

Abstract:

Of the many lines in Aristotle over which translators disagree, few have the philosophical ramifications of *Rhetoric* 1402a23:

καὶ τὸ τὸν ἥττω δὲ λόγον κρείττω ποιεῖν τοῦτ' ἐστίν

A strict translation would give us some variant of the following:

And this is what to make the weaker argument [the] stronger means.¹

Indeed, this is how many translators and commentators translate or interpret the line.

(Barnes; Cole; Gagarin; Guthrie; de Romilly; Robinson; Sprague)

The central disagreement lies with those who choose to translate it as some variant of the following:

And this is what 'making the worse *appear* the better argument' means. [Freese's Loeb translation, my italics]

The significant 'addition' here is the '*appear*' (or, sometimes, 'seems'), and on this side of the issue we find major figures like Cope; Freese; Kennedy; Mckeon; Roberts (in Ross' Oxford edition); and Woodruff.

Why have these translators chosen to interpret this famous attribution to the sophists (and to Protagoras in particular) as making the weaker argument *appear* the stronger, and what are the philosophical implications of doing so?

The paper explores these questions, discussing something of the debate between Aristotle and the sophists and suggesting reasons for the disagreement in translations.

¹ The line arises in the following context:

'Here, both the alternatives appear equally probable, but the one is really so, the other not probable absolutely, but only in the conditions mentioned. And this is what "making the worse appear the better argument" means. Wherefore men were justly disgusted with the promise of Protagoras; for it is a lie, not a real but an apparent probability, not found in any art except Rhetoric and Sophistic'. (Translation: J.H. Freese)

1. The Problem.
2. Two translations.
3. Where else?
4. What we attribute to the Sophists: (i) eristics; (ii) persuasion.
5. Answer.

Among the things that might interest us in Aristotle's attribution of the 'weak argument' position to Protagoras is the decision of translators to render the phrase as "making the weak *seem* strong" (or "*appear*"). Given the language of the text, this inclusion seems to be interpretative and may point as much to how translators understand Aristotle's meaning as to anything else. Not everyone makes such a choice. Barnes (1982:545) and Sprague (1972:13), for example, in their translations of the phrase omit the "seem" (or, to put it another way, translate only what is there). That the inclusions of the "seem" do so intentionally it so is evident from what is said elsewhere. Kennedy (1980:41), for example, observes that "[b]ecause of its newness, it [rhetoric] tended to overdo experiments in argument and style. Not only did it easily seem vulgar or tasteless, it could seem to treat the truth with indifference and to make the worse seem the better cause." We will see a similar understanding in the remarks I explore below from Alexander Sesonske. What stands out here is a concern with truth and an assumption about the Sophists' practice from an understanding influenced by that concern. Schiappa (1999: 79) cites Lane Cooper's translation, which includes "appear," as showing a statement that represents sophistry at its worse. Schiappa's interpretation of Protagoras' "promise" in the *Rhetoric* is that it means, not the representation of the same argument from first appearing weak to then appearing strong, but "the substitution of a preferred (but weaker) *logos* for a less preferable (but temporarily dominant) *logos* of the same "experience"" (1999:79-80). Thus he implies the presence of two arguments,

one replacing the other. This interpretation, though, does not explicitly address the “seem” that is in dispute between translators and commentators, nor does it resolve the mystery of its choice.²

One possible explanation, is that the “seem” is to be found elsewhere in some discussion of the weaker/stronger argument promise and has been simply transposed to Aristotle’s reference. Two candidates arise for such an alternative: one in Plato, and the other in Aristophanes.

Plato’s allusion to the weaker/stronger argument debate arises in the *Apology* where he is attempting to distance Socrates from the Sophists. The charge against Socrates noted there is that he is “a criminal and a busybody, investigating the things beneath the earth and in the heavens and making the weaker argument stronger (*kai ton hetto logon kreitto*)” (*Apol.* 19b). No mention is made here of his *seeming* to make the weak argument stronger; the charge is that he actually makes it stronger. Nor is its origin in Aristophanes’ debate between the opposing arguments in *Clouds*, where Strepsiades says: “Just see that he learns that pair of Arguments, the Better, whatever that is, and the Worse, the one that makes the weaker case the stronger (*hos tadika legon anatrepei ton kreittona*)” (*Clouds* 880-889). The Greek in each of these passages is emphatic: the one argument is *made to be* the other (or the argument makes the case other). They do not say that it seems to be other than it really is. A further point that these three passages do indicate, though, is that the attribution of this promise or charge to the Sophists, is not limited to any one author, and Aristophanes’ mention of it, in particular, suggests that it was widely acknowledged, since otherwise his audience would not have appreciated the point.

Alexander Sesonske (1968), I think sheds some light of the thinking of the translators who add the “seem” when he discusses the arguments of the Sophists. He claims a common

² Another point about the line in question that we could explore here, but I will not (beyond mentioning it) is that the text does not give an article to the second adjective. So, the weak argument appears [or is] stronger, not the stronger. There is a difference in strength of claim between these two interpretations. But I think the evidence can support the stronger reading.

underlying attitude toward argument in the representations of the Sophists found in Plato's dialogues, whether it be Protagoras, Hippias or Thrasymachus, or even the very different Euthydemus (217). "The Sophist," and Sesonske does not distinguish between them on this point, "enters argument as a combatant. For him an argument is not the occasion for resolving a practical problem, but for the exercise of a skill...The content of the conclusion is irrelevant; what matters is that *his* argument should have won" (220). In so claiming, Sesonske assumes the perspective of a tradition that, though it has seen the Sophists rehabilitated in many other respects, still tends to deny them serious models of argumentation. On his understanding, weakness and strength are logical properties that arguments have as some objective feature about them. Hence, to make the weaker argument defeat the stronger cannot involve making the weaker argument to actually *be* stronger, to make it what it is not; so it must be to confuse things such that the audience prefers the weaker argument in spite of its weakness (219). This perfectly plausible (but incorrect, I believe) understanding of the matter may well explain the choice of the translators and commentators I have mentioned. From the perspective of a logic we have inherited principally from Aristotle, the strength of a previously weak argument must only be an appearance, masking its inherent weakness. And the trick of making it so seem is a clear candidate for what we have come to understand as sophistic deception.

The traditional understanding is completed by a further related feature of argument, this with respect to its purpose: "Rightly undertaken, an argument is an inquiry—a search for truth" (221). This, as we will see, is very much to read the nature of the dispute between Aristotle and the Sophists from one perspective in the debate, that of Aristotle. It is also an interpretation of the nature of weak and strong arguments that accords with Aristotle's remarks in the *Rhetoric*. A clearer sense of the Sophists' intentions in promising to make the weak argument strong, if they

so promised, needs to be developed. But in the process, we must also address another aspect of the passage from Aristotle which links a usage of the argument from probability³ with eristic -- that approach to argument with which the Sophists are so often associated.

III Antiphon the Sophist.

The assumption that the Sophists engaged principally in eristics and aimed at persuasion has been pervasion in the tradition. But it is an assumption which also falls foul of the evidence (Gagarin, 2002). We find in the extant works and contemporary comments suggestions of a far more complex attitude to the methods and goals of argument. The argument from probability, widely available in Sophistic texts, and the object of interest to Aristotle in the passage under question, is used to examine propositions, propose alternative possibilities, and negotiate outcomes. Moreover, the practice of proposing double (or opposing) arguments of equal merit, for which the Sophists were equally renowned, hardly makes sense if the intention was to persuade audiences (Gagarin, 2002: 30). We need to move beyond the caricatures of the *Euthydemus* (and the *Sophistical Refutations* that it influenced).

Fortunately, we are not forced to rely solely on the portrayals of Sophists in Plato's dialogues for ideas about sophistic argument that I have just mentioned. Some of the best examples of sophistic argument, can be found in the fragments of people like Gorgias and Antiphon.

Gorgias' speeches *Helen* and *Defense of Palamedes*, for instance, are excellent examples of rhetorical argumentation, aimed at changing an audience's perspective through the deployment of such devices as probabilistic argument, of what is *eikos*, "the most common argument scheme

³ I say "a usage" because, as others have pointed out, Aristotle himself adopts the argument from probability. So he can speak of "fallacious" probabilities.

taught by the sophists” (Woodruff, 1999:296). But a better place to go here to see a full range of sophistic argument is to the fragments of Antiphon the Sophist, and in particular to his *Tetralogies*, demonstrative speeches with four parts, written as teaching tools. I have time to discuss here only a few details of these speeches, particularly as they use the strategy of appealing to what is *eikos*.

We have three tetralogies, each one involving speeches by the prosecution that are then countered by the defense. The first case involves an assault of a man and his attendant (or slave). The man died in the attack and the attendant died shortly after being discovered. Antiphon presents two exchanges between the prosecutor of the man accused of the attack and the defendant. Each of the four speeches points to probabilities, with the prosecutor arguing in the first speech that the jury “must place great reliance on any kind of probability which [they] can infer” (Sprague, 1972:137); and the defendant concluding in his second speech that “it has been demonstrated that these probabilities are in general on my side” (147).

The first speech of the prosecution draws attention to several probabilities, including that the criminals were not professional killers, since the victims were still wearing their cloaks, and it’s likely professionals would have taken them; and the killing was not the result of a dispute, because people do not become involved in disputes in the middle of the night and in a deserted spot. In fact, who is more likely to have committed the crime than a man who has already suffered injuries at the victim’s hand and expected to suffer more. And this describes the defendant: an old enemy, who had recently been charged by the victim with embezzlement.

To these particular charges, the defendant counters in his first speech: It is not improbable but probable that a man would be attacked in the night and killed for his clothes. That they still had them suggests that the killers panicked. On the other hand, maybe the man

and his attendant were witnesses to a crime, the perpetrators of which silenced them. Or, isn't it more likely that others who hated the victim would have committed the crime, knowing that suspicion would have fallen on the defendant? To this particular charge of the prosecution (that the defendant was the most likely person to commit the crime), the defendant responds in terms that clearly anticipate those Aristotle will later use in his example in the *Rhetoric*: "Indeed, if on grounds of probability you suspect me because of the intensity of my hostility, it is still more probable that before I did the deed I should foresee the present suspicion falling upon me" (Sprague, 1972:139). Hence, Antiphon's speech does seem a fuller account of what Aristotle meant by the argument from probabilities. Antiphon invites the reader to consider the case from the perspective of what their experience tells them is likely to have happened, or what might reasonably be extrapolated as probable from the details provided. Aristotle's insistence that one of the alternative probabilities really *is* probable suggests that there is a truth about the case being masked by this strategy. But Antiphon's procedure seems fairly aimed at arriving at a determination about a case where the question "what actually happened?" seems inappropriate.⁴ Nor is it clear how the weaker cause would be being made to seem the better or stronger here. The traditional suggestion is that the weaker cause could be known in advance of the deliberation. But Antiphon is proposing that the weaker cause would only be revealed by weighing the probabilities.

We see this, for example, in the way that a key detail is treated in the dialectical exchange between prosecutor and defendant.

Prosecutor, first speech: The attendant was still conscious when found, and before he died he named the defendant as the attacker.

⁴ Gagarin (2001) proposes quite a complex theory here. He contests that Antiphon subscribes to a correspondence theory of truth (173), but that there is more than one reality, and thus more than one truth. Each speaker proposes a different *logos* corresponding to a different view of the facts.

Defendant, first speech: It is not probable that the attendant would recognize the killer in the heat of the moment. And, besides, a slave's testimony is untrustworthy, which is why slaves are submitted to examination [torture] to extract the truth from them.

Prosecutor, second speech: The testimony of the slave *is* trustworthy, since in giving evidence of this kind, slaves are not examined.

Defendant, second speech: We should not trust the testimony of an attendant over that of a free man (the defendant himself).

Each contribution of this exchange is designed to get the hearer (or reader, in our case) to revisit the details of the case, replacing one likelihood with something deemed more probable. Each contribution changes the context relevant for the judgement. In this way the speeches are attempting to modify the hearer's experience as it is to be applied in this particular case, to think of the world as a place where what is proposed seems most likely to have happened.⁵

This is seen even more vividly through one of the peritropes (reversals) demonstrated in the second tetralogy. This is a case where a young man, practicing the javelin with his classmates in the gymnasium, accidentally kills another boy who runs in front of the javelin as it is being thrown.⁶ Again, the prosecution and the defense exchange two speeches. What is at issue is whether the dead boy should be avenged by the death of the boy who threw the javelin, even though it is agreed he did so unintentionally. In the second speech the defendant (the accused boy's father) argues that the dead boy is avenged if the killer is punished, and in this case such has occurred: "The boy, on the other hand, destroyed by his own mistakes [in running in front of the javelin during the class], simultaneously made the mistake and was punished by his own motion. Since the killer [i.e. the victim himself] has been punished, the death is not unavenged" (Sprague, 1972:155). Here, the tables are turned so that the victim is made to seem the killer. This does appear a clear sophism, or case of trying to make a weak case seem

⁵A close modern parallel to this strategy would be the use of defeasible argumentation, or appeals to normal expectations. The Sophist strategy depends upon an experience of the normal, but also seeks to expand it, to modify an audience's experiences in some respect.

⁶That there is a story of Pericles discussing such a case with Protagoras suggests that this may have been a set case that speeches were written about for the purposes of pedagogy.

strong. But Antiphon's understanding of language allows that when someone speaks there is no permanent reality behind their words. Only the senses tell us what exists, and "names are conventional restrictions on nature" (Ibid, 213). Which is to suggest that the meanings of "victim" and "killer" need to be worked out by exploring the context of a particular case. The same will hold for what is understood as "justice." These ideas come from the fragments of Antiphon's *On Truth*, and it is to that source that we should turn to understand further the ideas held by the writer of these speeches.⁷

Protagorean Rhetoric.

As we have seen, Antiphon's sample arguments give a quite specific reading to the charge of making the weak argument (or case) defeat (or seem to defeat) the stronger argument (or case). This is certainly far from the display of eristics demonstrated in the *Euthydemus* and which Aristotle and Sesonske seemed to see associated with the weak-argument charge.

Still, commenting on Antiphon's material and in the same vein as these other critics, Jacqueline de Romilly (1992) casts a negative pall over the accomplishments involved in presenting opposing arguments:

It was heady stuff, no doubt, but alarming too. Such an ability to defend both points of view suggested a disconcerting unconcern for the truth. If it was a matter of defending opposite points of view equally well, justice was left with no role to play. Besides, the art of twisting arguments rendered the very principle of argumentation suspect. In fact, it made the reasoning of the Sophists look like precisely what we today would call 'sophistry' (80).

⁷ A fair counter-argument to what I am proposing here is the observation that in other speeches Antiphon does appeal to and employ a more conventional notion of 'truth'. In the real case of 'The Murder of Herodes', for example, there is an insistence on "the truth of what happened" which contrasts with the remarks in the *Tetralogies* and in *On the Truth*. But as Michael Gagarin recognizes in his notes to the speech (1998:51n4) "one must remember that in a hypothetical exercise, Antiphon could make frank statements that would be inappropriate in a real case." Indeed, the distinction between his own philosophical position and what it would be expedient to write for a client to present to a real jury would account for these conflicting statements on 'truth'.

These are serious charges, particularly as they affect “the very principle of argumentation.” But they are drawn from a perspective that recognizes an underlying truth, and they understand ‘justice’ as the means or institution by which that truth is recognized and upheld. This view, while consistent with the reading that runs down to us through Plato and Aristotle, is not one that would seem to be shared by Antiphon and some of the other Sophists. This claim can not be fully defended here. But I will explore it with respect to Antiphon and Protagoras. The latter is important to this discussion because there are clear reasons for reading the rhetoric of Antiphon as consistent with the Protagorean perspective.⁸ We have, for example, seen Antiphon employing discourse very similar to that used in the case cited by Aristotle, and which Aristotle had then associated with the name of Protagoras.⁹

De Romilly also makes the case for seeing Antiphon’s speeches as reflecting the spirit of Protagoras’ influence, particularly with respect to the procedure of making the weaker of two arguments the stronger, and the technique of double arguments, an elegant trick, the secret of which “lay in knowing how to turn to one’s own advantage the facts, the ideas, and the very words of one’s opponent, making them point to altogether the opposite conclusion” (1992:78).

In the *phusis* v. *nomos* debate of the fifth century, Antiphon appears to have aligned himself with the forces of *phusis*. The fragments we have of Antiphon’s *On Truth* show that he had serious reservations about the value of justice as it was defined by the

⁸We might also note, in passing, that Antiphon’s views on justice seem consistent with those of Thrasymachus and Hippias (See Kerferd, 1981).

⁹For a discussion of the ways in which Protagoras and Antiphon can be deemed close, as well as ways in which they are distant, see Decleva Caizzi, 1999. See also Gagarin (2001:172).

laws of the state. “For the demands of law are artificial, but the demands of nature are necessary” (Fragment A, Col.1. Sprague, 1972:219). In fact, the division is so strong that many of the things that are just according to law, he deems to be at variance with nature (Col.2). This is shown vividly in Fragment B in the discussion of harming those who are innocent. Justice sometimes requires that a person be called upon to give evidence against a neighbour, even though that neighbour has done no wrong to the individual in question. Even if the evidence is accurate, the neighbour is being harmed and left open to suffering. So the witness wrongs someone who has done that person no harm, and justice requires this. “Indeed,” writes Antiphon, “it is impossible to reconcile the principle that this conduct is just [i.e., giving evidence against one’s neighbour] with the other principle, that one should not do any injustice nor suffer it either” (Sprague, 1972:221). (One suffers it becomes through the testimony one incurs an enemy who will hate you.)

Given this view of justice, it is quite understandable that he would carry the attitude over into the speeches he wrote for the law courts (or to teach the writing of such speeches)¹⁰. Fragment A of *On Truth* ends with the observation that “justice” is on the side neither of the sufferer nor the doer, but on the one who can persuade the jury. If there is no ‘truth’ behind the laws of the state, then recourse must be made to nature – a ‘truth’ known through experience. And in working with experience, whether his own or that of the jurors, he must look to probabilities, to what is probable given what we know from experience. On these terms, there is no attempt to cheat the ‘stronger argument’ of its truth. It has none, for its strength insofar as it has any lies only in its plausibility.

¹⁰In fact, among the arguments supporting the thesis that the Antiphon of the speeches, including the *Tetralogies*, is the same Antiphon as that of *On Truth* is this consistency of attitude toward the courts and speech itself.

Likewise, there is no *prima facie* weaker argument or case. There are the details that can be presented in various ways by the arguer. But any presentation of details is an interpretation, as Antiphon's *Tetralogies* show. And as those details are presented in different ways, the audience is brought to see the events from different angles. Ultimately, the audience is forced to make a decision, and its only resource is what has been made to seem *most* probable.

A similar story could be told for Protagoras' views on probability and truth, although there is no time here. From what we find in the fragments and depictions like that of the *Theaetetus*, it would appear that for Protagoras all that can be changed are the appearances, for these are all that are known to us, the measurers of all things, and he must reserve a scepticism for any way that things might actually *be* since we have no access to them. Bringing people to change their perspectives involves leading them to think differently about their experiences, to see them in different ways. And this, of course, would be done through a *logos*. It is not a matter of changing the experiences themselves, since these are always correct for the individual; but it is a matter of changing how they view their experiences, a matter of how they develop good judgement. By extension, to deliberate about the experiences of others is to think about what is probable given what one has experienced oneself. Plato, and Aristotle, and a tradition that holds there must be an underlying truth to things, one that argument might be used to bring to light, will not countenance this approach. But those who think differently, as the Sophists clearly did, will not share those concerns, and they will use argument for much different ends, explained here by Plato's Protagoras, and illustrated by Antiphon.

Making the weak argument defeat the stronger, then, *in its very expression*, assumes a perspective that would have been foreign to the Sophists. This is a perspective made so familiar to us by the tradition that we treat it as commonplace. But the view that it opposes, understood fairly in its own terms and stripped of its association with mere eristics, is suggestive in its own way and more than deserving of serious study.