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Commntary on Dzialo

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COMMENTS ON MICHAEL DZIALO'S PAPER

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There are a number of fascinating aspects to Michael Dzialo's paper that warrant serious consideration. I will address just two of them, both in the spirit of agreement.

1. The first thing of interest is what he has to say about the principle of the *dissoi logoi*, whereby two opposing arguments can be presented on any position. A lot depends on the understanding we give to the *dissoi logoi*. For Aristotle, truth exists independent of the human knower, to be uncovered. In the course of that uncovering, the inquirer is transformed from a potential to an actual knower. On the issue of the "facts" in the *Rhetoric* case, Dzialo allows this independent ground: "Granted, the man in the example either did or did not illegally strike or harm another." Or, rather is it that he either did or did not strike the other? Because it is this which is unknown. Whether it is legal can be determined by the court, once the incident is verified. The irony is that the legal judgement is deemed to depend upon a reading of the "facts", but it is those that are undetermined.

Given the undetermined nature of the facts, for Protagoras, the sophist can make the weak argument strong and thus influence the legal judgement. It matters, as Dzialo point out, that the "appear" does not appear [1](#). The distinction between appearance and reality is not broached by Protagoras. It is the construction of reality, the way facts are to be presented in their reading, that matters. But there is no prior given, underlying reading of the facts.

This difference is real for Aristotle, of course, and matters enormously in his presentation of sophistical refutations and their place in the tradition of fallacy and this is where the *appearance* of the sophists' practice is at issue. Here (as per Hamblin, 1970: 12) the sophistical refutation/fallacy *appears* valid but is not. It is the ground for the judgement of non-validity that interests us here. Non-valid on what terms? Aristotle's definition of fallacy arises within a conception of 'Truth' which opposes alternatives like that/those of the sophists.[2](#) In fact, Hamblin (19) recognizes the *Sophistical Refutations* as the first step in constructing the relevant logical theory needed to combat the "absurdities" of the sophists, such as were seen in the *Euthydemus* where, for example, a beautiful thing cannot be a beautiful thing since it is not identical with absolute beauty. But the sophist who makes the weak argument strong seems engaged in argument construction rather than fallacious reasoning. There is nothing obviously nefarious about the activity involved. We all strengthen weak arguments. It's that Aristotle subscribes to a system which insists on an argument's weakness, where it exists, as being an inherent, essential flaw, presumably unredeemable; Protagoras does not.

For Aristotle, refutation assumes the existence of genuine contradiction. Fallacies in the *SR* are violations of the very definition of refutation (168a20-21). They impede the legitimate derivation of the contradictory. On this ground dialectical arguments and demonstrations agree. Refutation is a species of demonstration (171a4-5), and "every demonstration refutes the contradictory thesis" (170a25-27).

Hence, Aristotle cannot abide the thesis that all contradictions are true. Defending Protagoras on this point is more difficult for those of us steeped in the philosophical heritage of Aristotelianism. At *Met IV*, 1007b18ff Aristotle observes that "If all contradictions were true at the same time of the same thing, it is clear that all things

would be one... the same thing would be a trireme, a wall, and a man."

Here Aristotle refutes the thesis by demonstrating the absurd consequences which follow from it. And he does so by using the premises of his (imaginary Protagorean) opponent: that something is as it appears to an individual; and that the opposite can be affirmed. Aristotle salvages his own conception of truth using Protagoras' theory. But, as Dziabko suggests, it is a 'virtue' of Protagoras' theory that it allows this. The argumentation at *Met* IV, 4 is marked by its dialectical nature of using the opposing position's premises to refute it. This example serves to illustrate the truly different perspectives at stake. That a man both is and is not a trireme is on par with Protagoras' having to accept the falsity of his own views—the self-refuting thesis. No where is the contrast more startling than in Protagoras' acceptance of these consequences, on the subjective level, the only level he acknowledges. The power of Aristotle's refutation comes from reading it on the objective level. But Protagoras' response defies closure of a question, necessitates the investigation of otherwise unlikely statements (and, admittedly, trivial ones—is man a trireme?). As a component of an overall perspective, Protagoras' statement loses its startling appearance and stands as an invitation to explore what other approaches preclude.

Referring to the profession to make the weaker argument stronger, Burnyeat (1976:61) offers the helpful insight that this, at least, "was not a thesis that Protagoras maintained but a method of argument." As a method it *implied* many things about truth and knowledge without asserting them. And as a method the various tenets of Protagoras' thought gain coherence as an approach to the exigencies of everyday life rather than for the accumulation of a corpus of absolute truths.

In these terms, seeing Protagoras as offering a method of argument within a pragmatist-like epistemology,³ many of Aristotle's criticisms seem wide of his intentions.

Aristotle's responses are at their least effective when made from within the Aristotelian perspective, because, as is clear, this is a perspective which simply cannot countenance the Protagorean project. Aristotle's challenge to the 'weaker argument' profession in *Rhet* II, 24 is along these lines. It depends on how we read the Protagorean response to the assault case. Is the Protagorean saying that the man both is and is not guilty? Stated in such a way it violates Aristotelian (and non-Aristotelian) sensibilities. But more charitably we might understand Protagoras' method of argument to be one which explores the details of a case, recognizing that an argument can be made on both sides of a thesis, thus challenging the simple opposition guilty/not guilty.

This assumption also colours Aristotle's treatment of the 'measure' maxim in *Met* XI, 6. We cannot accept all people's views because "it is clear" that some must be "in error." Those who depart from the 'standard' (read 'true') interpretation are either corrupt or injured. The example of sweetness used there by Aristotle, dealing literally with a matter of taste, is a difficult one. People do disagree on sweetness, even to the extreme of whether something is or is not sweet. But more noticeable is Aristotle's insistence on an objective truth which frames his description of the case.

In the end, as Dziabko indicates, Aristotle and Protagoras stand apart not really with respect to the existence of this foundation (on this Protagoras must remain agnostic), but with respect to its recoverability. Such a project does not concern Protagoras, the value of whose method of argument lies in its applicability to the practicalities of everyday life.

2. The second point on which I want to offer a few comments involves the jump from a constitutive principle of legal argument to a constitutive principle of fiction. That is, the notion of arguments as fictions or stories.

In eschewing anything like an Aristotelian grounding in truth and recognizing the human origin of Protagoras' method of argument, the paper has stressed the social construction of argumentation. This is not "anything goes" capriciousness, as Feyerabend reminds us, but a practical relativism that has "opposed philosophers who had tried to show that argument would lead to unique conclusions" (1987:77). It's worth observing here that Feyerabend also saw proofs, as they were introduced by the Greeks, as "new kinds of stories" (66).

The suggested parallels between Protagoras and Socrates are attractive, even if we restrict our thoughts to the Platonic (rather than Historical) Socrates. If there is an anti-rational core to the dialogues, as Dzialo suggests (and I concur that there is), we see it in the behaviour of Socrates.⁴ In his practice, he is indeed ambivalent toward reasoned argument, using both rational and non-rational grounds for his convictions. This character who epitomizes insightful logical examination, who must follow the dictates of 'reason' (*Crito*), is also persuaded by a dream that he has enough time to converse with Crito (44b), and also is convicted by an 'inner voice' or divine sign that no harm, will befall him (*Apology*). Vlastos (1991) argues that Socrates "lives with a commitment to argumentative reason" (285): if the voice gave a command that contradicts elenctic reason, it would thereby reveal itself as being of his own fancy and not of divine origin (286). The other side of the argument is given by Brickhouse and Smith (1989)⁵ who see at least at *Apology* 31d-e the voice overriding a decision reached on rational grounds.⁶ Suffice it to note here that the ambivalence is an inherent feature of the early Socratic dialogues and confounds even the commentators.

On the whole, Plato's fictions (dialogues) seem an attempt to bring the fixed truths of the intelligible realm into the visible. By the time Aristotle arises, the natural imitative tendencies in the human (*Poetics*) have been subordinated to the rational nature. Protagorean (and Socratic) practice seems, by contrast, to be directed at unpacking the contexts of human situations and working with the elements (probabilities) found there.

Even at the end of Dzialo's paper, there is still an ambivalence about the matter mentioned earlier: whether the fictions of law and philosophy are substitutes for the noumena, which simply cannot be reached by human endeavours. Or is this again that Protagorean agnosticism? "Concerning the gods I cannot know either that they exist or that they do not exist" (from Sprague, 1972:20). If so, then the ambivalence toward an objective truth is an essential one, and one which allows reasoners to work with the widest ranges of features that can be subscribed to the term 'argument' (including Aristotle's). As would seem to be in accordance with Protagorean practice.

Notes

1. Although translators, perhaps influenced by the weight of tradition, seem driven to include it. Kennedy's (1991) Oxford translation offers "to make the weaker seem the better" (*Rhet.* 1402a). It is a charge generally leveled against the sophists. Although, when Socrates is included among their number (*Apology* 18b) it is for making the weak argument strong, not for making it seem strong. As I go on to point out, there is ample reason elsewhere in Aristotle for identifying the appearance of strength as his principal concern. 

2. If it is fair for us to attribute a common view to the sophists. In fact, we need only to consider here the views attributed to Protagoras. 

3. The difference being, as Groarke (1990:64) observes, that pragmatists see utility determining what is "true,"

while for Protagoras all views are true (but may not be useful). 

4. Although not really in a tendency to argue both sides, a practice which Plato has him criticize in the *Phaedo* (90c). 

5. See also the debate on this matter between Vlastos and Brickhouse & Smith, in the late January/early February issues of the *Times Literary Supplement*, 1990. 

6. Even in later, so-called middle dialogues, we find discussions like that in the *Phaedo* (89d-90e) where the value of argument is insisted upon at the risk of misology and against the practice of those who argue both sides, along side passages like that in *Republic IV* (439e-440a) which sees Glaucon convinced by an anecdote alone that there must be a third separate element in the soul. 

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