Rereading Sophistical Arguments: A Political Intervention

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ABSTRACT: This essay argues that Aristotle's categories of oratory are not as useful in judging the methods of Sophistical rhetoric as his presentation of time. The Sophistical argumentative method of "making the weaker the stronger case" is re-evaluated as a political practice. After showing this argument's relation to power and ideology, Aristotle's philosophy, which privileges a procedure of argument consistent with the politics of a *polis*-ideal rhetoric, is offered as reason for objecting to Sophistical rhetoric. The essay concludes that Sophistical rhetoric prefers the concept of possibility over Aristotelian actuality, and offers a need for an ideological space of radical, generative possibility in rhetorical theory.

KEY WORDS: Aristotle, judicial oratory, method of argument, philosophy, politics, possibility, rationality, rhetoric, Sophists, time, "to make the weaker case the stronger".

> The task...is no longer 'to search for the truth,' or 'to praise god,' or 'to systematize observations,' or 'to improve predictions.' These are but side effects of an activity to which [our] attention is now mainly directed and which is *'to make the weaker case the stronger'* as the sophists said, and *thereby sustain the motion of the whole.*

> Paul Feyerabend, *Against Method*

By the time a reader arrives at Aristotle's definition of rhetoric (1355b 26), (s)he has been given a synopsis of Sophistical rhetoric.[1] Turning to Cope's interpretation (1854, 1857) for guidance, (s)he sees two interrelated characteristics. Aristotle states that Sophistical rhetoric is limited to judicial activity, and its methods are anchored in manipulation (1354a 11–1354b 30). Also, the Sophists' unscrupulous practices and basic attitudes toward argument constitute an *inherent* movement away from political oratory (1354b 15–1355a 20). Even so, the Sophists tried to impress people with a skill they did not have by means of a peculiar form of argument restricted to the law courts. By the nineteenth century, it was a commonplace that judicial rhetoric played the primary role in Sophistical rhetoric (Hinks, 1940; Wilcox, 1942; Kennedy, 1959). Moreover, it was generally accepted that the Sophists gave misguided instruction in the art of rhetoric.[2] This last characteristic is now an indictment, charged as *sophistry*.

Random House defines *sophistry* as a specious, unsound, fallacious method of reasoning. The trace of this judged judgment is at the beginning of Aristotle's *Rhetoric*.

Despite the customary view, that the Sophists had nothing to say about political oratory (1354a 25) and were not active in political life (*Nichomachean Ethics*, 1180b 35–1181a 1), there are indications to the contrary.[3] A most important counterpoint to the standard view occurs in Stanley Wilcox's essays (1942, 1943), which argue that the Sophists' rhetoric extended beyond judicial matters.[4] Historical records, particularly with respect to the origin of rhetoric (Watz's *Rhetores Graeci* reedited by Rabe in *Prolegomenon Sylloge*), reveal political practices.

A great deal of the Sophists' work involved political matters. Gorgias was an ambassador to Athens. So was Hippias. Protagoras was an architect of the constitution of Thurii (Plato, 1966a 281a–282e). In his *Harvard Studies* article, Wilcox (1942) uses Thucydides' *History* to link the Sophists' involvement with political affairs of the state to their use of rhetoric in practical concerns of the assembly. A good example is 'Antiphon.' Thucydides reports: "There was no man who could do more for anyone who consulted him, whether their business lay in the courts of justice or in the assembly" (VIII 68). Fragments of Thrasymachus' speeches offer another example. *The Constitution* (85) is political for it asks for deliberation, a choice, a resolution of a political problem. In terms of rhetorical instruction, the Eleatic Stranger in Plato's *Sophist* (232d) promises to make men argue about law and public affairs in general. Together, these examples establish that Sophistical *arete* included skill in political matters whether as teacher or rhetor.[5]

Clearly, to restrict our understanding of Sophistical rhetoric to the boundaries of a single forum – the judicial – is not in line with Sophistical rhetorical practices. Even with this awareness, we are still faced with a problematic question. How do we explain Aristotle's assertions that the Sophists "had nothing to say" (*Rhetoric*, 1354b 26), "little to offer" (*Nichomachean Ethics*, 1181a 12–14), and "no dignity to impart" to political rhetoric (*Politics*, 1305a, 10–15) when, given Wilcox's and others' penetrating analyses, we can see the Sophists' political participation in public life? A further review of the Sophists' practices suggests that there are political reasons why Aristotle adduced otherwise and that our question might be better re-cast as: What challenge did the Sophists' rhetoric present to the political *status quo* in Athens?

In terms of a challenge, the evidence shows that the Sophists were persecuted for their political views (Kerford, 1981, 19–23). The law of the Thirty Tyrants, which forced them to silence, is, according to Wilcox (1942), a prime example of governmental suppression of political speechmaking. He writes:

> They [Thirty Tyrants] shrewdly discerned that trained speakers meant men capable of arousing the people, an aroused people meant a revival of a democratic party, and a democratic party organized and united by effective speakers might mean the end of their oligarchical power. Recognizing that oratory is the life-blood of democracy, they shut off the flow at the source, the schools of rhetoric. (155)

Furthermore, Antiphon was active in organizing the movement which led to the modified democracy of the Four Hundred, and when it was overthrown, he was tried and put to death (87, A 11). The case of Antiphon is not an isolated incident – others included Anaxagoras, Diagoras, Socrates, Aspasia, Protagoras, Damon, and Euripides. The main point is that the Sophists' skill with language was capable of cutting very deep into the ruling political orthodoxies. According to Cope (1857), Aristotle

> could not fail to be sensible of the frivolous and unscientific character of the [sophistical] system... and as a lover of virtue and of his country and one who had the interests of truth and justice nearly at heart, he lifted up his voice against a system whose direct tendency was to subvert the principles by which society was held together, and to corrupt and demoralize all who came within the sphere of its influence. (148)

As stated, this voice of Aristotle paints the Sophists' rhetoric as very political and its practitioners as "rhetorical men blowing a rhetorical blast" (Plato *Alcibiades* II 145e cited in Wilcox, 1942, 132).

Insofar as the evidence calls attention to the inadequacy of judging Sophistical rhetoric ahistorically and nonpolitically, it forms a foundation upon which it can be (counter) claimed that Sophistical rhetoric was equally – perhaps even centrally – concerned with the political genre. The foundation is not meant to question varying contemporary views toward Aristotle's interest in the purity of genre (Kennedy, 1963, 72). The question centers around a contradiction. Aristotle attacks the Sophists for blending the political and the judicial speech together. Yet Aristotle takes no "generic" issue with Isocrates for mixing up political speeches with a legal accusation (1418a 29–32). Isocrates seems to be able to get away with this mix while the other Sophists do not. We can sort out such ambiguities with Aristotle's criterion of time in his division of rhetoric. As determined by time, political speeches are concerned with the future, giving advice on the course of action to be adopted; judicial speeches are concerned with the past, one part accusing, the other defending himself with references to things already done (1358b 20–37). This aspect of time in Aristotle's classification of oratory will reveal another side to Sophistical rhetoric, a political side that has been circumvented in argumentation.

However, before we can adequately understand the political entailments of Sophistical rhetoric, we need to unravel the following question: Why does Aristotle assert in his *Rhetoric* that Sophistical rhetoric does not operate in the political arena when there is ample historical evidence, not only that it did so, but perhaps even more important, that it was most threatening to the existent social order in just that arena? In what follows, I address that question by arguing that Aristotle's metaphysical treatises present the existent political system as a moral given grounded in the logic of universal probability; and that the example he chooses in the *Rhetoric* to demonstrate the maxim of how the Sophists make the weaker case appear the stronger implicitly validates the political power of Sophistical rhetoric by projecting a seemingly judicial example into the future, which is the domain of political oratory in terms of

Aristotle's temporal modalities. With a focus on Aristotle's division of past, present, and future time, this essay re-evaluates the most historical and the most influential characterization of Sophistical rhetoric: its logic is perverted (deals mainly with non-essentials 1354a 15), and its type of speech is not political.

After establishing that nonessential proof and the judicial rhetoric of the Sophists go hand-in-hand, Aristotle directs significant criticism against the argumentative method of "making the weaker appear the stronger case" in the law courts. We will adopt the phrase – to make the weaker the stronger case – as the embodiment of Sophistical rhetoric, i.e., a *method* of argument with broad political implications as Sesonske and Burnyeat put it. As a *method* of argument, Burnyeat says:

> What is reliably attested for Protagoras, but quite distinct from the principle that there are two opposed sides to be taken on every matter, is that he professed to make the weaker case [*logos*] the stronger (Aristotle, *Rhetoric* 1402a 23–36, DK 80 A 21; to which add Cicero, *Brutus* 30, who translates *logos* by *causa*). Notwithstanding various difficulties in interpretation this involves, one thing is clear. It was not a thesis that Protagoras maintained but a method of argument, ... the one of comparatively restricted scope that Aristotle illustrates (*Rhetoric* 1402a 17–23). (61)

We begin our alternative reading of the weak/stronger construction by reconsidering Aristotle's objections to the Sophistical method of reasoning. Then, by generalizing the method beyond the judicial forum and using Aristotle's time divisions, we can see what 'making the weak the stronger case' meant for the Sophists and how it functioned as a form of argument in politics. What we will see is that the phrase is not about mismanaging language in order to misrepresent the truth. It is about producing a political outcome. Sesonske suggests that it is about empowering the powerless: "The consequences [of 'make the weaker argument defeat the stronger'] will be found in the lives of men and cities, which may be profoundly changed" (76).

I. THE ACCEPTED STANCE IN CONVENTIONAL THEORY

When Aristotle criticizes the Sophistical method of argument, he has this to say: The ability "to make the weaker a stronger case" is not a proper model for guiding public belief and future action because it is a skill for the individual person, not the public citizen. Aristotle recalls past judicial procedure as (1) lacking in argumentation based on facts; and (2) employing emotional appeal (1354a 15–30). He is straightforward in his reasons. We are told that using emotional appeals on a judge is like warping a carpenter's rule (1354a 25–26), and that the right or moral thing to do is to exclude these appeals from a "proper" art (1355b 15–21). We are also told that writing treatises on "how to plead in court" contributes to trivial matters and to an individual's gain. The Sophists have concentrated on forensic but have "[said] nothing about political oratory" (1354b 25–6). Before that, Aristotle establishes that political oratory

should be regarded above judicial because it is "a nobler business and fitter for a citizen" (1354b 23) and because it does not overlook social benefit.

These passages from Aristotle parallel Plato's complaint against the Sophists (Classen, 11). If we view Aristotle and Plato together, the case against sophistry takes on a whole new meaning or, rather, they take on a meaning. Two references in the *Phaedrus* preview Aristotle's first charge: trickery and emotional appeal. In 261, Socrates pursues Phaedrus' point that "[l]ectures and writings on rhetoric as an art generally confine themselves to forensic oratory..." After securing this statement, Socrates emphasizes the questionable kind of skill in Sophistical argument, namely "[making] the same jury think the same action just one moment and unjust the next." In 267, we find mention of Tisias and Gorgias, "who could make trivial matters appear great and great matters trivial simply by the forcefulness of their speech." These two passages succinctly express Aristotle's complaints, particularly the one alluding to the warping of the listener's reasoning skills with emotional appeals. At the same time, they provide historical continuity to the negative press of the Sophists.

To the second charge, i.e., relying exclusively on emotional appeals, references in *Gorgias* give insight into Aristotle's dismissal of the Sophists' oratory as political. In 463, even though Socrates links Sophistical rhetoric to a branch of politics, he calls it foul and ugly. In 503, Socrates claims that this rhetoric of the Sophists caters to private interests and neglects the common good. The Sophists have said nothing for they have no noble method of addressing the public. If they had, they would be "striving always to say what is best, whatever the degree of pleasure or pain it may afford the audience."

Viewed together, what does the combination tell us? In the first place, Aristotle and Plato announce (and denounce) a method of argument permitting one to make something appear weaker than it is and then, sometime later, the same thing to appear stronger. In other words, the method disregards the "truth." This is made possible by trafficking in emotional appeals and dealing in paradox. Second, these passages characterize the Sophists' rhetoric as a practice confined to the law courts. This confinement renders their art apolitical insofar as it is concerned with the relation between private individuals, not that between citizen and *polis*. As Classen observes: "It is not only particular maneuvers and techniques that Aristotle regards as typical of the Sophists, but also certain basic attitudes in argument..." (15–16). Even though Aristotle treats Sophistical rhetoric more positively than Plato, he offers no substantial objection to his mentor's depiction of their rhetoric (Poulakos, 1983a, 1984). Rather, he implicates his mentor's version of the word *political* with the art of rhetoric. That is, the individual, signifying outsider, is to judicial/Sophistical rhetoric as the citizen, signifying insider, is to political/Aristotelian rhetoric.

Reviewing the distinction between private and public concerns addressed by Plato and Aristotle, we can grasp the significance and profundity of the dispute with Sophistical political rhetoric. Aristotle maintains that rhetoric is an offshoot of ethical studies, which may be fairly called political (1356a 25–26). Also,

rhetoric has been masquerading as political science partly from want of educa-
tion" (1356a 29). As his *Rhetoric* unfolds, Aristotle tutors us in a conception of
political speech and argues that it is a discourse for citizens functioning inside a
polis. For Aristotle, rhetoric is a faculty for providing argument (1356a 34)
about what seems probable to a collective citizenry, not for an individual's own
ostentations (1356a 33–35). As Randall puts it: "Aristotle stands for the
omnipotence of the state. There is nothing political government must refrain
from doing if it makes for human welfare" (255, also Engberg-Pedersen,
191–192). We are reminded that Aristotle has fulfilled Socrates's response to
Gorgias (503): 'Noble political rhetoric strives to say what is best for the state's
welfare regardless of its consequences on particular individuals.'

Following his introduction to the art of rhetoric, Aristotle carries out a more
technical discussion of the "logical" objections to the Sophistical method. If we
are to observe in some detail the political dispute encoded behind these objec-
tions, we must recall the main points of "making the weak a stronger case" in
Aristotle's story of Corax and Tisias (1402a 23–30). Their method of argument,
ostensibly like the one in which Protagoras trained speakers (80 A 21), was
particularly alien to Aristotle.[6] Of it he writes:

> It is of this line of argument that Corax's *Art of Rhetoric* is composed. If the accused
> is not open to the charge – for instance if a weakling be tried for violent assault – the
> defense is that he was not likely to do such a thing. But if he is open to the charge –
> i.e. if he is a *strong* man – the defense is still that he was not likely to do such a thing,
> since he could not be sure that people would think he *was* likely to do it.

In this case, the weaker one, who is being prosecuted for assault, will ask as
does Phaedrus: "How could a little chap like me set upon a colossus like him"
(Plato, 1973 273)? The defendant, knowing his strength makes this response a
likelihood, replies that the consequences of physical strength make him careful
not to attack; and therefore, he is innocent.

The story continues. Now, the historical account serves to emphasize the
Sophists' propensity to twist, to trick, and to seek victory, not truth, in argument.
And

> so with any other charge: the accused must be either open or not open to it: there is in
> either case an appearance of probable innocence, but whereas in the latter case the
> probability is genuine, in the former it can be asserted in the special case mentioned.
> This sort of argument illustrates what is meant by making the [weak] argument seem
> the [stronger]. (1402 16–25)[7]

All of this means that the physically weak man is in a position of strength while
the physically strong one is in a weak position with respect to probability
(Lyotard, 1978). But Aristotle recognizes that improbable things occasionally do
happen (1402a 10–15). What warrants investigation is the particular rhetorical
application of this possibility to argument. In this story, the distinction Aristotle
draws is between "absolute probabilities" and "probabilities in exceptions", a
distinction which allows him to demonstrate how strong arguments can be made
weak. He condemns Corax's method of argument because it strengthens weak
arguments by mixing up real probabilities with fictional (im)probabilities. This

confusion between kinds of probabilities has gone unrecognized as a result of rhetoric's power to use and abuse truth with language. Moss tells it this way:

> The story is probably apocryphal, but that only serves to emphasize the way in which rhetoric's ability to 'make the [weaker] case appear the [stronger],' its dealing in paradox, its determination to seek victory,... –in short, its propensity to sophistry – are a cause for concern... (209)

Obviously, a rhetoric that would admit only strong arguments would and could not channel rhetoric toward "sophistry." To understand why this is so, it is necessary to unpack a bit of the *Metaphysics*. This is important because, as Classen writes, "Aristotle's more general adverse criticism of the sophists seems implied in passages in the *Metaphysics*" (17). Cope (1857) also refers to the *Metaphysics* to illustrate Aristotle's criticism of Protagoras' method of argument (137–138). Clearly, this work lays the foundation for his objections to "to make the weaker appear the stronger case" and can account for his vacillating portrayal of their rhetoric as either non-political or pseudo-political. To gain a political perspective on the Sophistical argumentative method, we begin with the alternative, the rhetorically strong argument. What constitutes a strong argument in rhetoric? Why is it politically valid? The answer is very complicated because it is tied up with Aristotle's philosophical assumptions that anchor his position on dialectic, rhetoric, and sophistic. So, before proposing an answer, some background is in order.

In the *Physics* and *Metaphysics*, Aristotle challenges and ultimately synthesizes the leading theories of reality – constant change/becoming vs. permanence/eternal reality (Hussey). He does so in order to establish the possibility of reality guided by a single purpose and a language capable of expressing it (Edel; Buckley). In his analysis of this view, White (26) is correct to say that for Aristotle, reality, always immanent in nature, reveals itself as such when it is abstracted from the sensible world and embodied in human representation. Likewise, the persuasiveness of speech depends on the faithful re-presentation of a reality associated with the unfolding of that rhetorical occurrence's telic potential. Since Aristotle's way of understanding the changing universe is to find out what happens universally or naturally for the most part, as distinguished by the criterion of regularity of occurrence, his elaboration of a rhetoric of probability should be regarded as a corollary to his commitment to stability beneath change. Teleologically speaking, the emphasis in development is on self-maintenance. This view is applied to rhetoric, politics, and society.

In Book I of *Rhetoric*, the enthymeme is distinguished from the syllogism on the grounds that it depends on a merely probable premise. It is most stable when probability carries with it the *past* life of society. Public opinion, as the source of major premises, constitutes a natural, slow, and regular reality and the foundation on which "absolute probability" ideally develops. Aristotle, in effect, frees the language of persuasion from its (sophistic) dependence on occasion by proposing that language ought to imitate reality that preexists the moment of speaking (Guthrie, 53, 104; James; White). Aristotle's world view, according to

White's (26) reading of *Posterior Analytics*, implies the following inventional process: A logical structure eternally there in the world is discovered; and subsequently, it is delivered in language with a stated preference for the plain style. If, for Aristotle, language re-presents in its best moments the empirical world of general probability, presumably his rhetoric would be informative and not persuasive. It is persuasive in that Aristotle means for rhetoric to induce people to act in the future in accordance with apprehended probability in the past.

This philosophy, which rigorously establishes the nature of reality, is inherently transmitted by methodology. Aristotle's method protects the inventional process from the expressive possibilities of an inherently paradoxical language by rendering rhetoric *merely* the vehicle or the container of truth (Moss; Poulakos, 1983b, 1983c, 1984). For example, one way Aristotle "inscribes" his philosophy and insures that strong arguments will be reproduced is with the universal line of arguments such as the 'more or less', a topic of degree or comparison (1358a 15, 1397b 11–26). This topic frames arguments independent of content, i.e., it is not subject specific. Because rhetoric "deals with what is in the main contingent" (1357a 15), the purpose of this universal structure of the 'more or less' allows the rhetor to make determinations from what is usual or absolutely possible "just as necessary conclusions must be drawn in necessary premises" (1357a 25–30). This means that even though Aristotle is now handling opinion, one must have knowledge of human nature and know which opinions produce assent.[8] Rhetoric is a way to induce particular action from this general knowledge. Since the correct expression of probabilities comes after the discovery of what is universal or for the most part, *it is as if* permanence has been transposed onto contingency itself. In our example, the probability of what *can be* weak becomes an absolute probability of what *is* weak and hence a true opinion of virtue of its correspondence to a pre-existent "truth." In brief, Aristotle's *Rhetoric* was contextured not so much within his ethical system, but rather, within a domain of philosophical discourse which subtlely transformed the empirical *status quo* of the political world into implicit boundaries within which any discourse had to operate in order to be deemed "rational."

Insofar as rhetoric depends upon the principle of the universal line of argument – if it is to tell the truth really –, we see that Aristotle's contribution was to provide a way for persuasion to express that reality. So composed, rhetoric serves as an external guide for what can be said logically "in the given case." Above the *Rhetoric* is a metadiscourse, a discourse about persuasion that authorizes one to argue from genuine probability by virtue of a formal standard of correctness. Even though the principle lacks the precision of what would become the exact sciences, Aristotle's universal line of argument gives order, sequence, and justification to artistic proof. As Paul Ricoeur explains, persuasion is structurally and philosophically validated by arming rhetoric against abuse by conjoining it to the logical concept of "for the most part" (11–12, N. 9). And Solmsen has this to say of rhetoric's tie to the 'probable': "What matters

in this [Aristotelian] system is the 'form' of the argument, this being perfectly independent of any particular subject-matter or content" (134). This is a very important point. Aristotelian logic, encased in the realm of the merely probable but, at the same time, circumscribed within a more extensive realm of certain knowledge, relies on a saying that has been said beforehand. The rhetorician must say nothing new.

In short, the field of rhetoric "is not fenced off from, but fenced off for" (McKeon, 1987 20). Rhetoric is an art for a bounded society, bounded to its own ideal development. Aristotle's rhetoric, like his philosophy, is *contemplative*, but his rhetoric, unlike his philosophy, is grounded in action. As Ihde has said of Aristotelian philosophy, "Its aims were *not to change a world*, but to unite the knower with the Order of things, the human logos with the divine Logos" (98). Being contextualized within his philosophy, Aristotle's rhetoric perpetuates what is by uniting contingency with the stable order of "unwritten principles *[physis]* which are supposed to be acknowledged everywhere" (1368b 7). Further, it entails a form of advocacy not happy with questioning or transcending the metaphysical parameters within which it is set, a form that restricts what action is legitimate.

Because radical change is not a goal for the art, its absence from rhetoric implies that even though the three kinds of rhetoric have different time frames (e.g., deliberative = future), the art *itself* is built upon the temporal modality of the *past*. This means that for Aristotle, truth is a property of the actual (presence) rather than the possible in the Heideggerian (1962) sense of the word.[9] In our discussion of the *Physics* and *Metaphysics*, we have seen that Aristotle's *Rhetoric* is faithful to the metaphysical design of presence and the properties of temporality are subordinated. That this is so becomes clear in Aristotle's proof of the priority of actuality (Poulakos, 1984; Classen, 18; Kearney). He emphasizes in *Metaphysics* that actuality is temporally located and prior to definition (1049b 24–25). If Aristotle evaluated the Sophists' pre-metaphysical rhetoric in the same temporal modality of his own art of rhetoric (namely, restricted to the edicts of the past), he may have subverted their art. I will propose now that this is indeed what happened.

II. THE SOPHISTS' ALTERNATIVE

Thus far we have seen that if Aristotle's universal line of argument is admitted, the method of Corax and Tisias cannot be defended. Historically, their method lies unprotected for it has no foundation in truth and is restricted to the *doxa* of what is. In rhetoric *qua Rhetoric*, it has no right to exist (1402a 30). However, one way the Sophists' form of argument can be affirmed is by showing how truth in the political forum transcends the temporal past where *doxa* must necessarily reside. To extend that vision of truth, we must look more closely at the example Aristotle chooses to make his case against the Sophists. With this choice, perhaps Aristotle himself makes the weaker case (his own) appear the

stronger by virtue of the strength of his newly privileged first philosophy or, literally, metaphysics.

Aristotle is moving to prove his earlier accusation that the Sophists' rhetoric is manipulative. This accusation encourages us to fear their rhetoric, because if there was an assault, Corax's successful mishandling of the rules of general probability can exculpate a criminal; and this would make the method suspect not only in a legal but also in a moral sense. As a suspicious and frightening method of rhetoric, the Sophists' procedure is replaced for the sake of security, order, and justice. As a privileged example against Sophistical argumentative methods, the judicial case of Corax and Tisias holds up well to diminish and ultimately to negate their rhetoric as a whole.

How we understand the tradition of early rhetoric, in general, inheres to the psychological strength of this single representation, which is only a story (and maybe a false one) about homicide. Neither Aristotle nor any other spokesman for the *polis* portrays Athens as a place where murderers, rapists, and thieves, dominated the society by mastering Corax's and Tisias' method. On the question of *past* fact, accusing and defending with a reference to things already done (1358 15–17), Aristotle is silent, perhaps because the truth in language that accurately re-presents past fact is self-evident, noncontingent, and outside the realm of rhetoric. Moreover, there is no statement indicating that he is interested in the story as a legal problem *qua* judicial rhetoric (Enos). No doubt Aristotle's attack on the Sophists' rhetoric is a powerful example, and yet he does not apply it to the judicial forum. What, then, does Aristotle *do* with the story of Corax and Tisias?

Aristotle uses the example to talk about arguments that apply probabilities to the *future*. That is, the strong man claims that, by having knowledge of general probability, he has intentionally acted against it. This is a new way, a deliberate avoidance of the general consciousness. This fore-understanding signals the temporal modality of the future, which, as Aristotle tells us, is the time frame of political oratory (1358b 10–15). On this basis, we find the dimension of future time in the Sophists' rhetoric and, more importantly, a method with which to reason about the possibility of what *may* happen. This being the case, why not discuss Corax's method in the political sphere which is the concern of the future? By highlighting the elision of Aristotle's temporal modalities as he discusses that example, we can discern why he opposes the Sophists' method *vis-à-vis* its political inventional qualities. In terms of invention, the Sophists' rhetoric could find a commonplace for the one to question the many. The politically thinking individual could expose and challenge the public's conditions for discourse and authority, i.e., "what-they're-into."

One reason why Aristotle argues against securing this method of argument to the future time-frame of rhetoric and, by implication, the political forum, becomes evident when, shortly after the Corax/Tisias example, he invokes a poetic example to secure a rhetorical claim. In his discussion of Corax and Tisias, Aristotle makes a sharp distinction between poetry and rhetoric. The profundity of this distinction can be realized if we ask: Why bring poetry into

the discussion of Corax's and Tisias' method of reasoning? It is against an essentially "poetic" view of probability that Aristotle will offer his own logic. Thus, it is quite in line with his thinking to introduce the spurious enthymeme with two lines from a tragedy by Agathon (*Rhetoric*, 1402a 10). In *Poetics*, poetry relates what may happen, and for a poet to express this is aesthetically acceptable (1461b 9–15). Moreover, Aristotle uses the Agathon couplet to serve as *proof* "that the unexpected does happen and therefore can be expected and then to praise the tragedian for the skill of making the improbable probable" (cited in Wilcox, 1942 146). Following that, however, Aristotle sets up his objection to making arguments in rhetoric as if rhetoric were poetry. Being poetical, Corax and Tisias confuse what may happen (possibility) with what is likely to happen (probability). Another way to say this, metaphysically speaking, is that Corax and Tisias do not participate in the ideal development of rational argument. They make leaps. The unfolding of their argument is reality-ahead-of-itself, and so Corax and Tisias persuade unrestricted by the metadiscourse that guides particular actions. In effect, Aristotle imposes limits on innovative possibilities in rhetoric.

The purpose of each art aside, how does the political-poetical distinction help us understand why Aristotle transforms a forensic issue from the past into a political probability in the future? Aristotle's objection to "Corax's and Tisias's" art – probability indiscriminately projected into the future – must be understood within the contemporary issue of personal and communal action. To summarize this issue, we turn to Jaeger:

> In the fifth century there were only two possibilities: either the law or the state was the highest standard for human life and coincided with the divine government of the universe, in which case a man was a citizen, no more and no less; or else the standards of the state conflicted with those established by nature or God, so that man could not accept them, in which case he ceased to be a member of the political community, and the very foundations of his life dissolved, unless he could find some certainty in the external order of nature. (325–326)

In view of this dichotomy, there are strong overtones that poetic focus is not good rhetoric when advocating courses of human conduct and action required in the ideal city-state. In defining "man" as a city-state animal, Aristotle is interested in making sure that the political speaker has general knowledge of possible actions, a knowledge to be applied in particular cases when urging an audience to act in a particular way. "It is necessary for the political speaker[s] to have at their command propositions about the possible and the impossible, and about whether a thing has or has not occurred, will or will not occur" (1359a 11–17). Randall offers this explanation: "The practical sciences of politics and ethics aim to discover the end or function of such a social and rational animal, and to calculate the means to achieve that end" (247). Basically then, Aristotle's rhetoric starts with the discovery of 'what is' (universal law of nature) in order to persuade what 'will be' in accordance with a communal purpose.

When the Agathon allusion and the Corax/Tisias illustration are seen as combined themes from which Aristotle develops his rhetoric, we have our

strongest reason to believe that Sophistical rhetoric extends beyond the judicial forum. Thus far, our position projects the Sophistical argument of 'making the weaker a stronger case' squarely into the political arena. Just as Aristotle's discussion of poetry subtly reveals an usage of Sophistical rhetoric to think otherwise and to make a difference politically, it also distorts our understanding of its practice. As we have seen, a future orientation has entered the discussion of the Sophists' practice; however, the method is *still* being evaluated in the judicial domain on the grounds of its inadequate methods of reasoning. By switching the subject (poetry, possibility, and future hence, the political) and keeping the domain the same, his move conceals the essential point of difference between the political ends of Aristotelian and Sophistical rhetoric, which was articulated earlier as private versus public rhetoric. It is precisely this issue that Aristotle's rational orderliness of nature attempts to resolve and put to rest. To unravel the significance of his restriction of rhetoric to the public sphere, we must once again turn to his *Metaphysics* and attend to the distinctions he makes between the nature of reality and theory of knowledge.

For Aristotle, deliberating on what may happen is dependent upon actual possibility (probability): "Things which have not occurred or will not occur also cannot have been done or be going to be done" (1359a 14). In Aristotle's interpretation of a Sophistical political practice (possibility), deliberating on what may happen, which is not guarded by "Aristotelian" rules of probability, unleashes the Sophists to argue, with the poets, about possible possibilities. In light of these differences, an important contrast on the particular life purpose of rhetoric begins to emerge. On the one hand, Aristotle's rhetoric perpetuates the *status quo*. In the discussion of genuine enthymemes, he says that particular conclusions on what is usual or possible are determined from general knowledge of probability on human nature and the good. When reason becomes conterminous with knowledge, the *status quo* has already been identified and simply gets reaffirmed by a universal line of argument, such as the 'more or less.' On the other hand, the rhetoric of possibility, or the Sophistical one, argues for what 'can be' but 'is not.' This means that political rhetoric, as the Sophists conceived it, is the task of transcending 'what is,' going beyond what is established (Poulakos, 1984; Struever). That is, the individual's will may demand satisfaction of need and desire, two items which cannot be found in communal norms that promote a fixed, stable orientation toward reality.

III. IMPLICATIONS AND CONCLUSIONS

Reviewing the distinction between private and public concerns addressed by Plato and Aristotle, we can grasp the significance and profundity of their dispute with Sophistical political rhetoric. Aristotle's conception of politics together with his objection to the method of "making the weaker the stronger case" place his rhetoric in fundamental opposition to the Sophistical one on two counts. First, the Sophists' rhetoric is inferior because it values citizen over citizenry.

Second, the danger of this is that an individual's interest, if argued successfully, can undermine the state. The full implications of the competing methods of argument are beyond the scope of this paper. I will mention briefly only one topic in relation to the private/public opposition and their respective rhetorics.

The welfare of aristocratic Athenian citizenry was rooted in a slave economy. There were revenues derived from the forced labor of 150,000 slaves in silver mines. "Xenophone in 355 proposed that Athens should eventually acquire three slaves to each adult citizen and let them out as mining labor" (Hammond, 524). Also, there were slaves in vast numbers farming the land. In the *Politics*, Aristotle proposed to have all agricultural labor conducted by slaves (1259a 38, 1259b 22, 1326a 18, 1330a 26). However, an anti-slavery argument could threaten more than mining and agriculture; it could challenge the structure of the city-state. Slaves kept citizens' wages low. At the same time, citizen labor diminished as more slaves were acquired. In order to eat, the poor citizen, the largest voting segment in the democracy, needed the democrats' aggressive foreign policy and political practices. They were paid for going to the Assembly, the courts, and for rowing the fleets during the war (Goldstein, 112; Hammond, 521–555). Thus slavery and war were inextricably bound to the welfare of the state. As such, anti-slavery arguments, as advanced by Antiphon and other Sophists would be an act of sedition.[10] They would jeopardize the economic welfare of the state's property owners and the labor class of citizens' by seeking the abolishment of slavery and in turn the dependence on imperialistic policy. Given this political portrayal of the city-state, does not the Sophistical method of 'making the weaker a stronger case' deserve recognition as a rhetorical engine for rethinking what 'might be' other possibilities of common interests? Clearly, the Sophistical skill with "weak" anti-slavery arguments is a challenge to Aristotle's *polis*-ideal rhetoric (1962 1253b, 1330b–34a). Aristotle's ambiguity on the nature of Sophistical political rhetoric is, perhaps, a testimony to his concern for a *polis* that had already begun to crack.

In this essay, I have argued that Aristotle reformulates rhetoric and renders it the art for preserving 'what is.' *Rhetoric* perpetuates and maintains the established order (1356b 25). All of this is determined by a metadiscourse within a domain of philosophical, not ethical, discourse which allows one to say certain things according to the rules of probability. Aristotle's rhetoric legislates how to reason about the existing world, and so secures a political statement on the future (Lyotard, 1985). By using "to-make-the-weaker-case-appear-the-stronger" phrase as the nexus of Aristotle's case against the Sophists, I have shown that rhetoric grids the possible by protecting itself from external debates; this asks that we confine ourselves to a region of discourse tied to the actual world and its present state of affairs. Weak arguments are those that penetrate both the social region of general propositions and the right method of reasoning since the latter is the prime determiner of their goodness. If the Sophists' method negates reason itself, it does so because reason *reaffirms* the *status quo*.

As far as the Sophists' rhetoric is concerned, its contribution to argument is a "Sophistical ideology," a complex way of thinking that integrates metaphor-

possible-individualistic-generative-radical into rhetoric. According to Aristotle, when the *status quo*, reason, and the good are conterminous, the Sophists are nothing but untenable tricksters. But sometimes, as the Sophists' rhetoric shows, the tricksters win, and in so doing lead humanity toward that which even Aristotle would have to defend – the actualization of human potential. With all due respect to Aristotle, it does seem that the Sophistical phrase on the strength of the weak has something to say, a lot to offer, and some dignity to impart to political rhetoric. And why not? Speaking like Lyotard (1988), how can a phrase offend argumentation, or do it wrong? Does argumentation have honor, or pride? Or has it been rhetoric's *hubris* to prohibit the phrase? To grid the possible.

NOTES

[1] I do not intend to suggest that there was a unified Sophistical rhetoric, i.e., a school of Sophists holding one view. I am following Classen's (1981) suggestion of what Aristotle means when he uses the word *sophist* and what he associates with it, including rhetoric. Classen states: "More than once, Aristotle introduces [sophists] as a particular, more or less homogeneous group of people, to all of whom he ascribes specific activities, aims, and claims" (10). In this essay, all citations from Aristotle are from *Rhetoric* (1954), unless noted otherwise.

[2] The sources are too numerous to mention. Kerferd (1981) provides an excellent survey of the positions that hold the Sophists responsible for the moral decline of Athens.

[3] See Ahl; Goldstein; Hudson-Williams; Kennedy (1963, 1980); McKeon (1981); Wilcox (1942, 1943); Farenga.

[4] I say "most pronunced" because of the essays (above) only Wilcox has the distinct purpose of demonstrating that political expertise was part of the Sophistical instruction in rhetoric.

[5] See also Plato (1921 232d); Wilcox (1942); Thucydides (VIII 68); the Thrasymachean technique is called political in Plato (1966b 493d); In this essay, references to fragments are in Sprague (1972), which is an edition of Diels-Krantz *Die Fragmente der Vorsokratiker* with translations by several people.

[6] Aristotle will now refer to a case from judicial rhetoric to provide an example of how the Sophists say nothing important in the domain of proof by reason. Specifically, he cites their practice to illustrate fallacious reasoning. See McKeon (1981). An example of this collective indignation that Aristotle speaks of (in reference to Protagoras's method of argument) might be the case of the Mitylenians in Thucydides (1960), who reflects a great deal of Sophistical thought (even though he was no Sophist): "I wonder who will be the man who will maintain the contrary, and will *pretend* to show that the crimes of the Mitylenians are of service to us, and our misfortunes injurious to the allies. Such a man must plainly *either* have such confidence in his rhetoric as to adventure to prove that what has been once and for all decided is still undetermined, *or* be bribed to try and delude us by elaborate *sophisms*" (III 37; emphasis added). For a discussion of the Melians and the notion of "stronger" argument, see Cacoullos, Ann: 1984, "The ὑπό φύσεως ἀναγκαῖον in the Sophists," in *The Sophistic Movement*. Greek Philosophical Society: Athenian Library of Philosophy, pp. 172–177.

[7] In some translations, the weaker/stronger *logos* (case) is read as "making the worse the better *logos* (*causa*). As noted earlier in the essay, Burnyeat and Sesonske state that the former ought to be attributed to Aristotle, and the latter, Cicero.

[8] Examples of "the more or less" as it relates to human nature include these: (1) If a

weak man can carry two chains, a strong man can carry more than two chains. (2) If a crime could be seen by the light of the moon, more so by the light of the sun. (3) If a common citizen should be law abiding, so much the more for elected officials.

[9] Heidegger (169–219) distinguishes between the apophantic "as," or the "that" of being present (*existentia*) and the hermeneutic "as" or the "what" – the way the present looks thus (*eidos, essentia*). See O. Poggler: 1972, "Heidegger's Topology of Being," in Joseph Kockelmans (ed.), *On Heidegger and Language*, Evanston: Northwestern University Press. The latter is the way in which *Dasein* (literally "being there") deals concernfully with what is, and is essentially conversational; that is, meaning arises from the interplay between *Dasein* and the possibilities upon which *Dasein* projects its Being. Aristotle's "essence" is non-conversational. See Aristotle: 1984, *Posterior Analytics*. Translation by R.P. Hardie and R.K. Gaye, in B. Jowett (ed.), *The Complete Works of Aristotle*, 2 vols. Princeton: Princeton University Press, II, 7. If we are to know an essence, we know it for all time. It is static and unchanging. It resides in the object itself. When *Dasein* "speaks" conversationally, entities are disclosed in their possibility. *Dasein*'s speaking is allowing entities to speak.

[10] Here is Antiphon: We [respect] and revere those who are of good parentage, but those who are not of good family we neither [respect] nor [revere]. In this behavior we become like barbarians one to another, when in fact by nature we all have the same nature in all particulars, barbarians and Greeks. We have only to consider the things which are natural and necessary to all mankind. These are open to all [to get] in the same way, and in all these things there is no distinction of barbarian or Greek. For we all breathe out into the air by the mouth and the nose, and we [all eat with our hands]" (87 B 91). Here is Hippias: "I regard all of you as kinsmen, relatives, and fellow citizens by nature [*physis*], if not by convention [*nomos*]: for by nature like is kin to like, whereas convention is a tyrant over men, and constrains them against nature in many ways" (86 C 1). Aristotle supports slavery. He argues in *Politics* against any other conception of social relations: "Another schools[sophistic] holds that to exercise mastery is contrary to nature, custom-law being responsible for the status of slave and free, whereas in nature there is no difference which likewise makes the relationship not morally right" (1253b cited in Havelock, Eric: 1957, *The Liberal Temper in Greek Politics*, London: J. Cape, p. 328). It is important to note that Aristotle turns to the master/slave relationship for "reasons of theory" and to "promote a scientific knowledge" of the subject of social relationships in general. The very heart of the political structure is the master/slave paradigm and would certainly influence a *polis*-ideal rhetoric for the fulfillment of "man's" nature as a political animal.

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