element also appears in the terminology that Schopenhauer adopts to categorise the thirty-eight stratagems that make up the body of the work: these are *Kunstgriffe*, and I shall use the abbreviation "*K*" to refer to them by number. One German edition of the work uses the word "*Kunst*" in its title (Schopenhauer 1983), following perhaps the English translation of 1896 and followed by the re-issue of 2011 (also the Italian translation of 1991 and the French of 1998). Thus, the art of eristic dialectic consists in a knowledge of and readiness to use *Kunstgriffe* or *Streichen* (tricks: *K* 14, 26) of which Schopenhauer's book offers thirty-eight examples.

Given the recognisable figure of the fencing master over the centuries in German schools and universities, Schopenhauer is not inventing anything in talking of the art of fencing, and it is reasonable to suppose that he would have been acquainted with the thriving genre of the fencing manual – after all, Descartes is said to have written one (*L'art de l'escrime*, 1613, mentioned by Baillet). With his interest in things oriental, he may even have heard of the Chinese treatise that Joseph-Marie Amiot translated in 1772 under the title *L'Art de la Guerre*, though it is unlikely that he would have known of martial arts such as Kung Fu or Judo, and it was only later that boxing came to be known as "the noble art". In this way, there is no excessive stretching of the word "art" to include activities essentially involving violence.

Schopenhauer also calls his art a "*Disziplin*", implying that this skill involves also principles to guide action, knowledge of which can be taught and learnt. But ever since antiquity, it has been a debated matter whether eristic dialectic's sister discipline, namely



rhetoric, considered as skill in persuading, should be counted as a body of genuine knowledge (*technè*) or not, precisely because it seems to lack principles and can only be handed on in a haphazard way. Thus, the figure of Socrates in Plato's *Gorgias* puts the rhetorician's claims to knowledge under pressure by likening the effects he can produce to the knacks (*empeireiai*, *Grg.*, 462c3-d10) of the confectioner and of the make-up artist rather than to the benefits of the dietician and the gymnastic trainer: even if a sweet or lipstick can give pleasure, they merely flatter the senses and neither is healthy – the former because it does not produce health and the latter because it is not a sign of health. Given his frequent references to ancient sources, it is impossible that Schopenhauer was not aware of this *topos*; so we must suppose that he was taking a decided stand in favour of the cognitive legitimacy of the art or discipline that he is out to describe as a sort of mental, intellectual or spiritual fencing. It might therefore be worth considering what characteristics such a supposed art would have relative to other activities that deserve that name.

Among the activities that it is natural enough to call arts we might include painting, poetry, woodworking, cooking and motorcycle maintenance. These are productive activities in which one shows mastery by marrying a certain grade of knowledge of how to produce a picture, a poem, a chair and so on, with certain practical capacities to bring those products into being. Thus, a cook will know a recipe for risotto, will know which ingredients to choose at the greengrocer's, will be able to mix them over a slow heat and so on, so as to get the desired result. The distinction is not always very sharp between what we might call the theoretical element (knowing the list of ingredients) and the practical or applicative element (having a happy touch so as not to let the rice get sticky). Indeed, in some arts, such as that of poetry, perhaps no such distinction can be drawn at all, as they are already primarily spiritual, mental or intellectual (*geistige*): the manual skills required for wielding a paintbrush or handling sprockets are virtually absent. In this respect, the art of getting the better of it in a dispute (*Rechtbehalten*) might begin with learning by heart the *Kunstgriffe* that Schopenhauer presents – as a poet might begin by memorising swathes of other poets' works and analysing them – but it will be refined by getting an eye in for choosing one's premises so as to discredit one's interlocutor's



position, and for knowing how to apply and adapt the *Kunstgriffe* in different dialectical situations and, when the occasion presents, to invent new tricks of one's own.

In the other arts we have mentioned, there is also a distinction to be made between the primary, focal or essential aim of the operations, which is the production of a good, such as a picture, a risotto or a functioning motorbike, and various subsidiary aims, which might include, among others, money-making. One such subsidiary aim might be the winning of a competition, for there are prizes to be had for painting and poetry, we know to our cost that there are such phenomena as *MasterChef*, and, though Robert M. Pirsig would have been aghast, there is no reason in principle why one could not have a contest for fixing motorbikes. Two characteristics of the twin arts of fencing present themselves in the context of this sort of distinction. One is that the other arts can be exercised absent any adversary, where (bar preparatory exercises) both sorts of fencing require a winner and a loser. The other is that, when the primary aim of the other arts has been reached, there remains a more-or-less permanent good external to the practice of the art, where the best that can be got out of a victory at either sort of fencing is a fleeting glow of satisfaction, excepting only the very rare case in which an exponent of eristic dialectic actually manages to change the interlocutor's mind on the point in dispute. Even in such a case, the question remains open of whether the one whose mind has been changed has benefited from the treatment, because the efficacy of the *Kunstgriffe* to persuade does not track truth in an appropriate way (as the presence of lips that are red because of lipstick does not track the health of the person whose lips they are).

In short, the art that Schopenhauer is out to delineate in *Dialektik* has recognisable points of contact with other arts, though we can already see that it is a rather special case.

2. The rules of the game

Considering the non-spiritual *analogon* of Schopenhauer's art of eristic dialectic, there is a fairly straightforward distinction to be drawn between the use of a sword as a weapon and the use of a sword in competitive sport, and there is an equally straightforward respect in which the latter presupposes the former.



When weapons are used in war or in a fight motivated by, for instance, hate, fear, rivalry or self-defence, they are used no moves barred and the combat may be to the death. There is no such thing as a foul or unfair play because there is no third party to ban, for instance, striking an opponent who is unarmed, on the floor or from behind. Even if a bout begins with swords, someone who uses a cudgel or a table to thrust or parry (*à la* Erroll Flynn) or who pulls out a pistol (*à la* Indiana Jones) is only seeking his advantage in a life-or-death struggle: so long as the opponent poses a threat, the fight must go on, no quarter given. In such a case, victory or non-defeat is nothing but survival. By contrast, in the sport of fencing, rules are imposed to determine the winner. For instance, in the foil, the only hits that count are those that close the electrical circuit and light the lamp; all other hits stop the round. Moreover, only an athlete who is in attacking mode may score points, which requires that there be a judge who is expert in the phases of the play to distinguish between valid and invalid hits. The participants wear gloves and armour, and the swords are blunted to reduce the risks of real harm, and, in such an eventuality, where one competitor is not able to give his or her best, the match is suspended. It is taken for granted that no other arm may be used than that prescribed by the rules of engagement.

This dichotomic distinction helps us individuate two partially coincident axes along which to classify the mental, intellectual or spiritual counterparts of the use of the sword. One axis runs from purely competitive debates, in which there is nothing at stake other than winning or losing, to those in which the upshot of a confrontation of points of view will have real-life consequences. At one extreme along this axis, we have such phenomena as debating-society competitions and moots, in which participants have the demonstration of their argumentative prowess as a main objective; and at the other, we have exchanges which the party prevailing earns the right to impose his or her opinion, for instance, to induce the interlocutor to act in a certain way. The other axis runs from the wholly asymmetric, in which there is a judge whose decision is final or “technical”, to the symmetrical, in which it is up to the participants themselves to work out who has had the better of the discussion. Again, at one extreme, there are the artifices of the debating society, where the asymmetry is as between the knowledge and competence of the participants and that of the judges; and at the other, perhaps, political debates in which



the onlookers are less competent than the speakers even though their behaviour at the polls may be the only index of who had the better of it. In between the extremes along this axis, we find place for a range of figures with various roles in non-agonistic debates whose job is not so much to express a verdict as to regulate the to-and-fro between the parties and to adjudicate procedural or formal points; among such figures, we might group justices and arbitrators in adversarial legal systems, the Speaker of the House of Commons along with moderators of presidential debates and the legion of talk-show hosts. And the hunch that presents itself is that the master of fencing with words to whom Schopenhauer alludes falls somewhere within this rather heterogeneous grouping.

But, first, we need to articulate further our distinction between sword-as-weapon and sword-as-sporting-accessory. For, we have heard Schopenhauer noting the passage from a quarrel (*Streit*) to a duel (*Duell*), where the background to this is a social nexus that has, for the most part, fallen into disuse, namely the honour codes of early-nineteenth-century German (and other) upper-class males. Without attempting a historico-cultural reconstruction of these webs, we may extract some schematic elements. At least one of the parties to a quarrel regarded himself as offended and demanded satisfaction; the other party was not permitted to ignore the challenge if he wished to save face. If no peaceful resolution could be found, the seconds of the two parties would agree on place, time, arm and rules of engagement for a duel, and were called on to ensure that both parties observed the terms agreed. Despite the risk of injury or death to either or both parties, the seconds' role was to keep the behaviour of "gentlemen". Thus, in a combat with swords, it was not good form to take undue advantage of a man in a vulnerable position without first calling on him to surrender, where surrender would close the question. The presence of the seconds was meant to ensure that each of the combatants would conduct himself *comme il faut* on pain of losing his good name among his peers

What might a fencing master be up to at a duel? Such a figure might be invited to play the role of umpire and, thus, to arbitrate between the parties' seconds, and such an invitation might arise out of his having been the master of either or both of the combatants. His interest in accepting the invitation might be at least twofold. In a first instance, he might be curious, for once in a while, to see a bout that is not a mere simulacrum, as are the exercises and matches in his school. After all, as already noted, the



use of the sword in competition presupposes its focal use as a weapon. And, secondly, he might want to see how well his students apply the lessons he has dispensed to conditions that are closer to those of battle. But, as our passage from Schopenhauer says, our fencing master is not interested in which of the parties to the quarrel was in the right: in this sense, his interest is “technical”. Let us return to see how these considerations apply to the question of mental, intellectual or spiritual fencing.

As we have already heard, for Schopenhauer, the circumstances in which the *Kunstgriffe* of eristic dialectic are to be deployed set aside the sort of collaborative, truth-oriented exchanges of views that are regulated by logic. For the art of getting the better of it in dispute applies when the parties to discussion are personally committed to defending a certain thesis. Yet, as we shall see shortly, the thesis in question need not automatically represent the party’s settled opinion but, for the purpose in hand, its defence may call for the defeat of the opposed view. So it is no accident that the classical source that Schopenhauer cites most frequently, both in the discursive texts surrounding the list of *Kunstgriffe* as well as in the exposition of them, is Aristotle’s *Topics*, a compendium of techniques to be used in dialectical debates starting from accredited opinions (*endoxa*) to arrive, by means of legitimate inferences, at probable conclusions concerning debating commonplaces (*topoi*). In this respect, the *Topics* offers indications about what counts as fair play in argumentation. But the *Kunstgriffe* that Schopenhauer illustrates mostly do not conform to this profile. Indeed, there are at least five *Kunstgriffe* that derive pretty directly from another Aristotelian text, the *Sophistical Refutations*, in which Aristotle lays out some examples of ‘paralogisms’ (*SEL*, i, 164a21 etc.), which are said to be merely-seeming refutations. Those most easily attributable to this source are *K* 1 (“accident”, *SEL*, v, 166b28-36), *K* 2 (“homonymy”, *SEL*, iv, 165b30-6a8), *K* 6 and 22 (both “circularity” or “*petitio principii*”, *SEL*, v, 167a36-9; cf. *Top*, VIII, xiii) and *K* 24 (“non-cause for cause” *SEL*, v, 167b21-36). Though the labels and their relations to the examples Aristotle gives are highly debatable, the point is that, where Aristotle produces these cases as tricks that have already been exposed as – as we moderns say – fallacious and hence weak as debating tools, Schopenhauer is recommending their use because, even if they are – as we moderns say – fallacious, they are nevertheless effective. And they are so, if for no other reason, because few people have read and digested Aristotle’s *Sophistical Refutations* and the



literature built on it. If one can get away with the use of such a trick, why should one care that it has already been exposed as – as we moderns say – fallacious? The point being that what we moderns call fallacies may nevertheless be effective.

This point may be reinforced by considering some possible groupings of other moves that Schopenhauer presents. For instance, one feature common to *K* 4, 9, 15, 23, 31 and 34 is that each in its own way seeks to put the adversary off balance or to catch him unawares; likewise, *K* 8, 18, 27, 32 and 36 indicate ways of riling the opponent so that he loses the thread of the argument and is led himself to commit errors; again *K* 18 and 29 are aimed at introducing interruptions and diversions of little logical relevance. As is made explicit in *K* 28, these moves have a supposed audience as their principle target; nevertheless, as emerges from *K* 38, a duel of eristic dialectic should not descend to fisticuffs or even to an action for slander, for such a loss of cool would be a sign of desperation and, hence, an admission of defeat in word-fencing. Before such a point is reached, *K* 14 reminds us that one way of winning with words is to simply declare oneself the winner in a triumphal tone (*triumphierend*): a ruthless “*Q.E.D.*” may take the place of an impartial evaluation of how the debate has proceeded because the parties are not impartial.

It is not our present purpose to examine in detail how the individual *Kunstgriffe* are supposed to work or how risky the use of each is in various contexts. But the exegetical point would be that, for all that he recognised them as logically irregular, Schopenhauer’s mental, intellectual or spiritual fencing master would appreciate their deployment in the thrust and parry of getting the better of it in dispute.

3. What makes me sick

Though the manuscript of *Dialektik* was left in a fairly advanced state of preparation for the press, Schopenhauer did not publish it in his lifetime. He explains why in the chapter of *Parerga und Paralipomena* dedicated to logic and dialectic, where he again uses the analogy between the latter and the art of fencing (Schopenhauer 1851, V, p. 38). There he says that it made him sick (“*widert mich jetzt an*”, p. 41) to set out the ways in which men hide the stubbornness, the vanity and the dishonesty with which they defend their



opinions. This terminology of “*Eitelkeit*” and “*Unredlichkeit*”, as well as that of corruptness (“*Schlechtigkeit*”) and logorrhoea (“*Geschwätzigkeit*”), is already present in the text from which the passage we are commenting is drawn (cf. Schopenhauer 2011, pp. 24-6). And the dynamic that leads to a dispute in which the *Kunstgriffe* will be unsheathed starts when two men notice that they have diverging opinions and each takes up arms to defend his own because each becomes obstinately convinced that his own is right (cf. Schopenhauer 2011, p. 173). The study of this dynamic is thus the study of the process of the obstinacy natural to man (“*die Lehre vom Verfahren der dem Menschen natürlichen Rechthaberei*”). The process of the obstinacy of the *rechthaberisch* man is not just in taking it that the opinion he happens to have is correct (= is not a false opinion), but in the further sense of its being his right and duty to impose it on others at all costs: the “getting the better of it in dispute” (“*Rechtbehalten*”) that we have already encountered.

Seasoned readers of Schopenhauer will recognise several features of what is in the offing here. One is the observation of a hard-to-admit but also hard-to-deny impulse to which we are all subject from time to time, namely, that of suddenly coming to treasure the difference between our own opinions and those of the person we have before us in such a way that ours crystallise and become precious whereas theirs merely coagulate and become as mud. A second is the move from these more-or-less occasional and more-or-less embarrassing impulses to the generalisation of our *rechthaberisch* nature. And the third is the sigh that this second move is inevitable and inextirpable, so that we just have to make the best of it in the circumstances, given our *rechthaberisch* nature.

Eristic dialectic thus presents itself as the art of expressing our stubborn, corrupt, vain, dishonest and logorrhoeic nature. It is thus an art of doing harm to others without justification as much as it is an art of defending ourselves against others who would do us harm without justification. If one is able to exercise this art with success, one does not have to undergo the *rechthaberisch* nature of others. This way of putting things raises at least three questions, of which the first would be: why does Schopenhauer say that the description of the *Kunstgriffe* made him sick? In the second place, was he right to keep his knowledge of them to himself or is there some good to be had from spreading such knowledge? And, third, what is the point of view from which one might appreciate the exercise of eristic dialectic?



As regards the first, and without speculating on the particular susceptibilities of Schopenhauer, it is not wild to suggest that the illustration and exemplification of the tricks that make up this art would make too vivid for comfort the baseness, mendacity and bullyingness of those who use them in debate. It would serve also as a reminder of our self-deceivingness when we think that, in arguing for a certain view, all we are doing in standing up for “objective truth”, when what we are really doing is taking a pretext for doing down our fellows. Moreover, the work in question would bring home too forcefully the following slightly irregular syllogism: Man is by nature *rechthaberisch*; Arthur Schopenhauer is a man; *ergo* Arthur Schopenhauer is *rechthaberisch*. To recognise in oneself so unseemly a characteristic might well bring on nausea.

But perhaps a preponderant cause of the queasiness induced by trying to catalogue the tricks of eristic dialectic arises from a formal feature of the material itself. Schopenhauer himself alludes to this feature when he says that his “first attempt” to make such a catalogue (Schopenhauer 2011, p. 30) is the result of an enquiry *a posteriori* based on “experiential knowledge of the disturbance which pure thought suffers [...] and by acquaintance with the means which disputants adopt to make good against one another” (pp. 172-3). For, in order to bring our art to completion, we need to see what are the moves that have actually been made and with what success in order to get the better of it in dispute.

The problem is that, even if we have a range of specimens of the most common stratagems, it is by no means clear how to frame a taxonomy of them or even a scheme of the similarities and differences among them. This helps to explain why the listing of *Kunstgriffe* that Schopenhauer (and Aristotle before him) gives is repetitive, disorderly and, so to say, rhapsodic: every attempt to collect and codify the manoeuvres of eristic dialectic will be partial and arbitrary for the reason already hinted at earlier, namely, that it does not make up a true *technè*, but is just a bag of tricks. For this reason too, we might say that Schopenhauer’s selection of thirty-eight *Kunstgriffe* is neither more nor less “complete” than the canon of thirteen sophistical refutations we find in the Aristotelian tradition, nor than the thriving and blooming classifications and terminologies we find in more recent handbooks on “fallacies”. We might therefore think of at least three sorts of nausea that threaten someone who seeks to categorise such sophisms. One is a sort of seasickness



brought on by the lack of a fixed and stable point to anchor oneself to; another is a sort of vertigo in view of the depth of some of the traps into which one might tumble; and a third is a sort of agoraphobia in the limitless horizons for men's ability to come up with bad arguments with which to cheat their fellows.

As to the question of whether Schopenhauer did well not to publish his manuscript (and hence whether Aristotle did ill to circulate the *Sophistical Refutations* and whether more recent writers do ill to list "fallacies"), we may further vary the analogy between the use of words and the use of swords.

A first variant would be to emphasise the offensive or aggressive use of words on an analogy with firearms. Two men armed with pistols can kill each other because a gun is not a shield against bullets. We may thus figure two extreme scenarios, in one of which everyone goes about armed and in the other everyone is unarmed. In the former, every time a citizen feels the *rechthaberisch* impulse upon him, he pulls out his gun and shoots the person with whose opinion he has suddenly found he disagrees. In the other, where no one is armed (and everyone is destitute of the art of eristic dialectic), not even the basest, most stubborn, bullying, vain and unjust of men will be able to put one over on the others, because of the effective equality among men with regard to physical and mental force. If we are in a position to choose, presumably, the latter situation is preferable. In this sense, if eristic dialectic is regarded as primarily offensive, it is better that knowledge of it be limited.

A second variant analogy would be to think of the *Kunstgriffe* as akin to the moves taught in self-defence classes, perhaps deriving from such martial arts as Judo. Here, the idea is that one learns to block others' aggressions, using the assailant's force against him. When a man is overcome by his *rechthaberisch* nature, our reaction to him may be enhanced by a knowledge of eristic dialectic in either (or both) of two ways.

The less subtle is to respond in kind: even if we are not ourselves seized by the desire to get the better of it in dispute, we may, in line for instance with *K 1*, interpret his affirmation in the widest possible sense and exaggerate it. We thus imitate the ill manners of the *rechthaberisch* so as not to give satisfaction. The risk, however, is that our aggressor may recognise the trick and accuse us of reasoning badly.



So the other approach might be to make use of the labels suggested for the various *Kunstgriffe* so as to discredit an argument that resembles one or other of the examples furnished by Schopenhauer. Thus, if, someone argues (on the pattern of a case offered in *K 2*) that a tradesman ought to duel in defence of his good name thus running together “civic honour” and “knightly honour”, we might respond by saying that the uses of “honour” here are “homonyms”. This sort of call might be likened to the way that a referee in football cites “off-side” as a kind of foul. And one shortcoming of this approach immediately comes to light: when we undergo someone else’s aggression, we are not in the position of the referee; but the use of (at least apparently) technical terminology may have the effect of putting its user in a position of (at least apparent) authority. Two other limitations may be noted. One is, as already indicated, that nobody has a good theory of bad arguments, so that any such allegation of foul play may itself become the object of further *rechthaberisch* behaviour on our interlocutor’s part. The other is that a truly *rechthaberisch* disputant will not be put off by so pedantic an observation, even if he, as a reader of Schopenhauer, knows perfectly well that “homonymy” is an argumentative vice. Nevertheless, the benefit of widespread knowledge of the most often-used *Kunstgriffe* would be a deterrent effect against those most tempted to argue by unfair means, if even those who are least given to *rechthaberisch* tendencies are in possession of techniques for deflecting gratuitous aggressions.

If eristic dialectic involves using bad arguments to try to smother up one of the worst facets of our natures, it may seem perverse to think that a display of this art could be a proper object of admiration. But, on Schopenhauer’s view of things, the fencing master may appreciate the “thrust and parry” quite without reference to the cause of the duel, and he may be more impressed by the creativity and barefaced impudence in the deployment of a novel *Kunstgriff* than he would be by the tired repetition of standard debating techniques. Though I do not claim to be a master of this art, I offer the following – perhaps merely suppositious – case as a possible addition to the thirty-eight that Schopenhauer lists.

Let us suppose – in our wildest imaginings – a politician, whom we may for convenience call “Mr B”, elected to high public office who is found guilty of a serious criminal offence – perhaps tax fraud. Under terms of his sentence, Mr B is to be stripped



of his elected office. In response, Mr B, who happens also to be media mogul, repeatedly goes on television arguing that, “under the rule of law”, citizens have the right to choose their elected representatives; if he were stripped of his office, they would be deprived of their democratic right; hence the sentence should not be applied. In the following weeks and months, Mr B also prevails on his political associates to be interviewed on television repeating substantially the same argument with special emphasis on the idea of the “rule of law”.

A mere logician might object to this argument that, if it were applied consistently, no elected official could be removed from office by reason of criminal conviction. But the objection would be weak because mere logicians are not in the asymmetric position of judges in such disputes. A political philosopher might object that “rule of law” is a term of art that does not mean what Mr B and his confederates want it to mean. The political philosopher might even say that here we have a case of “homonymy”. But again the objection would be weak because the phrase “rule of law” does seem to point to a guarantee of the electors’ democratic rights; that, at least is how Mr B’s electors will have understood it.

Yet it is our fencing master who, in addition to recognising some elements from other *Kunstgriffe* (K 12, 15, 21, 33), will see that, like the adolescent convicted of murdering his parents who throws himself on the mercy of the court as a poor orphan, Mr B’s “rule of law” argument is just the sort of high-sounding phrase that a criminal should appeal to in order to keep his supporters in a state of high indignation and to monopolise the terms of the debate. After all, if our political philosopher is right and “rule of law” is a technical term, then most of Mr B’s opponents would have to admit that they do not know what it means and, so, allow that the B faction does have a right to use it for their own purposes. Even if the argument is not particularly original, the fact that Mr B could put in the field a range of paid swordsmen to defend it gave it added debating effectiveness until such time as the body of which Mr B was an elected member might decide to expel him: and even if it was ultimately ineffective, the appeal to “rule of law” was better than admitting that the criminal court had jurisdiction on the point.

In short, in his role as judge of the argumentative duel (element of asymmetry), the *Fechtmeister* of eristic dialectic may appreciate the astute move of bombarding the electorate



with a single argument without regard to its intrinsic merits, and, in his role as spectator of the political scene (element of competition), he may distinguish between the inspired tactical choice and its ultimate failure, given that Mr B's position was in the long run indefensible.

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