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Neo-Aristotelian Criticism of Sen. Jeff Flake's Address to the Senate

1. Introduction

“...we in this political culture and in this city and in this building and even in this chamber – we seem to sometimes forget that before this woman and this man are anything else, they are human beings” (Flake, 2). The constant pursuit of justice that today's society focuses on often forgets or ignores the people at the center of this justice: the victims. Yes, victims, both, because whether or not they are categorized as the “perpetrator” or the “sufferer”, both are victims of the propaganda of media; literary cruelty that is powerful enough to sway the opinions of those determining the individuals' fates. A recent example of this is the sexual assault hearing held between Justice Kavanaugh and Dr. Ford. This analysis will follow an artifact from Senator Jeff Flake who addresses the Senate regarding these claims and the effect the media has had not only on the victims, but also on the Senate. He attempts to change the perspective of the Senators by using the five canons of rhetoric: invention, arrangement, style, memory, and delivery.

This analysis stands to argue that the comparable use of these five canons as well as other rhetorical concepts can significantly benefit one's address, and, hopefully, readers of this analysis will learn from the Senator and be able to apply these concepts to their own work. We will now address the background of this artifact: the who, what, when, where, and why.

2. Topic Background

The events concerning newly appointed Justice Kavanaugh and Dr. Christine Ford have been steeped in heat since the moment that Dr. Ford came forward with sexual assault claims against Supreme Court nominated Justice Kavanaugh in July of this year. As details of this event continued to be revealed, it became clear that a hearing would be necessary in order to determine the accuracy and potential guilt or innocence in this matter. This paper will examine a speech given by Senator Jeff Flake of Arizona the day before Justice Kavanaugh's hearing.

First, let us focus on the rhetor himself, in this case Senator Flake. Flake served in the House of Representatives from 2001-2013 before becoming the senior United States Senator for Arizona. While Senator Flake may not have explicit experience with sexual assault trials, he certainly knows what working in government is like and he has a passion for serving people. This passion is evidenced in his speech where he clearly shows great concern for the humanity of the two individuals involved. But what was the reason for this speech?

The occasion for this speech was the hearing scheduled to address allegations against Justice Kavanaugh by Dr. Christine Ford. Ford came forward with complaints against Brett Kavanaugh regarding a sexual assault incident from high school. Because Justice Kavanaugh was recently nominated for the Supreme Court, this case took a high priority, and the speech that Senator Flake gives is presented the day before the trial. He takes a refreshing position against dragging up all of the dirty case details, but rather he identifies what should be most highly considered: the people themselves.

The last element to consider when examining this artifact is the audience. Senator Flake's audience in this case is both the United States Senate and the American public. By choosing to remind his audience of the humanity of the individuals involved, Senator Flake successfully sheds new light on the situation and urges his Senatorial audience to move forward with caution.

He also makes himself relatable to his public audience by showing respect for those he claims to serve. He urges his people to consider human decency and appeals to their conscience in order to ensure they approach the scenario with the right mindset.

### 3. Theory Background

As was mentioned in the introduction, this analysis will follow the five canons of rhetoric, which were developed by the famous Roman rhetor Cicero. They were developed as the key aspects of oratory, though they also have applications in writing. These canons help the rhetor to better understand and craft effective pieces of address. The following portion of the paper, the application and analysis, will help us to also better understand these concepts, specifically through Senator Flake's artifact.

### 4. Invention

With all of the information surrounding the case having been addressed, we will now focus on each of the different canons. Let us focus first on the canon of invention (*inventio*), which by Aristotle's definition is, "finding and displaying the available arguments on any issue" (Crowley and Hawhee, 5). Senator Flake exemplifies the use of invention in his speech through external and internal proofs, and the exploration of the specific internal proofs, such as his inclusion of pathos, ethos, and logos.

First, Senator Flake uses external proofs to support his address. He does this by specifically referencing different statements from various political sites and articles. Though he never mentions the names of these sites or articles, he does make sure to shed light on their political affiliation (democratic v. republican, left wing v. right wing, etc.) "...nor are they to be "demolished like Anita Hill" as was said on conservative media the other night. Nor is one them a "proven sex criminal" as has been circulating on the left side of the Internet" (Flake, 6). He

also references cases from the past, but again does not give the names or scenarios of these cases on the assumption that his audience would recall them, “There was an earlier case, twenty-seven years ago, from which you might have thought we would have learned something, but the past couple of weeks makes it clear that we really haven’t learned much at all” (Flake, 8). There are multiple examples of these external references scattered throughout the Senator’s speech; statements of fact that both solidify the argument he is making as well as drive home his use of external proofs.

Now that we have examined the Senator’s use of external proofs, let us move on to investigate his use of internal proofs, beginning with pathos. The job of a Senator is to advocate for the people of their community and consider their needs and desires when making decisions on their behalf. As a Senator, Flake understands that his job is to advocate for the people of his community and consider their needs and desires when making decisions on their behalf. The people-centered nature of his job opens a perfect gateway for the use of pathos. Right from the start, Senator Flake begins pleading on behalf of both parties, Justice Kavanaugh and Dr. Ford, and reminds his audience that, “... before this woman and this man are anything else, they are human beings” (Flake, 2). He appeals to his immediate audience, the U.S. Senate, and the emotions that go into being advocates of “the people.” He even goes as far as to appeal to the emotion of guilt in his audience, “We sometimes seem intent on stripping people of their humanity so that we might more easily disregard or defame them and put them through the grinder that our politics requires. We seem, sometimes, to even enjoy that” (Flake, 3). Again we see Senator Flake acknowledging common discrepancies in human nature and the tendency to disregard individuals for the sake of the ease of a job. Because his immediate audience are also Senators, his emotional approach is effective. He gently guilted them in order to gain their

attention and to have them reconsider their previously formed positions on the matter before they enter into the hearing. His use of pathos may not have worked so well, though, if it weren't for his perceived character, his ethos, which is the next subject we will address.

The application of ethos revolves heavily around the speaker's character. However, at no point in his speech does Senator Flake directly address or acknowledge his character; it is more so established prior to his giving the speech than it is earned by the way he presents himself. It is important, though, to consider his situated ethos as it contributes to the way his message is received. Obviously, he is a United States Senator. He represents the state of Arizona and campaigns as a republican. These details all tie in to how he is perceived by the audience. As previously stated, the Senator has served as an elected official in government for more than ten years. His consistent popularity with the voters serves as excellent proof of his character. The people that approve of his character are not even "significant" people per say, they are the every-day man and woman. His ethos, then, is established on multiple levels: both on a simplistic level with the American public (the other half of his audience) as well as with a weightier group of individuals, such as the United States Senate. All of these qualities situate him in an advantageous position before he even opens his mouth to speak.

The final element to address is logos, which is "...derived from the arguments found in the issue itself" (C&H, 12). The extent of Senator Flake's logos lies with what has been mentioned in the external evidence section. Flake opens the speech by addressing the harshness and severity with which the trial subjects (Kavanaugh and Ford) have been treated. He then uses examples of the cruel words to prove this statement, "What I do know is that I don't believe that Dr. Ford is part of some kind of vast conspiracy from start to finish to smear Judge Kavanaugh, as has been alleged by some on the right" (Flake, 17). His words prove effective in this quote

because he is drawing from statements made by “outsiders” of the hearing and disproving them with his own statements of positivity. This quote also ties into Senator Flake’s ethos. He states what he does not believe in such a way that it convinces his audience to think the same way in which he does, which they likely will based on his character and position. His utilization of logos supports his ethos, and both heavily contribute to the success of his address.

So, the canon of invention is crucial in developing a convincing speech, and Senator Flake does an excellent job of incorporating all three internal proofs into his address to the Senate. He defines the issue at hand, emotionally compels his audience, and proves his points with sound evidence.

## 5. Arrangement

The next canon to address is that of arrangement (*dispositio*), or in a simpler term, organization. The structure of any analysis like this is important because it determines how an artifact will be perceived or accepted by the audience. This section will identify Senator Flake’s choices of arrangement and analyze how these choices affected or impacted his audience, whether it be for the better or for the worse.

In classic rhetorical analyses, the arrangement of an artifact is strongly centered on Cicero’s six steps of discourse: exordium, narration, confirmation, refutation, and peroration. While Senator Flake’s address does not strictly follow Cicero’s outline, he does pull from some aspects of it. The first step of the arrangement would be the exordium, or the introduction. However, Senator Flake does not use much of an introduction outside of a brief statement as to why he is speaking that day. He requires no real introduction because his case is honorable; his audience is prepared and willing to hear him.

Rather than beginning with the exordium, then, Senator Flake moves straight to narration, or the statement of the issue he plans to address. “I rise today to say a few words about the two human beings who will be providing extraordinarily important testimony before the Senate Judiciary Committee tomorrow” (Flake, 1) He begins by prefacing the issue he is going to address and then quickly moves to further explain his main point of humanity, “... we seem to sometimes forget that before this woman and this man are anything else, they are human beings” (Flake, 2). With this statement, he successfully sets up what the rest of his address will cover.

The next of Cicero’s six steps of discourse is that of partition, or the division of the issue into parts. Senator Flake does not have a long list of things he wishes to address. However, he does outline some of the reasons that he is addressing this issue of humanity and later backs up these reasons with external proof, “...because we think we are right and they are wrong, because we think that our ideological struggle is more important than their humanity, because we are so practiced at dehumanizing people that we have also dehumanized ourselves” (Flake, 4). The stripping of humanity that Justice Kavanaugh and Dr. Ford have experienced are a direct result of what Flake mentions here. He then backs up these reasons with proof from multiple media sources from both political sides. In other words, no one is exempt from the behavior that has been exhibited, and Senator Flake is intent on revealing that within his confirmation.

Confirmation is the portion of an address where the speaker makes their strongest arguments. In other words, the confirmation acts as the support for the partition. Senator Flake makes the powerful argument that people’s humanity should not be disregarded when moving forward with this hearing. He uses external proof from the media to support this, “... these people are not props for us to make our political points, nor are they to be ‘demolished like Anita Hill’ as was said on conservative media the other night. Nor is one of them a ‘proven sex criminal’

as has been circulating on the left side of the Internet” (Flake, 6). He even draws on a personal experience of attack in which one of his Arizona constituents threatened his family because of the Senator’s relation to the hearing. These pieces of information confirm his statements of inhumanity regarding the people involved and therefore further solidify his point on the importance of humanity in his hearing.

The final two aspects of Cicero’s outline of discourse are refutation and peroration. Refutation is the portion of an address in which the rhetor anticipates opposing statements and plans to refute them. Senator Flake does not include this aspect in his own address outside of the external proofs that have been previously mentioned. By using those proofs, he adequately refutes what either political side of the U.S. Senate may try and argue. He does, however, include a peroration, or conclusion. After addressing all of his key arguments and the support he has for them, the Senator wraps up his address with a call to action, “... I hope that we in this body will acknowledge that we don’t have all the answers...we must have open minds. We must listen. We must do our best, seek the truth, in good faith. That is our only duty” (Flake, 22-23). With this final urge, Senator Flake relinquishes his stand and concludes his address.

## 6. Style

The third of the five canons of rhetoric is that of style (*elocutio*), which focuses on the words a rhetor chooses to use in their address or speech. This canon is important because a speaker’s choice of words can dictate how the speech is received. A rhetor’s choice in style is also heavily influenced by the audience they are addressing. For Senator Flake, the audience includes the United States Senate as well as the U.S. public, so his choice in style needs to appeal to both groups. As the reader or audience, we see that Senator Flake successfully uses simpler

language and creates visual images so that his audience can clearly understand the major points of his message.

While investigating the effect of a speaker's choice in style, it is important to understand who the speaker is. The Senator's many successes have already been addressed in this paper, but it is important to keep in mind when talking about style because the reader can more clearly see that the vocabulary that Senator Flake uses throughout his address is very much a choice. As a well- educated, well- travelled, and well- experienced man, Senator Flake could have easily filled his speech with complex vocabulary. After all, his immediate audience, the United States Senate, is also filled with highly intelligent individuals who have the ability to understand him. However, Senator Flake makes a very important decision to make his speech clear so that even those beyond the Senate, such as the majority of the United States public, could comprehend his message. These simple choices he makes are evident throughout his writing, "Two human beings. It feels a bit odd in this political setting to specify their humanity that way, doesn't it? And I admit it feels strange to have to do that. But we in this political culture and in this city and in this building and even in this chamber – we seem to sometimes forget that before this woman and this man are anything else, they are human beings" (Flake, 2). With these clear and precise words, he sets the premise for how the rest of his speech will be composed while simultaneously creating the foundation on which his main points will later build, and all of this is done with consideration for the audience.

Additional details to consider from Senator Flake's address are his uses of imagery, references, and examples. "...before we are Democrats or Republicans, before we are even Americans, we are human beings. As President Kennedy said, 'We all breathe the same air. We all cherish our children's future. And we are all mortal'" (Flake, 5). This quote, for example,

references words by President John F. Kennedy, a familiar and beloved political character that the U.S. public recognizes. This choice in political figure brings Senator Flake to a relatable level with the U.S. population, and the quote itself appeals to the every-day-man and supports Flake's main points.

Senator Flake also uses different examples of imagery throughout his address in order to paint a picture for his audience, "The toxic political culture that we have created has infected everything, and we have done little to stop it. In fact, we have only indulged it, and fanned the flames..." (Flake, 10). The use of terms like "toxic political culture" and the infection that it is successfully leaves the audience feeling almost ill at the description, mixed with a little bit of conviction for possibly taking part in something as serious as "fanning the flames." The audience's reactions are a telling sign that the Senator's literary choices were effective for anyone from a well accomplished rhetor, to a young college student.

To close this section, Senator Flake's conscious choice to implement simple language into his address makes his message easy to comprehend. He references popular individuals, paints clear images, and overall communicates his points with precision, passion and clarity. Whether you are a high ranking government figure or a college student, Senator Flake's address is transparent and successfully lays out what is important for the audience to take away even after the speech has concluded.

## 7. Memory

The canon of memory (*memoria*) is one that is often overlooked in neo-Aristotelian criticisms. It is possibly the most overlooked canon because memory is simply less crucial now than it was when works could only be shared through re-telling. Today, speakers are not judged as harshly based on their ability (or lack thereof) to memorize. However, that does not mean that

memory no longer has a place in the more modern applications of rhetoric. Senator Flake visibly utilizes elements of this canon through his application of artificial memory to recall the various details of his speech and his focus on memory as it helps contribute to invention.

The application of memory in Senator Flake's address can be hard to determine at first because he did not memorize his speech word- for- word. However, he still uses elements of memory through his use of an outline. Throughout his presentation, Senator Flake can be seen looking down at the podium in front of him, no doubt referencing an outline of the speech he is in the process of giving. An outline is an excellent example of artificial memory, or in other words, a way of organizing information within the mind so that it is more easily accessible for the rhetor. While he does still glance at his page now and then, he is not hopelessly dependent on it because the preparation he has done with his memory is sufficient enough to carry him through.

Another aspect of memory that Senator Flake uses is that of memory as a means of invention. This idea draws from the ancient practice of memory when rhetors were unable to refer to specific texts or scripts and so relied on their ability to recall information they had previously studied. As previous papers have explored, Senator Flake has a situated ethos through his position as a Senator, which contributes to his invention as a speaker. His extensive experience as a Senator (roughly six years) has contributed to his knowledge in how to navigate certain situations and various speaking occasions. He is then able to pull some of these experiences to memory when presenting this particular address. The lessons he's learned and the skills he's acquired are filed away in his memory so that he can easily pull them to the surface when needed. In this case, his previous experience with addressing the Senate comes in handy, and he draws on that in order to keep his audience interested while maintaining his invention.

While memory has not always been thought of as the most popular or even the most important canon of rhetoric, it still has important applications in today's more modern focus of rhetoric as witnessed in Senator Flake's artifact. The use of artificial memory and memory as invention contribute to and improve his address.

## 8. Delivery

We have now addressed four of the five canons of rhetoric. While each canon is equally as important as the next, perhaps the most important canon is the only one yet to be addressed. The canon of delivery (*actio*) has been described by ancient rhetors as the most crucial part of an address. Quintilian himself consistently stressed the significant role that delivery plays in a speech, "I would not hesitate to assert that a mediocre speech supported by all the power of delivery will be more impressive than the best speech unaccompanied by such power" (C&H, 326). Senator Flake clearly utilizes this canon in his own presentation by maintaining a clear management of his voice and gestures, his chosen form of delivery, and a clean presentation of self.

First, Senator Flake maintains a clear and, most importantly, loud voice throughout his presentation. The volume and steadiness he exhibits is something that portrays confidence and a sense of belonging in front of his audience. This is appropriate because the speaker in this scenario is of the same group of people that he is addressing: a senator. While his ethos (which falls under his invention) contributes to this sense of belonging, it is his strong use of voice that truly solidifies his place among them. His confidence exudes from his voice without being overbearing, which puts his audience into a state of readiness to hear what it is he has to say.

Gestures, too, are essential to a successful speech. This is one aspect of Senator Flake's address that I would critique. Throughout his presentation, Senator Flake remains mostly

stationary with only a few moments of subtle swaying or a shifting of feet here and there. His hands stay planted on either side of the podium, with his main movement being the turning of his head or the shifting of his eye contact. While his choice in limited to no gestures is appropriate for the venue and audience to which he is presenting, I would argue that adding a subtle hand gesture here and there would prove effective in keeping the speech visually appealing for the audience. One thing that Senator Flake does do well, however, is maintain consistent eye contact. That connection he makes with his audience is another thing that solidifies his confidence and keeps the audience engaged and interested.

The next important aspect of delivery that Senator Flake exhibits is his choice of extemporaneous speaking as opposed to a strictly memorized script. While he does utilize some notes (as is highlighted in the section on memory) he does not have them memorized word-for-word. Instead, he chooses to speak from a place of planned wording without holding to a strict manuscript. “And so I will say to these witnesses – these human beings - we owe both of you a sincere apology” (Flake, 8). In this quote, the Senator’s phrasing is flexible and highly conversational. His reference to an apology comes across as highly human rather than machine-like which again makes him relatable to the audience and motivates them to pay attention to what he has to say.

To conclude this section, delivery is an extremely important if not the most impactful canon of rhetoric. While vocal delivery is highly crucial, it is not the only aspect of delivery. Mannerisms, gestures, and even physical appearance can also highly contribute to the effectiveness of an address. Senator Flake clearly understands the importance of delivery, and any future rhetor would do well to take notice of these details, too.

## 9. Implications

Ultimately this analysis has been successful in outlining the different canons of rhetoric and how they are not only useful for Senator Flake, but also how they could be useful for future rhetors. The Senator's address does not, however, perfectly align with every aspect of each canon, particularly when it comes to arrangement. This canon was the most difficult to apply because Senator Flake's address did not include a couple of the elements, such as an exordium and a refutation. However, the Senator's address is effective in proving that while these guidelines are extremely helpful, they are not necessary for a speech to be successful.

Another element that proved difficult to discuss would also be the element of memory. Due to the extemporaneous nature of his address, Senator Flake did not require a strict use of memory. However, exploring this canon in relation to this artifact significantly helped me broaden my view of memory. For example, I have never before considered memory as an supporter of invention. This artifact, though, helped me to see that past experience serves as an element of memory and therefore as an aspect of invention. In any future criticisms I write, for instance, I will be able to apply the canon of memory because I will recall all that went into effectively writing this one.

In all, a lot of application based information was learned through this criticism. My hope is that it will not only influence my own writings, but also be read and applied to any prospective rhetors.

## 10. Conclusion

To conclude, this artifact is an excellent example of the utilization of the five canons of rhetoric. Senator Flake successfully applies aspects such as ethos, pathos, and logos in his invention, to his choice in language, and even in his application of memory. All of these elements play a key role in strengthening his address. However, I also found that an effective

speech does not require a perfect execution of all of the canons to be successful. Rather, these elements serve as a yardstick by which to measure your own artifact. My goal for this analysis has been met in that it covers invention, arrangement, style, memory, and delivery with an application- based sense, and it serves as a guidelines for future rhetors in their various oratorical endeavors.

#### Works Cited

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