1. PREHISTORIES OF IMPARTIALITY

# TAKING SIDES AND THE PREHISTORY OF IMPARTIALITY

## Anita Traninger

### 1. *Introduction: Taking Sides*

In his article "Taking Sides in Philosophy", Gilbert Ryle inveighs against the 'party-labels' commonly awarded in philosophy. He impugns in particular the conventional requirement to declare to what school one belongs because '[t]here is no place for "isms" in philosophy'.[1] In concluding, however, he is prepared to make 'a few concessions':

> Although, as I think, the motive of allegiance to a school or a leader is a non-philosophic and often an anti-philosophic motive, it may have some good results. Partisanship does generate zeal, combativeness, and team-spirit. [...] Pedagogically, there is some utility in the superstition that philosophers are divided into Whigs and Tories. For we can work on the match-winning propensities of the young, and trick them into philosophizing by encouraging them to try to "dish" the Rationalists, or "scupper" the Hedonists.[2]

Even though Ryle chooses to reduce the value of taking sides to a propaedeutic set-up as a helpmeet for the young to come up with striking arguments, what he describes is precisely the *modus operandi* of dialectics, which had since antiquity been the methodological basis of philosophy. Dialectics conceived of thinking as a dialogue, and an agonistic one at that: it consisted in propounding a thesis and attacking it through questions. Problems were conceived of as being a choice between two positions, whence the name the procedure received in Roman times: *in utramque partem disserere*, arguing both sides of a question or arguing pro and contra. The adversarial spirit was such that dialecticans, as Alain Michel has put it, 'hardly ever want to speak first. Their method drives them to prefer refuting a proposition. He who responds can contradict his adversary without having to engage himself.'[3] It is thus no coincidence that students

---

[1] Ryle G., "Taking Sides in Philosophy", in idem, *Collected Papers. Vol. 2. Collected Essays 1929–1968* (London: 1971) 153–169, here 153.
[2] Ryle, "Taking Sides in Philosophy" 167–168.
[3] 'Les dialecticiens n'aimaient guère parler en premier. Leur méthode les conduisait à préférer répondre. Celui qui répond peut contredire l'adversaire sans devoir s'engager

of philosophy can be engaged with more ease in the development of arguments when being forced to respond to an existing position.

How do these observations fit the theme of this volume? Etymologically, 'impartiality' depends on *pars* (part), and it refers precisely to the abstaining from taking sides or taking someone's part. Recent accounts of the history of objectivity have laid claim to the notion of impartiality as *ancilla obiectivitatis*, as a helpmeet to objectivity, and taken it to vouch for the core values of modern rationality.[4] And this history has, second, largely been told in a forward-looking, or, to put it rather more critically, teleological manner. In order to clarify the historical scope of taking sides, we will need to take a look backwards.

In what follows I will focus on one domain that did not actually develop a notion of impartiality – rather to the contrary – but supplied the fundamental argumentative techniques for taking sides: the trivial arts of rhetoric and dialectics. The ideal orator was he who had the ability to argue pro and contra a certain cause with equal zeal. While this is clearly an ideal, it betrays an underlying founding concept: that problems are given in the binary form of either/or, that all questions with regard to opinions, doctrines, or received wisdom can be decided either in the positive or in the negative. What does not figure is indecision, or, indeed, compromise.

In the context of traditional rhetoric and dialectics, impartiality is unheard of. Rhetorical and dialectical education in Antiquity, just as throughout the Middle Ages and the Renaissance, placed a premium on the moulding of a certain versatility in pro and con discourse, not with the objective of establishing consensus or compromise, but of forging a winning argument.[5] And while one could argue that school training is not to be confused with the much more nuanced argumentative necessities of real life, it is beyond doubt that educational programmes do betray the intellectual framework in which both academic and public prowess are conceived.

---

lui-même'. Michel A., *Rhétorique et philosophie chez Cicéron. Essai sur les fondements philosophiques de l'art de persuader* (Paris: 1960) 165 (my translation).

[4] See e.g. Gaukroger S., "The Autonomy of Natural Philosophy: From Truth to Impartiality", in Anstey P.R. – Schuster J.A. (eds.), *The Science of Nature in the Seventeenth Century. Patterns of Change in Early Modern Natural Philosophy* (Dordrecht: 2005) 131–163, esp. 160–161.

[5] Sloane T.O., *On the Contrary: The Protocol of Traditional Rhetoric* (Washington, D.C.: 1997) 3. Sloane presents his account of traditional rhetoric as a contrarian argument in itself, insisting that rhetoric is 'ostensibly based on antagonism, hostility, strife, competitiveness, indeed all those objectionably male-oriented qualities modern education is seeking to "go beyond" '.

The task of both rhetoric and dialectics was a schooling in partiality, but a very specific kind of partiality. As the hallmark of the oral-aural culture (of knowledge) that spanned the centuries from antiquity to the seventeenth century, as Walter Ong claimed,[6] this enforcement of partiality was at the same time coupled with a requisite disinterestedness: how could someone argue both sides of a question, if he supported one? The rhetorical tradition thus supplies a model that shares traits with later phenomena – disinterestedness – while it at the same time privileges a diametrically opposed stance towards problems: not weighing different points of view against each other, but forcefully putting forward one side and seeing what kind of counter-argument the opposition can come up with. In short, this model stands for a tradition of – and this can only be expressed as a paradox – disinterested partiality.

Is the emergence of impartiality therefore to be seen as an offshoot or outgrowth of early modern theories of argumentation or is it rather a radical break with tradition? The question is whether the concept of impartiality grew out of a radicalisation of *in utramque partem* discourse: the conviction that every point of view can be sustained and that the search for truth thus consists in displaying all possible solutions and weighing them against each other; or whether the concept of impartiality superseded the older rhetorical techniques and marks the beginning of a new era of thinking, one which refrains from combative discourse in favour of a careful and disinterested weighing of evidence.

## 2. *Carneades and the Uses of* in utramque partem disserere

When a dispute with the town of Oropus ended in an unfavourable settlement for the Athenians that involved the payment of a hefty fine, they decided to dispatch an embassy to Rome in 155 BC to appeal their case. Surprisingly, they did not send their most respected citizens, but the leaders of the three major philosophical schools of the day: Diogenes the Stoic, Critolaus the Peripatetic, and Carneades the Academic. The three presented their case to the Senate, but what made an even bigger impact on Roman society was the public lectures all three of them gave that attracted large and ethusiastic audiences. Cato the Elder, concerned about

---

[6]  Ong W.J., *The Presence of the Word. Some Prolegomena for Cultural and Religious History* (New Haven – London: 1967) 215.

the negative influence Greek fancifulness might have on Roman youth,
even appealed to the Senate to accelerate its consultations in order to
shorten the three Greeks' acclaimed sojourn. The philosopher who appar-
ently drew Cato's wrath the most was Carneades, as, on consecutive days,
Carneades first pleaded the case for justice, then attacked it as a folly.[7]

The Church father Lactantius, some 450 years later, comments on the
incident in his *Divine Institutes*, and while he first appears to dismiss the
speeches as mere rhetorical exercises, he is eventually very clear about
what Carneades set out to demonstrate beyond the actual arguments pro
and con:

> [...] Carneades had been sent to Rome by the Athenians as their spokesman,
> and he discussed the topic of justice at length before an audience includ-
> ing Galba and Cato the Censor, the best speakers of the day. The next day,
> however, he overturned his argument with a contrary set of points, destroy-
> ing the justice he had so condemned the previous day: the seriousness of a
> philosopher was gone, whose views should be firm and steady, replaced by
> that rhetorical sort of exercise which was his usual practice, of speaking on
> either side, so that he could refute any view put by others. [...] Carneades'
> intention, however, was to rebut Aristotle and Plato, the champions of jus-
> tice; so he gathered all that was being said in its favour in his first speech so
> he could overthrow it as he did later.[8]

Even though the Academy had turned sceptical under Carneades's prede-
cessor and the speeches easily qualified as testimony to this turn, Lactan-
tius saw something in them he could relate to: the gathering of positions
of an antagonist in order to refute them. Despite Carneades not having
offered any indication as to which of the two positions he actually shared,

---

[7] The speeches are not extant as Carneades has left behind no writings. The most
detailed précis (which is based on Cicero's *De re publica*, most of which is lost today)
can be found in Lactantius, *Divinae institutiones* V, 16. Cato's reaction to the embassy is
reported by Plutarch and Pliny; see the references to the relevant passages and the reports
by Cicero, Quintilian, and Aulus Gellius in Astin A.E., *Cato the Censor* (Oxford: 1978) 175,
n. 48; on the cause and the course of the mission, see Habicht C., *Athens from Alexander
to Antony*, trans. D.L. Schneider (Cambridge, MA – London: 1997) 265f.; on Carneades'
rhetorical ingenuity see Usher M.D., "Carneades' Quip: Orality, Philosophy, Wit and the
Poetics of Impromptu Quotation", *Oral Tradition* 21, 1 (2006) 190–209.

[8] Lactantius, *Divinae institutiones* V, 14, 3–5: 'is [i.e. Carneades] cum legatus ab Athe-
niensibus Romam missus esset, disputavit de iustitia copiose audiente Galba et Catone
Censorio maximis tunc oratoribus. sed idem disputationem suam postridie contraria dis-
putatione subvertit et iustitiam quam pridie laudaverat sustulit, non quidem philosophi
gravitate, cuius firma et stabilis debet esse sententia, sed quasi oratorio exercitii genere in
utramque partem disserendi. [...] Carneades autem ut Aristotelen refelleret ac Platonem
iustitiae patronos, prima illa disputatione collegit ea omnia, quae pro iustitia dicebantur,
ut posset illa, sicut fecit, evertere'.

Lactantius interprets the whole enterprise as an endeavour in search of truth that proceeds by establishing a position and then refuting it.[9]

Contrary to Lactantius' report, most modern scholars seem to agree that Carneades's speeches were given outside of the official mission, but in any case their topic, justice, was of immediate relevance to the case. And even though the two equally strong speeches hinted at an impasse, the Senate reached a solution swiftly and significantly reduced the Athenians' penalty. Thus while Carneades may have made a case for indecidability in line with the sceptical epistemology he propounded as the head of the new Academy, his act was successful in rhetorical terms as his audience nevertheless reached the conclusion the embassy had worked towards.

The impact Carneades's performance made on the development of Roman rhetoric can hardly be overestimated. When Cicero set out to define the perfect orator in *De oratore*, it was still Carneades who embodied the ideal qualities:

> [...] if there should ever be a person who is able in Aristotelian fashion to speak on both sides about every subject and by means of knowing Aristotle's rules to reel off two speeches on opposite sides on every case [de omnibus rebus in utramque partem sententiam possit dicere], or in the manner of Arcesilas and Carneades to argue against every statement put forward, and who to that method adds the experience and practice in speaking indicated, he would be the one and only true and perfect orator.[10]

The reference to Carneades's performance does not of course mean that *in utramque partem disserere* always implies arguing *both* sides at once, indeed '[t]here are surely few public situations in which the sort of sceptical rhetoric practiced by Carneades is called for'.[11] Also, the ability to argue both sides does not automatically render the orator a Sceptic. What is required is that the orator be prepared to argue either side of a case, whichever task might be thrown at him, with equal zeal and persuasiveness. To do

---

[9] Carneades was not always judged so favourably: cf. Augustine's influential denouncement in *Contra Academicos* II, 12, 27.

[10] *De oratore* III, 80: 'sin aliquis existerit aliquando qui Aristotelico more de omnibus rebus in utramque partem sententiam possit dicere et in omni causa duas contrarias orationes praeceptis illius cognitis explicare, aut hoc Arcesilae modo et Carneadis contra omne quod propositum sit disserat, quique ad eam rationem adiungat hunc usum exercitationemque dicendi, is sit verus, is perfectus, is solus orator'. Translation from the Loeb edition with my changes.

[11] Wilkerson K.E., "Carneades at Rome: A Problem of Sceptical Rhetoric", *Philosophy & Rhetoric* 21, 2 (1988) 131–144, here 141; see also Craig C.P., "The Structural Pedigree of Cicero's Speeches *Pro Archia, Pro Milone*, and *Pro Quinctio*", *Classical Philology* 80, 2 (1985) 136–137, here 136, n. 1.

that, *epoché* – the suspension of judgement propagated by the Sceptics – is not a requirement. As K.E. Wilkerson has put it: 'Scepticism may have enhanced the persuasive skills of some speakers – Cicero is a possible example – by extending their resources of argument, but, as Antonius remarks, oratory itself finds its usual occupation in urging audiences to approve proposals, not to suspend their judgment.'[12]

Cicero, who aimed, throughout his life, at a fusion of rhetoric and philosophy or rather, at fashioning the orator as a philosopher, insisted in various places that *in utramque partem disserere* is not limited to any one of these two disciplines but is rather a mindset that encompasses both: it refers, in the most general terms, to the propounding of a thesis and opposing it, be it by attacking it through a series of questions, or by formulating an oration on the contrary view. Cicero himself attributes both the invention of the technique and the combination of rhetoric and dialectics under the umbrella of *in utramque partem disserere* to Aristotle: he trained his disciples not only to expound arguments on both sides in the plain manner of the philosophers, but to treat them with rhetorical copiousness.[13]

In the history of philosophy, however, it was Carneades's predecessor as head of the Academy, Arcesilaus, who is said not only to have introduced the turn of the Academy towards scepticism, possibly influenced by the Sceptic Pyrrho, but also to have invented the technique of arguing both sides, as Diogenes Laertius reports.[14] Pierre Bayle, however, who in his *Dictionaire historique et critique* set out to amend the errors of earlier historians and scholars, also corrects this view in pointing out that arguing on both sides was rather the very procedure already favoured by Socrates and further pursued by Plato: Arcesilaus was, Bayle judges, certainly not an innovator.[15]

---

[12]  Wilkerson, "Carneades at Rome" 142. He refers to Cicero, *De oratore* II, 159.

[13]  Cicero, *De finibus* V, 10: 'ab Aristoteleque principe de singulis rebus in utramque partem dicendi exercitatio est instituta [...]'. Cicero, *Orator* 46: 'In hac [i.e. treating a question on both sides] Aristoteles adolescentes non ad philosophorum morem tenuiter disserendi, sed ad copiam rhetorum in utramque partem, ut ornatius et uberius dici possit, exercuit'.

[14]  Diogenes Laertius IV, 6, 28. See Wilkerson, "Carneades at Rome" 136; Couissin P., "L'origine et l'évolution de l' ΕΠΟΧΗ", *Revue des études grecques* 42 (1929) 373–397.

[15]  'On auroit tort de prétendre qu'il [i.e. Arcesilas] n'a point été appellé à juste titre un innovateur; mais Diogene Laërce se trompe, quand il le prend pour le prémier qui ait introduit la coutume de disputer de part & d'autre. [...] Ce fut l'esprit de Socrate, & Platon le conserva.' Bayle Pierre, *Dictionaire historique et critique*, 4 vols., 5th ed. (Amsterdam et al., P. Brunel et al.: 1740) Art. "Arcesilas", 285E.

Indeed, we can already find both rhetorical and dialectical instances of contrarian argumentation in Plato's dialogues. Socrates engages with other interlocutors mainly in dialogical exchanges, but also by contrary speeches. In the *Phaidros*, he declaims two speeches on *eros* in response to a speech given by Lysias reported to him by young Phaidros (*Phaidros* 237A–241D, 243E–257B). Yet above all he is shown practicing the "Socratic elenchus", a type of cross-examination that consisted in putting a series of questions to a person who has made a statement in order to demonstrate the inherent contradictions.[16]

Still, even though Aristotle claimed that he had to develop the dialectical techniques all by himself as he could not draw on any predecessors' work,[17] in actual fact, he was preceded not only by Plato, but by others as well. *In utramque partem* discourse both in dialectical and rhetorical terms was already supposedly taught by the Sophist Protagoras, who is said to have been the first to assert that two contrary statements could be made about any subject matter and who taught accordingly how to make the best case for either side, also having been the first to charge his students for introducing them to the method.[18] The oldest work that has come down to us in this regard are the *Dissoi Logoi*, a fragmentary manual for pro and con argumentation dating from the turn from the fifth to the fourth century B.C., that limits itself to listing arguments for and against certain questions.[19] Yet while a long tradition can be established for the practice of taking sides in rhetoric and dialectics, this brief overview indicates that the schools and teachers making use of the method were not in agreement about its objectives, and much less did they rely on it to convey the same epistemology or doctrine.

---

[16] Robinson R., *Plato's Earlier Dialectic* (Oxford: 1953) ch. 2, 'Elenchus', 7–19. See also Cicero's characterization of disputing *in utramque partem* as the Socratic method for finding truth in Cicero, *Tusculanae disputationes* I, 8.

[17] Aristotle, *De sophisticis elenchis* 183b-184b. See Ryle G., "Dialectic in the Academy", in Owen G.E.L. (ed.), *Aristotle on Dialectic: The Topics. Proceedings of the Third Symposium Aristotelicum* (Oxford: 1968) 69–79, here 70.

[18] Diogenes Laertius IX, 8. On Protagoras, also in the context of Plato's dialogue of the same title, see Gomperz H., *Sophistik und Rhetorik* (Leipzig: 1912) 127–200.

[19] The *Dissoi Logoi* (literally 'different words', referring to 'differing views') were transmitted along with the writings of Sextus Empiricus and were first seen into print by Henricus Stephanus in 1570. For the historical context and a discussion of the surviving fragments see the commentary and introduction in *Dissoi Logoi. Zweierlei Ansichten. Ein sophistischer Traktat. Text – Übersetzung – Kommentar*, ed. A. Becker – P. Scholz (Berlin: 2004).

Aristotle, in his *Rhetoric*, made it clear that the aim of arguing on both sides was, first, not just an accidental variety, but the characteristic structural trait of both rhetoric and dialectics. And he held, second, that arguing about opposites served the objective of finding truth:

> Further, one should be able to argue persuasively on either side of a question, just as in the use of syllogisms, not that we may actually do both (for one should not persuade what is debased) but in order that it may not escape our notice what the real state of the case is and that we ourselves may be able to refute if another person uses speech unjustly. None of the other arts reasons in opposite directions; dialectic and rhetoric alone do this, for both are equally concerned with opposites.[20]

While the concern was the same in both arts, the respective procedures were quite different:[21] rhetoric called for contrasting speeches, while dialectics required the positing of a thesis, followed by attacks being brought forward against it. In dialectical training, the same theses were debated over and over again, and it was not uncommon that the same student would defend and attack the same position at different times. Rather, it was recommended practice (Aristotle, *Topica* 163b). As a consequence, '[t]he rules and codes of the elenctic disputation-match did not require that the defender of a thesis believed it to be true. His business was to produce the best possible case for it. Nor did the questioner have to believe the thesis to be false. His business was to produce the best possible case

---

[20] Aristotle, *Rhetorica* 1355a. This depends on a dual notion of truth, discussed by Aristotle in several places: truth can either be demonstrated or persuaded; it is either plausible or proven; probable or necessary. Wherever opinions are concerned, they have to be held against each other to determine their probability, see Michel, *Rhétorique et philosophie chez Cicéron*, 160. He explains further: '[…] les données de l'opinion ne peuvent guère être confrontées avec les faits, puisqu'elles sont incertaines et mal saisissables. Mais il est toujours possible de les étudier en elles-mêmes formellement, et de ne les admettre que si elles rendent au moins douteuses les affirmations qui leur sont contradictoires. Telle est l'argumentation *in utramque partem*'. Ibidem, 163. Marta Spranzi Zuber has argued that probable arguments for both sides decidedly point towards the possibility of a resolution: 'Une thèse probable n'est pas une thèse dont la vérité n'est que partielle, mais une thèse dont la vérité pourra être prouvée. La probabilité exprime donc, paradoxalement, la foi que la vérité existe, et indique en même temps une direction de recherche pour découvrir cette vérité d'une part, et pour découvrir la preuve, d'autre part'. Spranzi Zuber M., "Rhétorique, dialectique et probabilité", *Revue de synthèse* 4e sér., 2-3-4 (2001) 297–317, here 314.

[21] Cicero claims, however, that Aristotle taught a combination of both, and that the dialectical places presented in the *Topics* served this purpose, see Cicero, *Orator* 46: 'In hac Aristoteles adulescentis non ad philosophorum morem tenuiter disserendi, sed ad copiam rhetorum, in utramque partem ut ornatius et uberius dici posset, exercuit idemque locos – sic enim appellat – quasi argumentorum notas tradidit unde omnis in utramque partem traheretur oratio'. See also Quintilian, *Institutio oratoria* XII, 2, 25.

against it.'[22] This necessarily resulted in a certain detachment, also in emotional terms, that called for, in Ruch's beautiful translation of Cicero's formula, 'pratiquer la contradiction sans opiniâtreté & la souffrir sans colère' ('practicing contradiction without stubbornness and suffer it without anger').[23] Instead of personal engagement, training rather sought to habituate students to standardized situations, very much in the same way as they are practiced in football or in chess. Dialectics was as much about memorizing successful argumentative moves as about arguing, which is why Aristotle advises on how to collect and dedicate them to memory (Aristotle, *Topica* 163b1–9). Efficiency in argumentation depended not only on individual resourcefulness, but also on collaborative effort: 'Like chess-players' "combinations", lines of argumentation are public property, and a tactical improvement made by myself becomes henceforth a part of anyone else's stock of arguments for or against the same thesis.'[24]

Thus in *utramque partem disserere* required a specific type of detachment when taking sides, but it was not a sceptical technique in itself. Even though the Academy had turned sceptical under Arcesilaus and Cicero voiced a decided sympathy for sceptic philosophy,[25] arguing both sides does not necessarily imply *epoché*, abstaining from judgement. Accordingly, Cicero variously discusses *in utramque partem disserere* in his works, but mostly insists that it was Aristotle who informed his understanding of the concept.[26]

[22] Ryle, "Dialectic in the Academy" 74.

[23] Ruch M., "La 'Disputatio in utramque partem' dans le 'Lucullus' et ses fondements philosophiques", *Revue des études latines* 47 (1969) 310–335, here 332. 'et refellere sine pertinacia et refelli sine iracundia', Cicero, *Tusculanae disputationes* II, 5. See also Moraux P., "La joute dialectique d'après le huitième livre des *Topiques*", in Owen G.E.L. (ed.), *Aristotle on Dialectic: The Topics. Proceedings of the Third Symposium Aristotelicum* (Oxford: 1986) 277–311, here 279–280.

[24] Ryle, "Dialectic in the Academy" 75.

[25] Cicero himself got acquainted with the sceptical Academy through his teacher Philo of Larissa, who headed the fourth and last Academy. See Reinhardt T., "Rhetoric in the Fourth Academy", *The Classical Quarterly* n.s. 50, 2 (2000) 531–547.

[26] See Long A.A., *From Epicurus to Epictetus*: *Studies in Hellenistic and Roman Philosophy* (Oxford: 2006) ch. "Cicero's Plato and Aristotle", 285–306, here 302. For an overview of the passages where Cicero and Quintilian discuss *in utramque partem disserere* see Granatelli R., "L'in utramque partem disserendi exercitatio nell'evoluzione del pensiero retorico e filosofico dell'antichità", *Vichiana* 3a ser. 1/1–2 (1990) 165–181. On Cicero's self-fashioning as a teacher of *in utramque partem disserere* in both rhetoric and dialectics in the vein of Aristotle see Nickau K., "*Peripateticorum consuetudo*. Zu Cic. Tusc. 2,9", in Döpp S. (ed.), *Antike Rhetorik und ihre Rezeption. Symposium zu Ehren von Prof. Dr. Carl Joachim Classen D. Litt. Oxon. am 21. und 22. November 1998 in Göttingen* (Stuttgart: 1999) 15–28, esp. 16–19.

The appeal of the technique of arguing contraries by far exceeded the specifically philosophical reflection on deciding issues, and informed unlikely fields of teaching such as grammar. Instead of choosing, say, the didactic dialogue, Publius Cornelius Varro organized his *De lingua latina* (most of which is lost today) as a series of contrarian arguments.[27] Admittedly, this was the first and only time such a disposition was attempted by a grammarian in antiquity, but Varro's sequence of pro and con arguments, interspersed by authorial interventions that weigh the contrarian positions, points to a far-reaching fascination with the method.

After all, scepticism itself appears to have depended on a contrarian impulse. Carneades and the Academic Sceptics were mostly motivated by countering the other philosophical schools and in particular the Stoics, who held that there was certainty in sense perception.[28] Carneades is reported by Diogenes Laertius to have exclaimed: 'Without Chrysippus [the leader of the Stoa] where should I have been?'[29]

If arguing on both sides was adopted by the Sceptics to counter dogmatism, it is all the more surprising that the mother of all dogmatic enterprises, medieval theology, should take up precisely this procedure as its preferred method.

### 3. *Taking Sides and Scholastic Disputation*

Teaching at the medieval university revolved around the *quaestio*, which informed engagement with texts, magisterial teaching, as well as learned debate, the *disputatio*.[30]

---

[27] Ax W., "*Disputare in utramque partem*. Zum literarischen Plan und zur dialektischen Methode Varros in de lingua Latina 8–10", *Rheinisches Museum für Philologie* 138 (1995) 146–177.

[28] Wilkerson, "Carneades at Rome" 131. For the debates between Academics and Stoics see also Allen J., "Carneadean Argument in Cicero's Academic Books", in Inwood B. – Mansfeld J. (eds.), *Assent and Argument: Studies in Cicero's Academic Books. Proceedings of the 7th Symposium Hellenisticum* (*Utrecht, August 21–25, 1995*) (Leiden – New York – Cologne: 1997) 217–256.

[29] Diogenes Laertius IV, 9, 62.

[30] A question could be the starting point or, in a different sense, the result of a disputation: the *quaestio disputata* appears to have emerged as an edited compilation of the pro and contra arguments forwarded in a debate, but nevertheless it is not transcript of the debate, and apparently the genre soon became quite independent of actual disputations. See Marenbon J., *Later Medieval Philosophy (1150–1350)* (London – New York: 1991) 28–31.

Gilbert of Poitiers (ca. 1075–1154) very early in its development laid down the conditions under which a question would qualify as a scholastic *quaestio*: not all disagreements give rise to a *quaestio*, he says in his commentary on Boethius' *De trinitate*. If one of the sides cannot be substantiated with probable arguments or if it is not possible to argue for the truth of the one and the falseness of the other side, there is no *quaestio* to be disputed. Only if there is a question where both sides are equally probable ('cuius vero utraque pars argumenta veritatis habere videtur'), thus only if there is justified doubt, a *quaestio* emerges.[31] This definition clearly set a standard to which dialecticians did not adhere in practice. As Brian Lawn has commented, '[…] we find the *quaestio*, especially in Paris, escaping from the narrow bounds of this definition and embracing every kind of enunciation, even statements about which no doubt at all seemed to exist'.[32] The predilection with taking sides, inherited from antiquity, was thus taken to new heights in scholastic culture as a general principle of reflection and teaching.

Thanks to the research of Olga Weijers and others it is well known today that disputation, as it took shape in the medieval university, differs from ancient practice and also cannot be explained in its entirety as being derived from the Aristotelian *Organon*.[33] Nonetheless it does, of course, take up syllogistic reasoning as expounded in the *Prior* and *Posterior Analytics*, and it also imports some aspects of the pragmatics of dispute as set out in the *Topics*. The constellation of 'questioner' and 'answerer' that informs Aristotle's *Topics* was transformed into a three-part set-up: a presiding master; a *respondens*, who is supposed to defend the master's position; and an *opponens*, who comes forward with attacks.[34] In particular, the role of *opponens* has to be understood as a function that could be adopted by a group of scholars in one particular disputation. Yet while

---

[31] Gilbert of Poitiers, *Commentaria*, in *Patrologia Latina* 64, 1258A. See on this Grabmann M., *Die Geschichte der scholastischen Methode*, 2 vols. (Berlin: 1956, reprint of the ed. Freiburg i.Br.: 1911) vol. II, 424–430.

[32] Lawn B., *The Rise and Decline of the Scholastic 'Quaestio Disputata', with Special Emphasis on its Use in the Teaching of Medicine and Science* (Leiden – New York – Cologne: 1993) 12.

[33] For a brief account see Weijers O., "De la joute dialectique à la dispute scolastique", *Académie des Inscriptions & Belles Lettres. Comptes-rendus des séances* (1999) no. 2, 509–518.

[34] On the history of *opponens* and *respondens* as roles in disputation cf. Bazàn B.C., "Les questions disputées, principalement dans les facultés de théologie", in idem et al. (eds.), *Les questions disputées et les questions quodlibétiques dans les facultés de théologie, de droit et de médecine* (Turnhout: 1985) 21–147, here 39–42.

scholastic disputation involves more than two discussants, it is neverthe-less concerned with contrasting two sides.

A question, which typically has the form "whether . . . or" ("utrum . . . an") is answered either in the negative or in the positive in a series of the-ses. These are propounded one after another by the *respondens* and duly attacked, one after the other, by the *opponens*. A disputation is thus not centered around a question that demands and receives an answer, but one of two possible answers to that question is tested in a collaborative effort. It thus does not come as a surprise that the schoolmen began to leave out the question altogether and turned straight to writing theses as the starting point for debate.[35]

In the setting of the university, one could be asked to act as a respon-dent or opponent at any time. Again, this entailed an ability to separate the task of producing the strongest possible argument from any desire to make a case for personal convictions. And again, a premium was put on the ability of being equally able to defend or oppose a particular thesis. This kind of disinterested partiality was the rule, and not the exception,[36] as is illustrated by the fact that satire could mock the schoolmen's pride in their intellectual flexibility as a matter of course.

Thomas More, in a letter to Maarten van Dorp dating from October 1515, recounts an ancedote about a theologian who attends a formal din-ner and finds himself in the company of a wealthy and educated Italian merchant. The theologian's *déformation professionelle* of arguing contrar-ies detrimentally informs his take on light conversation: first, he counters whatever is being said over dinner with a syllogism to prove that the oppo-site was true. He even prides himself on being ready to debate any topic *in utramque partem* ('professus est enim se, in utramque partem, de re quacunque disputaturum').[37] As the merchant brings up topics with doc-trinal implications (interest, tithes, confession) and eventually talks about extramarital affairs, the theologian is all the more piqued. And when the

---

[35] Chang K., "From Oral Disputation to Written Text: The Transformation of the Dis-sertation in Early Modern Europe", *History of Universities* 19, 2 (2004) 129–187, here 135.

[36] Medieval textbooks are notoriously silent about both the precise procedure of dispu-tation and its pragmatic implications. It is often scattered asides that illustrate what people thought they were doing. For example, in a letter to his bishop, Johannes Eck ridicules a participant in a disputation who naively thought that all the propositions brought forward by Eckius (Eck refers to himself in the third person) were indeed his personal convictions ('infantiliter existimasset omnia per Eckium in disputatione proposita eius fuisse senten-tiae tanquam asserta et ab eo firmiter tenta'). See Eck Johannes, *Briefwechsel*, ed. V. Pfnür (online edition: http://ivv7srv15.uni-muenster.de/mnkg/pfnuer/Eck-Briefe.html) Ep. 32.

[37] More Thomas, *The Complete Works of St. Thomas More* (New Haven et al.: 1963–) vol. XV, 50–52.

merchant begins to quote fictitious references, having noticed that the theologian was not quite proficient in Holy Writ, the theologian nevertheless manages to refute every single point. How did he do it? Even though he did not even know what the merchant was talking about, he destroyed every single argument by finding logical fault with it.

In the *Letters of Obscure Men*, it is again table talk that serves as a backdrop for an anecdote about *in utramque partem disserere*. A certain Johannes Strausfederius relates a scene to Ortwin Gratianus where a nobleman 'scandalizavit' the *magister noster* Petrus Meyer by calling Johannes Reuchlin the greater scholar. Meyer bristles at such ignorance, denouncing Reuchlin as only dabbling in theology 'sicut unus puer' ('like a boy'). In order to justify the nobleman's praise, Reuchlin would have to present a theological *quaestio* to Meyer and defend both the pro and the contra positions ('Ipse deberet mihi proponere unam quaestionem in Theologia, et deberet arguere pro et contra').[38] Thus disputation as such, but in particular the ability to engage in it no matter what the case to be defended may be, are the only possible hallmarks that would give proof of Reuchlin's learning.

We should not let these satirical takes, which aim at portraying the scholastics as an uncultivated and small-minded lot, obscure the liberties the old university extended to its members. These liberties were closely linked to this habitus of separating argument from conviction, of privileging the mulling over *sententiae* above exchanging personal views: 'A master might venture almost any idea or opinion *narrando, dubitando, inquirendo* or *querendo*. In presenting the arguments or doctrines of his philosophical authorities, he customarily used the terms *recitare, disserere, declarare*. Only when a personal and formal solution was reached did masters use the words *asserere* and *determinare*'.[39] Speech acts in the context of the university were thus of two types: utterances made *disputative* or *scholastice* were, as it were, suspended until the utterer would assert a certain position; only then speaking *assertive* and thus accepting accountability and responsibility for it.[40]

---

[38] *Epistolae obscurorum virorum*, ed. A. Bömer, 2 vols. (Aalen: 1978, reprint of the ed. Heidelberg: 1924), vol. I, 5, II, 13–15, the quotations on p. 14. For the Latin supposedly spoken by theologians that is caricatured in the *Epistolae*, see Kivistö S., *Creating Anti-Eloquence*: Epistolae obscurorum virorum *and the Humanist Polemics on Style* (Helsinki: 2002).

[39] McLaughlin M.M., *Intellectual Freedom and its Limitations in the University of Paris in the Thirteenth and Fourteenth Centuries* (New York: 1977) 67.

[40] See on this Traninger A., "*Disputative, non assertive posita*. Zum Aussagestatus disputatorischer Thesen", in Vollhardt F. (ed.), *Religiöser Nonkonformismus und frühneuzeitliche*

It was clearly the objective of dialectical teaching, which was at the core of the beginners' curriculum in the arts faculties, to convey the ability to argue for or against any proposed thesis. This was not only the precept of the medieval dialecticians, but it was equally stressed by those authors who were pushed by humanists to replace the old textbooks such as Petrus Hispanus' *Summulae logicales*. George of Trebizond, the Byzantine scholar whose little manual on dialectics was written before 1440 and then seen into print for the first time in Paris by Jacques Lefèvre d'Étaples in 1506, holds to this very scope for dialectics: 'It is thus the fruit of the whole art of dialectics to dispute in this way about any topic on both sides'.[41]

### 4.  *The Age of Contraries: Renaissance Takes on Taking Sides*

Renaissance dialogue was conceived as a classically-oriented, humanist antithesis to scholastic disputation.[42] As such, however, it was not exactly an alternative model for face-to-face debate, but rather a revival of a classical literary genre that was not only bound to the medium of writing, but depended heavily on intertextual references and was in fact a mise-en-scène of oral exchange in the medium of writing along the stylistic lines of classical literature. Dialogue is a fictional genre which, even though it is traditionally concerned with philosophical and theoretical questions, belongs to the literary sphere as opposed to the social practice of scholastic disputation.

Within this framework, dialogue adopted and advanced the mode of *in utramque partem disserere*, albeit to serve very different ends. Again, the method fitted a new setting with ease despite its being born of very different intentions. The genre of dialogue lent itself to staging debates without having to resolve them, to producing ambiguity by contrasting opinions without having to present a definitive conclusion. Leonardo Bruni's *Dia-*

---

*Gelehrtenkultur: Akademische Netzwerke und Formen praktizierter Toleranz* (Berlin: 2013, forthcoming).

[41]  'Est autem fructus totius artis dialecticae, huiusmodo de re aliqua in utramque partem disputare'. Georgius of Trebizond, *Utilissimus de re dialectica libellus, diligentius multo quam antehac unquam recognitus et emendatus, cum scholiis Iohannis Nouiomagi* (Frankfurt a.M.: 1966, reprint of the ed. Cologne, Eucharius: 1539) 193. On Trebizond's *Dialectica* see further Monfasani J., *George of Trebizond: A Biography and a Study of his Rhetoric and Logic* (Leiden: 1976) 294–337.

[42]  See Traninger A., *Disputation, Deklamation, Dialog. Medien und Gattungen europäischer Wissensverhandlungen zwischen Scholastik und Humanismus* (Stuttgart: 2012) 237–241, 256–270.

*logi ad Petrum Paulum Histrum*, two dialogues written in 1401 and 1406, are widely held to be the first incarnation of Renaissance dialogue and provided a hugely influential model for following generations. The two dialogues supposedly recount events that took place at the house of the Florentine chancellor Coluccio Salutati on two subsequent days: a debate between the chancellor himself, Niccolò Niccoli, Roberto Rossi, and Leonardo Bruni on the state of literature and learning in their day. In the first dialogue, Niccolò Niccoli first refuses to engage in debate at all, given the debased state of learning, but is then persuaded to take part in a 'disputation'. In a polished speech modelled on classical patterns he lashes out at his contemporaries as well as at the *tre corone* of Italian literature, the poets Dante, Petrarch, and Boccaccio, for their various shortcomings. The next day, Niccoli admits that he had only taken a critical stance in order to provoke Salutati to contradict him, and then comes forward with praise for the three poets.[43]

Of course, *in utramque partem disserere* is, in a technical sense, a device of intellectual provocation that is essential for advancing the debate.[44] But the highlighting of debate as such by staging contradictory, classicising speeches serves a greater purpose, as Bernd Häsner has shown: exhibiting and at the same time helping to bring about a humanist culture of communication.[45]

As a vehicle of promoting an emerging humanist culture, *ethos* plays an important role especially in the early dialogues of the fifteenth century. They often portray prominent contemporaries as interlocutors and thus set the stage for another type of arguing contraries: real-life convictions could be contrasted with positions defended in the dialogue. Niccoli acted in Carneadean fashion in Bruni's dialogue, and as he left no writings behind that would allow for construing his genuine opinion, generations of scholars were left debating which of his two speeches was the "fabricated"

---

[43] Bruni Leonardo, *Dialogi ad Petrum Paulum Histrum*, ed. S.U. Baldassarri (Florence: 1994).

[44] David Marsh characterizes *in utramque partem disserere* as a 'neo-Ciceronian device of assuming a position to promote debate': Marsh D., *The Quattrocento Dialogue. Classical Tradition and Humanist Innovation* (Cambridge, MA – London: 1980) 30. See also Batkin L.M., *Die italienische Renaissance. Versuch einer Charakterisierung eines Kulturtyps* (Frankfurt a.M. – Basel: 1981) 278 f.

[45] See the excellent discussion in Häsner B., "Leonardo Brunis *Dialogus ad Petrum Paulum Histrum*: Darstellung und Selbstkonstruktion einer humanistischen Kommunikationskultur", in Hempfer K.W. (ed.), *Möglichkeiten des Dialogs. Struktur und Funktion einer literarischen Gattung zwischen Mittelalter und Renaissance in Italien* (Stuttgart: 2002) 115–161.

one and which was "genuine". This disjunction fuels the discussion in other cases as well: in Poggio Bracciolini's *De avaritia* (1428) it is a group of secretaries from the Roman curia that makes up the cast of characters. Antonio Loschi is given the task to speak in favour of avarice, and it is within the dialogue itself that it is remarked that this was a most strange task for Loschi, to whom avarice was foreign.[46] *In utramque partem disserere* thus serves as a vehicle of blurring the borders between world and text.[47]

Renaissance dialogue is characterized by a polyphony of voices that resists being subsumed or homogenized to express one 'message' of the text. Of course there are dialogues that introduce authoritative, usually senior characters whose task it is to weigh the arguments brought forward and pronounce a judgement. Yet the opposing views, once elaborated, remain prevalent, and their fundamental disparity does not disappear. Dialogue exhibits differing positions and thrives on the 'irreducible ambiguity' that is thus produced.[48]

It was not only dialogue, however, that thrived on the model of contrarian argumentation in the Renaissance. Joel Altman has argued that it was the rhetorical model of in *utramque partem dicere* that informed the emergence of early modern theatre in the Tudor age.[49] And there was of course the reinvigorated genre of declamation, dating back to the Roman Empire, that was, under the premise of contrarian discourse, reconfigured to rival scholastic disputation.

In 1506, Erasmus of Rotterdam and Thomas More occupied themselves with translating Lucian's declamation *Tyrannicida* from Greek into Latin. Lucian's text belongs the genre of *controversia*, one of the two principal types of Roman declamation. *Controversiae* were fictional pleadings in imaginary court cases that were elaborated with a view to fictional laws, while the second type, *suasoriae*, was concerned with providing fictional counsel with regard to decisive moments in history. In both cases it was required that the declamator take on a role, either that of the advocate,

---

[46] Poggio Bracciolini, "De avaricia", in Garin E. (ed.), *Prosatori latini del Quattrocento* (Milan – Naples: 1952) 248–301, here 276.

[47] Cf. Häsner B., "Der Dialog: Strukturelemente einer Gattung zwischen Fiktion und Theoriebildung", in Hempfer K.W. (ed.), *Poetik des Dialogs. Aktuelle Theorie und rinascimentales Selbstverständnis* (Stuttgart: 2004) 13–65, esp. 42–47.

[48] Hempfer K.W., "Zur Interdependenz und Differenz von 'Dialogisierung' und 'Pluralisierung' in der Renaissance", in Müller J.-D. – Oesterreicher W. – Vollhardt F. (eds.), *Pluralisierungen. Konzepte zur Erfassung der Frühen Neuzeit* (Berlin – New York: 2010) 71–94, here 79f.

[49] Altman J.B., *The Tudor Play of Mind: Rhetorical Inquiry and the Development of Elizabethan Drama* (Berkeley – Los Angeles – London: 1978) esp. 107–129, 389–395.

or that of the political advisor.[50] The *argumentum* of Lucian's *Tyrannicida* starts from the premise that a bounty has been put on the head of the ruling tyrant. An intruder enters the palace with the intention to kill the tyrant. He does not find him, however, and instead kills the tyrant's son, leaving behind his sword next to the corpse. When the tyrant finds his dead son, he is overwhelmed by sorrow and kills himself with the sword. The son's murderer claims the bounty.[51] In Lucian's treatment of the case, the murderer himself appears before the court of law to defend his cause. Both Erasmus and More set out to counter Lucian and independently wrote the opposing plea. But while Lucian could shine in building a case for an apparently hopeless cause, they were left with formulating a common sense argument, that the son's murderer does not deserve to be rewarded. Erasmus and More thus entered a competition for the better argument both with each other and with a long deceased author, taking sides in a case that never was.[52]

Such a contest across the ages may have catered to the humanists' desire to directly engage with venerated classical authors, but it was nonetheless not this model that became dominant in the Renaissance. Rather, declamation was one of the very few genres that were radically reconfigured in the Renaissance.[53]

Some of Erasmus's most influential texts on topical issues were published bearing the label 'declamatio': from the *Praise of Folly*, the *Praise*

---

[50] See Bonner S.F., *Roman Declamation in the Late Republic and Early Empire* (Liverpool: 1969); Fairweather J., *Seneca the Elder* (Cambridge: 1981). The most important source is the fragments collected in Seneca L. Annaeus (maior), *Declamations in two volumes*, ed. and trans. M. Winterbottom (Cambridge, MA – London: 1974).

[51] Because of contrived cases such as this, declamation was criticized by Quintilian for being too far removed from reality, not that this would have changed the practice in any significant way; see on this in particular Quintilian, *Inititutio oratoria* II, 10, 2; on declamation in general Quintilian, *Institutio oratoria* II, 10, 1–15 and X, 5, 14–18.

[52] More, *The Complete Works* vol. 3/1, 94–127; Erasmus, *ASD* I-1, 379–627 and *CWE* 29, 77–123. That Erasmus and More should compete with regard to the *Tyrannicida* happened on More's initiative, see Thompson C.R., "Introduction", in More, *The Complete Works* vol. III,1, xxx. More also prompted Juan Luis Vives to respond to (Pseudo-)Quintilian's declamation *Paries palmatus,* which he did in 1521; it was usually published together with his *Declamationes Syllanae* under the title *Declamationes sex*, see Vives Juan Luis, *Opera omnia*, ed. G. Mayans y Siscar, 8 vols. (Valencia, Benito Monfort: 1782–1790), vol. II, 484–500.

[53] Van der Poel M.G.M., "Humanist Rhetoric in the Renaissance: Classical Mastery?", in Verbaal W. – Maas Y. – Papy J. (eds.), *The Continuity of Latin Literature* (Leiden et al.: 2006) 119–137, here 129. The most complete survey of early modern declamations, which also covers the genre's revival as a school exercise, is van der Poel M.G.M., *De declamatio bij de humanisten. Bijdrage tot de studie van de functies van de rhetorica in de Renaissance* (Nieuwkoop: 1987).

*of Marriage* (*Encomium matrimonii*), and the *Querela pacis* to his treatise on the necessity of an early liberal education for children (*De pueris statim ac liberaliter instituendis*). This choice of genre as a frame for bringing arguments to the fore, however, is not without irony and can only be understood with regard both to the tradition of arguing contraries and the insitutional setting of the late-medieval university. Declamation, as Erasmus understood it, was characterized precisely by the separation of the voice of the real-world author and a fictive *persona* that was created by the text itself and to whom, by definition, all assertions made in the text were to be attributed. At the same time, declamation was promoted, by Erasmus and others, as a genre that allowed for voicing dissent, for putting forward radical or unheard-of positions.[54]

In order to create a framework for this liberty, disjunction of authorial stance and textual message was claimed to be equivalent to the freedom granted to philosophers in disputation. When the Paris theologian Josse Clichtove, a long-term collaborator of Jacques Lefèvre d'Étaples, denounced Erasmus's *Encomium matrimonii* (written in the 1490s, printed 1518) in his *Propugnaculum Ecclesie aduersus Lutheranos* (1526) as of a kind with Luther's erroneous doctrine,[55] Erasmus laid claim to the generic conventions of declamation in his defence. His endorsement of marriage was not rendered in his capacity as a monk, he claimed, but as a fictional layman who encouraged another layman to marry: 'You must not imagine Erasmus speaking to someone else, but a layman to another layman'.[56] More generally, Erasmus demanded that the very freedom in argumentation granted to academic disputation should apply equally to declamation: the thinking through of heterodox positions. The liberties that come with 'speaking as a philosopher' (in disputation, thus speaking *disputative* and not *assertive*) should equally be granted to the declaimer.[57] When Agrippa of Nettesheim, in the *Apologia* for his *Declamation on the vanity*

---

[54] For more details and examples see Traninger, *Disputation, Deklamation, Dialog* 111–235.

[55] Clichtove Josse, *Propugnaculum ecclesiae aduersus Lutheranos* (Cologne, Godefridus Hittorpius: 1526) ch. 32–34.

[56] 'ne imagineris Erasmum alteri loqui, sed laicum laico': Erasmus of Rotterdam, *Dilutio eorum quae Iodocus Clithoveus scripsit adversus declamationem Desiderii Erasmi Roterodami suasoriam matrimonii* (1532), ed. É.V. Telle (Paris: 1968) 82.

[57] 'Qui inter Theologos proferunt *Aristotelis* placita ex diametro pugnantia cum doctrina *Christi*, sat habent dicere, loquor ut Philosophus'. Erasmus, *Appendix de scriptis Jodoci Clithovei* (1526), LB 9, 813A. 'In concertationibus scholasticis etiamsi quid dicitur repugnans catholicae ueritati, satis est dicere, Nunc loquor ut philosophus: et mihi nihil proderit vociferanti, Loquor ut rhetor?' Erasmus, *Dilutio* 71.

*and uncertainty of the sciences* of 1533, claims that declamation does not dogmatize, it is not the probability of his arguments he refers to; instead he establishes a direct link to the scholastic habit of creating a space for testing arguments in disputation.[58]

Even if early modern declamation had the form of a monological text, it typically implicitly responded to a contrary position: that of commonly held opinion. This is why early modern declamations were quite frequently labelled 'paradoxa', literally the propounding of a thesis 'against the general consensus'.[59] Paradox, not least by way of its etymology, always points to an *in utramque partem* discourse even if just one side of the question is argued. There is a vast (yet mostly uncharted) literature belonging to a wide palette of early modern disciplines that indicates a contrarian stance by employing the term 'paradox'. To name but a few: the legacy of Varro's singular attempt at presenting grammatical questions by arguing them on both sides, discussed above, is taken up by Francisco Sánchez de las Brozas, called El Brocense, who presented three questions of grammar as paradoxes that he argued against common opinion. John Donne's *Biathanatos* is described on the title page as 'A declaration of that paradoxe, or thesis, that self-homicide is not so naturally sin, that it may never be otherwisse'. The reformer Johannes Oecolampadius presented the new theology of confession as a paradox, arguing that contrary to common opinion it does not have to be burdensome; and of course the emerging culture of experiment dealt with observations that were opposed to received opinion, resulting in works such as Robert Boyle's *Paradoxa hydrostatica* or his *The Sceptical Chymist: or chymico-physical doubts & paradoxes*.[60] It is

---

[58] Agrippa of Nettesheim Heinrich Cornelius, *Apologia aduersus calumnias propter Declamationem de Vanitate scientiarum* (Cologne: 1533), fol. Iv v; the *Apologia* was published in defense of *De incertitudine et vanitate scientiarum declamatio invectiva, qua universa illa sophorum gigantomachia plus quam Herculea impugnat audacia, doceturque nusquam certi quicquam, perpetui, et divini nis solidis dei eloquiis atque eminentia verbi dei latere* (Cologne: Eucharius 1531). Van der Poel, M.G.M., *Cornelius Agrippa, the Humanist Theologian and His Declamations* (Leiden – New York– Cologne 1997) 170, interprets this passage as addressing declamation's engagement with probable arguments.

[59] It is the dialectical notion of "thesis" that is relevant here, the view of an expert against common opinion (Aristotle, *Topica* 104b19–105a2, cf. Moraux "La joute dialectique" 279), not the rhetorical term that refers to general questions as opposed to cases that involve circumstantial particulars (Cicero, *De inventione* I, 6, 8., cf. Throm H., *Die Thesis. Ein Beitrag zu ihrer Entstehung und Geschichte* [Paderborn: 1932]).

[60] Sánchez de las Brozas Francisco, *Paradoxa* (Antwerp, Christophe Plantin: 1582); Donne John, *Biathanatos* (London, Humphrey Moseley: 1648); Oecolampadius Johannes, *Quod non sit onerosa Christianis confessio paradoxon* (Augsburg, Sigismund Grimm – Marcus Wyrsung: 1521); Boyle Robert, *Paradoxa hydrostatica* (Oxford, Henry Hall: 1669) Boyle Rob-

important to highlight this tradition as "paradox" has, in modern scholarship, become associated with paradoxical argumentation in the sense of a logical self-contradiction on the one hand and has been reduced to the so-called paradoxical encomium in the vein of Sophists such as Favorinus of Arelate on the other.[61] The Second Sophistic had pushed the boundaries of contrarian argument by arguing against common opinion in those fields where it appeared unshakeable, making the case mostly *for* things that were commonly despised such as quartain fever, the flea, baldness, or the water-closet. While this tradition has borne a wealth of serio-comic texts in the early modern period,[62] it is but a variant of the wider sense of paradoxical discourse.

Even before declamation was re-established and re-configured in the early 1600s, *in utramque partem* discourse figured in a different sense in Erasmus's thinking. In 1499, when Erasmus and John Colet were both at Oxford, they engaged in a discussion about the meaning of Christ's prayer in Gethsemane. Erasmus sided with the traditional authorities in holding that it was Christ's human nature that made him express his fear. Colet, on the other hand, went for a more far-fetched interpretation in arguing that Christ was concerned with the guilt that would fall upon the Jews for his death. The conversation was interrupted, but continued in correspondence.[63] Erasmus recounts how he took Colet's advice to heart and thought through the opposing interpretations:

> So I was happy, dear Colet, to follow your instructions: I went over the whole discussion again privately and looked at it in a harder and more concentrated way, freeing myself from every shred of prejudice while I put together and weighed the arguments on both sides; indeed I altered things round so as to adopt your arguments exactly as if they were my own and criticize my own no less severely than if they had been yours. Nevertheless, in spite of

---

ert, *The Sceptical Chymist: or chymico-physical doubts & paradoxes* (Oxford, Henry Hall for Richard Davis: 1680).

[61] Both can be traced to Colie R., *Paradoxia epidemica. The Renaissance Tradition of Paradox* (Princeton, NJ: 1966) 5f. On Favorinus as a champion of adoxographical discourse see Aulus Gellius, *Noctes Atticae* XVII, 12, 1–2; Pease A.S., "Things without Honor", *Classical Philology* 21 (1926), S. 27–42.

[62] Cf. the collection Dornau (Dornavius) Caspar, *Amphitheatrum sapientiae Socraticae ioco-seriae*, ed. R. Seidel (Goldbach: 1995, reprint of the ed. Hanau: 1619).

[63] See, on this exchange and its relation to received theological positions, Seebohm F., *The Oxford Reformers. John Colet, Erasmus, and Thomas More. Being a History of their Fellow-Work* (London et al.: 1913) 116–125.

these measures I was visited by no new considerations, and repented nothing I had said.[64]

Erasmus's silent exercise is representative of the all-pervading spirit of arguing contraries of his time and age,[65] but at the same time, by its virtue of being a disinterested, though contrived, mulling over arguments, points forward in history to what would later be defined as a requirement for objectivity, an objective account being 'impartial, one which could ideally be accepted by any subject, because it does not draw on any assumptions, prejudices, or values of particular subjects'.[66] Here, we are not dealing with a rhetorical or dialectical performance, but with an interiorisation of taking sides that consciously tries to prevent bias and prejudice. But the old spirit of *in utramque partem disserere*, despite apparent harbingers such as this, did not transition into modernity all that smoothly.

### 5. *Turning against Taking Sides*

If anything, the Renaissance instances of contrarian argumentation show traces of an anti-dogmatism that scholars have associated with academic scepticism in the Carneadean vein. Yet the rediscovery of the writings of Sextus Empiricus, published in Latin translation in 1562 and 1569, introduced quite a different kind of scepticism that came to be known as Pyrrhonism. Richard Popkin has famously argued that European scholars from Savonarola to Bayle were, as a consequence, shaken by a 'pyrrhonian crisis'.[67] Popkin's history and studies in its wake have, however, tended to

---

[64] *The Correspondence of Erasmus*, CWE 1 *Epistola* 109, 207. 'Itaque monitis tuis, mi Colete, libenter sum obsequutus, remque totam mecum animo repetens paulo sum fixius pressiusque contemplatus; deposito omni studio rationes utriusque componens atque expendens, imo permutatione facta, ut tuis perinde ac meis fauerem, et meas non minus acriter quam si tuae fuissent excuterem. Mihi tamen inter haec neque novi quicquam in mentem venit neque cuiusquam quod dixerim poenituit.' *Opus epistolarum Desiderii Erasmi Roterodami*, ed. P.S. Allen et al., 12 vols. (Oxford: 1906–1958) *Epistola* 109, 250.

[65] Cf. Altman, *The Tudor Play of Mind* 34. Altman also shows that '[t]his method of inquiry was not simply "in the air"' but was rather a staple of Tudor (and, one might add, early-modern European) school education: see ibid. 43–53. See also Clark D.L., "The Rise and Fall of Progymnasmata in Sixteenth and Seventeenth Century Grammar Schools", *Speech Monographs* 9, 19 (1952) 259–263.

[66] See Gaukroger S., "Objectivity, History of", in Smelser N.J. (ed.), *International Encyclopedia of the Social and Behavioral Sciences* (Amsterdam: 2001) 10785–10789, here 10785.

[67] Popkin R., *The History of Scepticism. From Savonarola to Bayle*, revised and expanded ed. (Oxford: 2003, ¹1960). The difference between Academic and Pyrrhonian scepticism is addressed by Sextus Empiricus himself, who argues that while the Academics argued that

overstate scepticism's reach. There is no doubt that Pyrrhonism made an impact on European debates about the conditions of knowledge; scholars who do acknowledge the topicality of scepticism in the early modern period nevertheless deny it the all-encompassing appeal Popkin and his followers had ascribed to it.[68]

The debates surrounding Hugo Grotius' *De jure belli ac pacis libri tres* (1625) may serve as a case in point. In the preface to his treatise, which advances the notion of a common law that is binding for all nations in war and peace, Grotius makes it clear that he argues against a commonly held belief, and he chooses to see it represented by one figure: 'But that we may avoid Confusion in disputing with a Multitude, let us allow them an Advocate; and who fitter than Carneades, who arrived at that heighth and perfection of Eloquence, that he could plead as strongly for Error, as for Truth [...].'[69] Much has been made of this choice of adversary, culminating in the interpretation that it is scepticism as such that Grotius actually wants to counter with his book.[70] But as other critics have observed, there is no explicit engagement with scepticism, and the few who propounded Pyrrhonian ideas at the time would not qualify as the 'multitude' at which Grotius takes aim. Rather, as Thomas Mautner has shown, Grotius follows the model of *in utramque partem* discourse by seeking out an antagonist and inveighing against the thesis he propounded. Even though Carneades's speeches are, as we have seen above, extant in only the most mediated way, he is, for Grotius, the strongest possible opponent because of his rhetorical prowess. It is thus Carneades's second speech where he denounced justice in international relations that provides the foil against which Grotius develops his argument.[71]

Richard Popkin has offered a narrative of a sceptical crisis that unsettled European thought in the early modern period and that modern

---

everything was inapprehensible, Sceptics even refuse to pass judgement on this question, expecting that some things could be apprehended. Sextus Empiricus, *Outlines of Scepticism*, ed. J. Annas – J. Barnes (Cambridge: 2000) I, 33.

[68]  Cf. e.g. Perler D., "Was there a 'Pyrrhonian Crisis' in Early Modern Philosophy? A Critical Notice of Richard H. Popkin", *Archiv für Geschichte der Philosophie* 86 (2004) 209–220; Maclean I., "The 'Sceptical Crisis' Reconsidered: Galen, Rational Medicine and the *libertas philosophandi*", *Early Modern Science of Medicine* 11, 3 (2006) 247–274.

[69]  Grotius Hugo, *Three books treating of the rights of war & peace*, trans. William Evats (London, M.W. for Thomas Basset and Ralph Smith: 1682) iii.

[70]  See Tuck R., "Grotius, Carneades and Hobbes", *Grotiana* n.s. 4 (1983) 43–62; favourable responses to Tuck's thesis are discussed by Mautner T., "Grotius and the Skeptics", *Journal of the History of Ideas* 66, 4 (2005), 577–601, here 580–582.

[71]  Mautner, "Grotius and the Skeptics" 582, 587 ff.

philosophy sought to overcome in a forceful counter-attack, one in which 'modern philosophers emerged as so many Saint Georges, prepared to slay the sceptical dragon'.[72] Quentin Skinner, on the other hand, has put forward the thesis that it was not so much scepticism against which modern philosophy rebelled, but the practice of taking sides and reasoning *in utramque partem*. He argued his case mostly with a view to Hobbes and his promotion of 'civil science' and stressed that Hobbes's stance was not against scepticism, as several scholars have argued, but rather the 'rhetorical culture of Renaissance humanism within which the vogue for scepticism had developed'.[73] In forging taking sides as a practice brought about by humanism, Skinner understates both its longevity and its scope: as the discussion in this article has shown, this is a long-standing phenomenon that is not confined to rhetoric, but that spans the methodological bases of all scholarship before modernity, rhetoric *and* dialectics. Also, the ousting of *in utramque partem* discourse was not a straightforward process, but manifested itself in partly confused – and confusing – twists and turns. This is a history that has yet to be written, and I will, in concluding, address only a few significant instances.

Petrus Ramus, who sought to position himself against Aristotle and Aristotelianism, propounded a reformed dialectics which reduced and rearranged the traditional precepts. In this framework of anti-Aristotelianism, Ramus's collaborator or, as he would have it, 'brother' Omer Talon published a commentary on Cicero's *Academica* and, in his own treatise *Academia*, praised the Academics as having taken the liberty to abstain from judgement:

> It is the proper and germane liberty of the Academics, i.e. of true men (for I consider the one to signify the same as the other), that of necessity in philosophy they submit to the laws and regulations of no man. It is also their modesty, for they introduce no proper judgement concerning uncertain things; their prudence as well, for by not asserting their own authority they compare the causes of things and bring out what might be said against any opinion; also their wisdom, for they devote themselves to the unique truth in all of life, as though it were a goddess, and value this more than the testimony of all philosophers.[74]

---

[72] Popkin, *History of Scepticism* 99.

[73] Skinner Q., *Reason and Rhetoric in the Philosophy of Thomas Hobbes* (Cambridge: 1996) 9, 16.

[74] 'Haec est Academicorum, id est verorum hominum (vtrumque enim tantundem valere existimo) propria etgermana libertas, nullius hominis legibus et institutis in philosophia necessario parere; modestia, in rebus incertis iudicium suum nullum interponere;

The liberty Talon ascribes to the Academics is not the *libertas scholastica* discussed above that awarded specific rights of teaching and arguing to the members of the university, but a freedom that consists in the contrary, in remaining silent by suspending judgement instead of credulously embracing any school's teaching. Academics, Talon says, are to Aristotelians what free men are to slaves.[75] The discursive models that would correspond to this stance were to be found in the books of Plato and Cicero. Talon thus puts Cicero's method of arguing *in utramque partem* together with Platonic dialogue as viable alternatives to scholastic dialectics. Ironically, at the very same time, Ramists such as the protestant theologian and rector of the Athenaeum in Stade in Lower Saxony, Severin Schlüter, discussed Ramus's logical teachings in his *Anatomia logicae Rameae* precisely along the lines of scholastic exposition. He expounded the basic tenets, confronted them with opposing views, and concluded with his own response.[76]

This example not only sheds light on the tensions and discrepancies that could occur *within* a certain school or movement. It also demonstrates once more how the principle of arguing contraries that is historically at the root of both scholastic dialectics and Academic doubt was not at all perceived as linking the respective practices. What I have construed as a unifying structural principle was not perceived as such at the various historical stages. Rather, as in this case, the institutional power of scholasticism underlined its dogmatic rigidity rather than its methodological flexibility. Against this background, *in utramque partem* discourse, as found in Cicero's writings, could be contrasted with scholastic method as a radically different methodological approach, even though both had claimed to follow Aristotle's example.

---

prudentia, causas rerum conferre, et quid in quamque sententiam dici possit, exprimere, nulla adhibita sua authoritate; sapientia, unicam veritatem in omni vita tanquam deam colere eamque pluris quam omnium Philosophorum testimonia aestimare'. Talon Omer, *Academia* (Paris, Matthieu David: 1550) 20. The English translation is Charles Schmitt's, see Schmitt C.B., *Cicero Scepticus: A Study of the Influence of the Academica in the Renaissance* (The Hague: 1972) 78–108, here 84.

[75]  Talon, *Academia* 13.

[76]  *Anatomia logica Rameae, qua ipsa praecepta primum perspicue dissectantur, et explicantur: Deinde singula membratim in utramque partem perpetuis obiectionibus et responsionibus, partim a Peripateticis motis: partim ab auctore recens excogitatis solidissime disputantur et examinantur* (Frankfurt a.M., Palthenius: 1611). Schlüter's approach clearly echoes the procedure of the medieval *quaestiones disputatae* which were organized in five parts, from an opening question followed by arguments from the opposing party, the author's own arguments, the author's solution, and eventually the refutation of the opposing party's arguments. See Marenbon, *Later Medieval Philosophy* 28–31.

Pierre Gassendi, who had to teach Aristotelian philosophy during a six year tenure at the faculty of theology at the University of Aix-en-Provence, launched an anti-Aristotelian attack in 1624 after he had quit the post, 'marshal[ing] all the routines of the Pyrrhonian tradition into one vast denunciation', as Richard Popkin has put it.[77] In the light of what I have discussed above, it is hardly surprising that Gassendi entitled his work *Exercitationes paradoxicae adversus Aristoteleos*. Remarkably, however, Gassendi claims that the book not only sprang from his experiences but that it actually represents what he had taught at Aix. A contradiction? It was actually the scholastic method itself that allowed for the accommodation of deviating positions. While Gassendi fought the dogmatism that held Aristotle's teachings as sacrosanct in each and every discipline, from physics to metaphysics, he could rely on the method that was equally based on Aristotelian precepts to present his case. He discussed the Aristotelian doctrine and the dissenting views *in utramque partem*. Which side was stronger was for others to judge, Gassendi says, but as for the publication, he rather cheekily remarks that he could limit himself to seeing the dissenting views into print, as the market already abounded with writings in the Aristotelian vein.[78]

It is in a review in Christoph August Heumann's *Acta philosophorum* of 1723 that Gassendi's manoeuvre is linked with the key notion of this volume: impartiality. The reviewer states that Gassendi was taking precautions against censure in that, while he did indeed deplore the habit of the scholastics to pass off their doctrine as *oracula*, he offered his criticism not as infallible truth, but as a search for truth 'without partiality'. This endeavour he subjected entirely to the judgement of the Roman-Catholic church.[79] While Gassendi does indeed stress his submission to the Church

---

[77] Popkin, *History of Scepticism* 78, 91–95.

[78] 'Quid ego praestiterim in utramque partem, aliorum esto iudicium. Unum in confesso est, non debuisse me quidpiam in publicum emittere ex iis, quae sunt a me pro Aristotele disputata: cum ecce Mundum iam compleant, quae ab Aristoteleis proferuntur volumina': Gassendi Pierre, *Dissertations en forme de paradoxes contre les Aristotéliciens* (*Exercitationes Paradoxicae Adversus Aristoteleos*), ed. and trans. B. Rochot (Paris: 1959) 9.

[79] '[S]o bedienete er sich allhier dieser Vorsichtigkeit, daß er zwar bekennet, er könne die gemeine Art der Scholasticorum, da sie ihre Lehren vor untrügliche Oracula ausgeben, nicht billigen, sondern suche die Wahrheit ohne Partheylichkeit; jedoch seine Paradoxa nicht vor keine gewisse Wahrheiten ausgiebet, und diese gantze Schrifft dem Urtheil der Römisch=Catholischen Kirche demüthig unterwirffet.' Heumann Christoph August, *Acta philosophorum, das ist: Gründliche Nachrichten aus der Historia Philosophica, Nebst beygefügten Urtheilen von denen dahin gehörigen alten und neuen Büchern, Dreizehendes Stück* (Halle, Rengerische Buchhandlung: 1723) 23–26, here 26.

in the strongest terms,[80] he does not refer to his project as being carried out 'without partiality'. Thus the review, published a hundred years after the book had come out, indicates a shift not only in terminology, but in the conception of scholarly practices. Gassendi does not present himself as impartial, but rather reports how he made use of a traditional technique to create a space for discussing his views in an intellectual environment that required him to adopt Aristotelian doctrine. He is partial in his critique of scholastic philosophy and openly says so.

One could argue that this is precisely where the prehistory of impartiality ends: where the old forms of contrarian argumentation are coupled with a notion of impartiality, where a concept is introduced that is alien to the old habit but nevertheless appears to fit perfectly. Still, in this process of reorganising scholarly practice, old certainties are turned upside down, and suddenly those who are delegating judgement to the reader are the advocates of truth, while the scholastics – are Pyrrhonists. Pierre de Villemandy, a reformed professor of philosophy at Saumur, indeed utters the hitherto unthinkable: it is the theologians who are the true Sceptics. 'Scepticism', he says, 'is the method of quite many doctors of the Roman church for treating theological questions; they weigh them on both sides, and suspend them without making a decision when there are equally strong arguments on both sides.'[81]

While Gassendi managed to present his dissenting theories within the framework of the university, academies and learned societies sought to set up alternative models for debate. One case in point were the *conférences*, organized by Théophraste Renaudot, who also, since 1630, headed the *bureau d'adresse* in Paris, an agency for the exchange of information of all kinds. The *conférences*, held between 1632 and 1643, brought together

---

[80]  Gassendi, *Dissertations en forme de paradoxes* 11.
[81]  'In Theologiam, disciplinarum omnium ex se gravissimam, par fere irrepsit ex Recentiorum Scholasticorum, aliorumque multorum agendi methodo placitisque quibusdam, Scepticismus. Haec est nonnullorum Ecclesiae Romanae Doctorum in tractandis quaestionibus Theologicis methodus, ut eas in utramque partem librent, et paribus utrinque rationum momentis, nulla saepe interposita decisione, suspendant.' Villemandy Pierre de, *Scepticismus debellatus, seu humanae cognitionis ratio ab imis radicibus explicata* (Leiden, Cornelius Boutesteyn: 1697) 13. As examples Villemandy quotes works that are dedicated to listing the diverging positions of Thomists and Scotists, such as Rada Juan de, *Controversiae Theologicae Inter S. Thomam et Scotum, Super Quatuor Libros Sententiarum*, 4 vols. (Cologne, Crithius: 1619–1620); Lalemandet Johannes, *Cursus philosophicus* (Lyon, Laurent Anisson: 1656); Macedo Francisco, *Collationes doctrinae S. Thomae, et Scoti* (Passau, Pietro Maria Frambotti: 1671); and Arriaga Rodrigo de S.J., *Cursus philosophicus* (Paris, Jacques Quesnel: 1639).

a diverse group of interested citizens to discuss a highly diverse palette of topics. Yet again, the opposition of views was the method of choice, as Renaudot states in his *Avis au lecteur*, 'that there is no greater enemy to science than hampering the search for truth, which emerges principally in the opposition of contraries'.[82]

But contrary to scholastic disputation, participants are free to forward propositions of their own choice ('L'Assemblée trouva bon de commettre à la volonté d'vn chacun le chois des propositions qu'on y devoit traiter'). Allegedly to displace the scholastic disputes that supposedly ended in riots and pedantic insults ('finissans mesmes d'ordinaires riotes & injures pedantesques'), each participant was then persuaded to have no interest in what he had initially proposed ('qu'il n'estoit nullement interessé à soustenir ce qu'il avoit mis en avant').[83] Thus, to put it bluntly, while scholastic disputation had required its participants to defend a position that was not their own with zeal, the *conférences* prompted their contributors to put forward what was on their mind regarding a given topic, but then to abstain from being partial to and defending their view and instead to resort to disinterestedness.

Renaudot's protocol for disinterested debate has hitherto been linked to notions of civility that have been described as being at the heart of the emergence of modern science.[84] But in the light of the history of taking sides and arguing contraries it points to a more fundamental shift in the modes of scholarly or, in a broader sense, learned debate. It indicates a trend towards personally identifying with theses propounded, but then in turn exhibiting a disinterestedness that was interpreted as a sign of modesty, civility, and openness for compromise. Renaudot's *Avis au lecteur* also addresses a second shift that is important with regard to the new virtue of impartiality: that judgement is suspended, but not in order to demonstrate an undecidability of issues as the Sceptics would have it, but in order to highlight the role of the audience or, in this instance, the reader, as a judge.[85]

---

[82] '[Q]u'il n'y a rien plus ennemy de la science que d'empescher la recherche de la verité, qui paroist principalement en l'opposition des contraires': Renaudot Théophraste, *Recueil général des questions traictées és Conferences du Bureau d'Adresse, sur toutes sortes de Matieres*, vol. 1 (Paris, Louis Chamhoudry: 1656) fol. [Aiij]ʳ.

[83] Renaudot, *Recueil général* fol. [Aiij]ʳ.

[84] Daston L., "Baconian Facts, Academic Civility, and the Prehistory of Objectivity", in Megill A. (ed.), *Rethinking Objectivity* (Durham – London: 1994) 37–63, esp. 50–56.

[85] Renaudot, *Recueil général* fol. [Aiiij]ʳ. Renaudot (ibidem) also makes a connection between participants bringing their own views to the fore, and abstaining from deciding

6. *Conclusion*

Arguing both sides of a question can and did serve sceptical purposes, but only rarely. From the beginning, it was on the one hand devised as an instrument for the inquiry if not into truth, then into probability. On the other, through its grounding not only in dialectics, but also in rhetoric, it was inevitably bound to support decision-making processes. That even Carneades' contrasting speeches eventually brought about a (favourable) decision by the Roman senate underscores this point.

A sceptical epistemology is an acquired or contrived mode of thinking that deliberately places itself outside the concerns of politics, justice, or everyday life. The suspension of judgement is after all a luxury that can only be sustained within the secure confines of a philosophical school. *Epoché* is, to speak with Pierre Bourdieu, firmly anchored in *scholé*.[86] In real life, the inability to reach decisions easily translates into a burden – this is what Michel de Montaigne famously described as his scar, his *cicatrice*, in his essay "On presumption" ("De la présomption"). In this essay, Montaigne, who has very aptly been termed a 'reluctant skeptic',[87] describes himself as being, as it were, judgementally impaired by his training in the art of arguing both sides: 'I can defend an opinion all right, but I cannot select it' ('Je sçay bien soustenir une opinion, mais non pas la choisir').[88]

But being able to argue on both sides does not equate to or even imply the virtue of impartiality. In the debates from antiquity up to the seven-

---

issues in authoritative conclusions: those whose view would not figure in the conclusion might be jealous: 'on a trouve plus d'inconveniens à faire vne conclusion sur chaque point, que de la laisser recueillir au Lecteur: le moindre desquels n'a pas esté la jalousie qu'vn chacun conceuroit aisément de voir l'opinion d'autrüi preferée à la sienne'. For the role the mediality of print played in debates where impartiality was called upon, see Rainer Godel's contribution in this volume.

[86] Bourdieu P., *Méditations pascaliennes,* 2nd ed. (Paris: 2003) 30: 'La disposition "libre" et "pure" que favorise la *skholè* [le temps libéré des occupations et des préoccupations pratiques, dont l'école (encore la *skholè*) aménage une forme privilegiée, ibid. 28] implique l'ignorance (active ou passive) non seulement de ce qui se passe dans le monde de la pratique […], et, plus précisément, dans l'ordre de la polis et de la politique, mais aussi de ce que c'est que d'exister, tout simplement, dans ce monde. Elle implique aussi et surtout l'ignorance, plus ou moins triomphante, de cette ignorance et des conditions économiques et sociales qui la rendent possible'.

[87] Schiffman Z.S., "Montaigne and the Rise of Skepticism in Early Modern Europe: A Reappraisal", *Journal of the History of Ideas* 45, 4 (1984) 499–516, here 512.

[88] Montaigne Michel de, *Essais*, ed. A. Thibaudet, Bibliothèque de la Pléiade 14 (Paris: 1950) II, 17, "De la praesumption", 713–748, here 738. English translation: *The Complete Essays*, trans. M.A. Screech (London et al.: 1991) 743. On Montaigne and impartiality, see Richard Scholar's contribution in this volume.

teenth century, there is not much concern with the audience, the person or group who has to make a decision based on the arguments laid out in front of them. Rather, there is an unfaltering belief in the strength of arguments, in the ability of rhetoric and dialectics to serve as an instrument for weighing them in order to make it clear which would be the path to follow. From the seventeenth century onwards, a new awareness of the conditions for assessing arguments and forming a judgement emerges. A third party's stance towards the pro and con arguments is foregrounded, and impartiality is affirmed as a virtue both in a debater and in the audience as a judge, thus short-circuiting the practices of law and scholarship.

The history of taking sides, and especially its end, is not a straightforward affair. As we have seen, under the umbrella of contrarian argumentation, partly openly antagonistic schools forge their programmes – the Peripatetics just as the Academics, the Sceptics just as the Sophists; it unites scholasticism and humanism, and it links the universities with the academies. These commonalities notwithstanding, the respective methods, while all grounded in the same principle, become matters of controversy, with, say, Ciceronian *in utramque partem* being pitted against scholastic disputation, which understood itself as being fundamentally based on *in utramque partem* discourse. Of course, all the schools, movements, and institutions pursued their own agenda, and while the methodological core of their endeavours may have been the same, they employed it to very different ends. What exactly brings about the end of taking sides as the preferred mode of scholarly debate is a question that has only just begun to be investigated. Whether impartiality is the expression of a new epistemology or a redressing of ways of distancing the ego from the argument is still up for debate.

*Selective Bibliography*

ALTMAN J.B., *The Tudor Play of Mind. Rhetorical Inquiry and the Development of Elizabethan Drama* (Berkeley – Los Angeles – London: 1978).

ARISTOTLE, *On Rhetoric. A Theory of Civic Discourse*, trans. G.A. Kennedy (New York – Oxford: 1991).

——, *Topics. Books I and VIII*, trans. R. Smith (Oxford: 1997).

AX W., "*Disputare in utramque partem*. Zum literarischen Plan und zur dialektischen Methode Varros in de lingua Latina 8–10", *Rheinisches Museum für Philologie* 138 (1995) 146–177.

BOURDIEU P., *Méditations pascaliennes*, 2nd ed. (Paris: 2003).

BRUNI LEONARDO, *Dialogi ad Petrum Paulum Histrum*, ed. S.U. Baldassarri (Florence: 1994).

CICERO MARCUS TULLIUS, *Brutus*, ed. and trans. G.L. Hendrickson, *Orator*, ed. and trans. H.M. Hubbell, The Loeb Classical Library (London – Cambridge, MA: 1962).

——, *De Oratore*, ed. and trans. H. Rackham, 2 vols., The Loeb Classical Library (London – Cambridge, MA: 1968).

COLIE R., *Paradoxia epidemica*: *The Renaissance Tradition of Paradox* (Princeton, NJ: 1966).

DASTON L., "Baconian Facts, Academic Civility, and the Prehistory of Objectivity", in Megill A. (ed.), *Rethinking Objectivity* (Durham – London: 1994) 37–63.

DIOGENES LAERTIUS, *Lives of the Eminent Philosophers*, ed. and trans. R.D. Hicks, The Loeb Classical Library (Cambridge, MA – London: 1925).

*Epistolae obscurorum virorum*, ed. A. Bömer, 2 vols. (Aalen: 1978, reprint of the ed. Heidelberg: 1924).

ERASMUS OF ROTTERDAM, *Desiderii Erasmi Roterodami opera omnia*, ed. J. LeClerc, 10 vols. (Leiden: 1703–1706, reprint Hildesheim: 1961) [*LB*].

——, *Opera omnia Desiderii Erasmi Roterodami* (Amsterdam: 1969–) [*ASD*].

——, *Collected Works of Erasmus* (Toronto – Buffalo – London: 1974–) [*CWE*].

GASSENDI PIERRE, *Dissertations en forme de paradoxes contre les Aristotéliciens* (*Exercitationes Paradoxicae Adversus Aristoteleos*), ed. and trans. B. Rochot (Paris: 1959).

GAUKROGER S., "The Autonomy of Natural Philosophy. From Truth to Impartiality", in Anstey P.R. – Schuster J.A. (eds.), *The Science of Nature in the Seventeenth Century. Patterns of Change in Early Modern Natural Philosophy* (Dordrecht: 2005) 131–163.

GELLIUS AULUS, *The Attic Nights*, trans. J.C. Rolfe, 3 vols., Loeb Classical Library 195, 200, 212 (Cambridge, MA – London [8]2002, [6]1998, [7]1999).

GRABMANN M., *Die Geschichte der scholastischen Methode*, 2 vols. (Berlin: 1956, reprint of the ed. Freiburg i.Br.: 1911) vol. II, 424–430.

GRANATELLI R., "L'in utramque partem disserendi exercitatio nell'evoluzione del pensiero retorico e filosofico dell'antichità", *Vichiana* 3a ser. 1/1–2 (1990) 165–181.

GROTIUS HUGO, *Three books treating of the rights of war & peace*, trans. William Evats (London, M.W. for Thomas Basset and Ralph Smith: 1682).

HÄSNER B., "Der Dialog: Strukturelemente einer Gattung zwischen Fiktion und Theoriebildung", in Hempfer K.W. (ed.), *Poetik des Dialogs. Aktuelle Theorie und rinascimentales Selbstverständnis* (Stuttgart: 2004) 13–65.

HEMPFER K.W., "Zur Interdependenz und Differenz von 'Dialogisierung' und 'Pluralisierung' in der Renaissance", in Müller J.-D. – Oesterreicher W. – Vollhardt F. (eds.), *Pluralisierungen. Konzepte zur Erfassung der Frühen Neuzeit* (Berlin – New York: 2010) 71–94.

LACTANTIUS, *Divinarvm institutionum libri septem*, ed. E. Heck, Bibliotheca scriptorum Graecorum et Romanorum Teubneriana (Munich – Berlin: 2005–).

——, *Divine Institutes*, trans. A. Bowen – P. Garnsey (Liverpool: 2007).

Lawn B., *The Rise and Decline of the Scholastic 'Quaestio Disputata'. With Special Empha-sis on its Use in the Teaching of Medicine and Science* (Leiden – New York – Cologne: 1993).

Marsh D., *The Quattrocento Dialogue. Classical Tradition and Humanist Innovation* (Cam-bridge, MA – London: 1980).

McLaughlin M.M., *Intellectual Freedom and its Limitations in the University of Paris in the Thirteenth and Fourteenth Centuries* (New York: 1977).

Michel A., *Rhétorique et philosophie chez Cicéron. Essai sur les fondements philosophiques de l'art de persuader* (Paris: 1960).

Montaigne Michel de, *Essais*, ed. A. Thibaudet, Bibliothèque de la Pléiade 14 (Paris: 1950).

Moraux P., "La joute dialectique d'après le huitième livre des *Topiques*", in Owen G.E.L. (ed.), *Aristotle on Dialectic: The Topics. Proceedings of the Third Symposium Aristotelicum* (Oxford: 1986) 277–311.

More Thomas, *The Complete Works of St. Thomas More* (New Haven etc.: 1963–).

Ong W.J., *The Presence of the Word. Some Prolegomena for Cultural and Religious History* (New Haven, CT – London: 1967).

Popkin R., *The History of Scepticism. From Savonarola to Bayle*, revised and expanded ed. (Oxford: 2003).

Reinhardt T., "Rhetoric in the Fourth Academy", *The Classical Quarterly* n.s. 50, 2 (2000) 531–547.

Renaudot Théophraste, *Recueil général des questions traictées és Conferences du Bureau d'Adresse, sur toutes sortes de Matieres*, vol. I (Paris, Louis Chamhoudry: 1656).

Ruch M., "La 'Disputatio in utramque partem' dans le 'Lucullus' et ses fondements philoso-phiques", *Revue des études latines* 47 (1969) 310–335.

Ryle G., "Dialectic in the Academy", in Owen G.E.L. (ed.), *Aristotle on Dialectic: The Topics. Proceedings of the Third Symposium Aristotelicum* (Oxford: 1968) 69–79.

——, "Taking Sides in Philosophy", in Ryle G., *Collected Papers. Vol. 2. Collected Essays 1929–1968* (London: 1971) 153–169.

Schmitt C.B., *Cicero Scepticus: A Study of the Influence of the Academica in the Renaissance* (The Hague: 1972).

Sextus Empiricus, *Outlines of Scepticism*, ed. J. Annas – J. Barnes (Cambridge: 2000).

Skinner Q., *Reason and Rhetoric in the Philosophy of Thomas Hobbes* (Cambridge: 1996).

Sloane T.O., *On the Contrary: The Protocol of Traditional Rhetoric* (Washington, D.C.: 1997).

Spranzi Zuber M., "Rhétorique, dialectique et probabilité", *Revue de synthèse* 4e sér., 2–3–4 (2001) 297–317.

Talon Omer, *Academia* (Paris, Matthieu David: 1550).

Traninger A., *Disputation, Deklamation, Dialog. Medien und Gattungen europäischer Wis-sensverhandlungen zwischen Scholastik und Humanismus* (Stuttgart: 2012).

——, "*Disputative, non assertive posita*. Zum Aussagestatus disputatorischer Thesen", in Vollhardt F. (ed.), *Religiöser Nonkonformismus und frühneuzeitliche Gelehrtenkultur: Akademische Netzwerke und Formen praktizierter Toleranz* (Berlin: 2013, forthcoming).

Tuck R., "Grotius, Carneades and Hobbes", *Grotiana* n.s. 4 (1983) 43–62.

Van der Poel M.G.M., *De declamatio bij de humanisten. Bijdrage tot de studie van de func-ties van de rhetorica in de Renaissance* (Nieuwkoop: 1987).

Villemandy Pierre de, *Scepticismus debellatus, seu humanae cognitionis ratio ab imis radicibus explicata* (Leiden, Cornelius Boutesteyn: 1697).

Weijers O., "De la joute dialectique à la dispute scolastique", *Académie des Inscriptions & Belles Lettres. Comptes-rendus des séances* (1999) no. 2, 509–518.

Wilkerson K.E., "Carneades at Rome: A Problem of Sceptical Rhetoric", *Philosophy & Rhetoric* 21, 2 (1988) 131–144.