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*New Literary History*, Vol. 17, No. 1, Philosophy of Science and Literary Theory  
(Autumn, 1985), 129-139.

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*New Literary History* is currently published by The Johns Hopkins University Press.

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## Sophistry about Conventions

Martha Nussbaum

We'll let Teisias and Gorgias continue sleeping. For they noticed that plausible stories win more public honor than the truth. And so they make trivial things seem important and important things trivial through the power of their discourse, and they dress up new views in old language and old views in new language, and they have discovered how to speak about any subject both concisely and at interminable length.

Plato *Phaedrus* 267a6

THE SOPHISTS are once again among us. Like Socrates, we need a “true rhetoric.” That is, we need a form of discourse about literature that concerns itself with real things of serious human importance and that reveres, in so doing, the recently despised notions of truth, of objectivity, even of validity in argument, clarity in definition. For if we are talking about real things, it does matter, and matter deeply, whether we say this or that, since human life, much though we may regret the fact, is not simply a matter of free play and unconstrained making. And if it matters, it is worth taking the pains to do years of undramatic, possibly tedious, rigorous work to get it right.

That is my initial unsorted reaction to Stanley Fish’s paper, much of which I found alarming. It will be evident that I am expressing two related worries—one about the content of some of the views expressed, the other about a way of proceeding in giving them expression. One about a loose and not fully earned extreme relativism and even subjectivism, the other about a disdain for rigor, patience, and clarity in some of the discourse articulating this subjectivism or relativism. For a number of contemporary literary theorists, as for the Greek sophists, these two items, content and form, are not accidentally connected. For if one really believes that each person (or group) is the criterion of truth and/or that there is no salient distinction between rational persuasion and causal manipulation, one is not likely to have much respect for traditional philosophical ways of at-

tending to validity and clarity. One will tend to regard those who go on about such things as reactionaries who have failed to see something. (The terms *left* and *right* were freely, and astonishingly, used in Fish's paper to make this point, lambasting the unfashionable truth-seekers among us. I am not sure what political position in America does have a deep commitment to open public dialectic governed by traditional norms of rational argument and fair procedure, but I believe that it is not the right. I have a suspicion that it just might be that equally maligned and allegedly old-fashioned character, the liberal.)<sup>1</sup> At the same time, if one secretly, or openly, despises rational argument and wishes, like Gorgias, to win fame and fortune by some other means, what more convenient doctrine to espouse in the process than the Gorgianic view that there is no truth anyway and it's all a matter of manipulation, more or less like drugging? Then one's failures to exhibit the traditional rational virtues will look like daring rather than sloppiness.

I have mentioned sophists. And in fact I want now to talk about the Greeks. For the history of relativism and its interaction with dialectic in Greek philosophy contains clearly many moves that are being made in current literary debates about truth. We can perhaps see the illegitimate transitions more clearly, and understand what motivates them better, when the object of our scrutiny is further from ourselves.

Greek philosophy, in both science and ethics, began, it appears, by being naively realistic. Alternative scientific views were put forward without any hesitation as candidates for the way things really were in the universe. Even ethical norms were taken to be given for all time by the gods, independently of culture or history. During the fifth century, a variety of factors caused thinkers to focus on the presence of an irreducible human element in the purported eternal truths, an element of interpretation or conceptualization that seemed to entail that our theories do not passively receive and record a prearticulated given. (Among the factors that led to this emphasis were: the discovery of quite different human communities that lived by quite different beliefs; a new interest in the way our perceptual apparatus shapes what it receives; the presence of radical or skeptical views that forced the recognition that for us to think and speak at all, certain things must be accepted as true—for example, the world must contain plurality and change, and so forth.) It seemed no longer possible to reassert the old story of the received and altogether uninterpreted given.

At this point, the field was open for a variety of responses. One fashionable one was the view that came to be called Protagorean subjectivism, though it is unlikely that Protagoras himself held it. This is

the view that, given the variety and nonhomogeneity of the deliverances of perception, and given the apparent absence of any "harder" criterion of adjudication, each person must be regarded as the criterion of truth. If the wind feels hot to A, it just is hot for A; if it feels cold to B, it just is cold for B; and nothing more can legitimately be said. A more radical version dropped the qualifications "for A" and "for B"; its holders were thus forced to suspend the Principle of Noncontradiction. The wind is at one and the same time both hot and cold, just in case we can find two people to say so. (The view was not confined to cases like heat and cold, where its appeal is at least comprehensible; it was a quite general view about all assertions.)

This doctrine leads naturally to a question about what discourse and teaching can be. Since each citizen or each critic is the arbiter of how things are, how can the Protagorean attract pupils? This was a troublesome question. The Protagorean position implies that argument is not really argument; it removes the idea of a common truth concerning which we are striving to come into agreement. In its mild form it tells us that there are no arguments, only assertions of one's views and perceptions. In its radical form it knocks a vital prop out from under all argument by doing away with noncontradiction. What, then, is going on when people purport to argue and to instruct? And why should we listen to a professional instructor? Gorgias provided one famous answer. What discourse really is is a kind of drug, a tool for the causal manipulation of behavior. Like Stanley Fish, he (or his spokesperson Helen of Troy) asserts that there is no distinction between persuasion and force. It is all manipulation, and the ability to manipulate can be taught. The influence of this position produced, as one might expect, a serious crisis of confidence in the political arena. As one of Thucydides' speakers puts it, "A state of affairs has been reached where a good proposal honestly put forward is just as suspect as something thoroughly bad." (This state of affairs seems to me to be the logical conclusion of Fish's way of talking and the climate of discussion that it naturally engenders.)

Now the thing that is likely to strike us as we examine these developments is that they are not rational. The discovery that there is not a divine code fixed eternally independently of our existence and thought, the discovery that truth is to some extent or in some manner human and historical, certainly does not warrant the conclusion that every human truth is as good as every other and that such time-honored institutions as the search for truth and the rational criticism of arguments have no further role to play. We wonder, then, what would motivate people to make this inference, and what would lead others to applaud them when they made it.

Aristophanes, wise here as in so many things, provides a revealing

example. A young man comes home from a day of sophistical education. He says to his father, "Dad, I can prove to you that sons ought to beat their fathers." The father exclaims, "But that's not the convention anywhere." He has said the magic fashionable word, and now the son's fatal "proof" follows directly. If these beliefs are really only conventions, then, says the son, it was a human being who made them, a human being just like you and me; and he imposed them upon others by force of persuasion. So then I, being a human being, can perfectly well make my own new convention, that sons should beat their fathers in return for the beatings they received as children. What is most amazing of all, the father, "persuaded," bends over and takes his beating. Now in this farrago of Protagorean my-law-is-as-good-as-his and Gorgianic let's-impose-our-law-by-any-means-we-can, there is an important truth lurking—namely, that this son *wants* to beat his father. The argument appeals not because it is a good argument, which it plainly is not (for there are all sorts of good human grounds for preferring the old set of human institutions to this one), but because it is a handy, elegant justification for what this son wants to do anyway. He doesn't want truth, he wants power. This shows us something about him, not something about truth. It does not show us that truth is power, or that there is no such thing as the search for truth as distinct from the search for power. The father's acquiescence is no mystery either, if we read the rest of the play and understand its warnings about the extent to which simple people who try to emulate the intelligentsia can be led by the nose out of sheer guilt over their own rusticity.<sup>2</sup>

In this situation, with sophists getting richer and truth in disrepute, many lovers of the search for truth gave up in exhaustion and despair. Both Plato and Aristotle record this problem, as they grapple with the challenge of defining a true and honest rhetoric—or, as Aristotle puts it, a dialectic that is distinct from mere eristic.<sup>3</sup> But so as not to set that sort of negative example for one's students, it is important, they both agree, to get into the arena and grapple with these famous people, unravel their arguments, and show them that there is profound incoherence in their own position.<sup>4</sup> Not all will in fact be persuaded by such attempts, for "some need persuasion, and others need violence," Aristotle wryly remarks, recording his belief in the importance of this difference.<sup>5</sup> His attempt to restore the search for truth (in all areas) to its place of honor is a good one for us to examine, since (as I have argued elsewhere)<sup>6</sup> it relies on no idea of a reality "as it is," given to us independently of all conceptualization; and yet it argues that within the "appearances," that is, the world as perceived and interpreted by human beings, we can find all the truth we need, and much more than the sophists believe.

At the rock-bottom level, there will be at least one principle—the Principle of Noncontradiction—to which any thinking, speaking being is committed just in virtue of being that. As Aristotle argues in chapters of *Metaphysics* 4 concerned with the Protagorean opponent, we can show the attacker of this principle that any discourse in which he engages, even in articulating his attack, depends upon this principle. He has only two choices: either he will say something or he will remain silent. If he remains silent, we no longer have to deal with him. “It is comical to look for something to say to someone who won’t say anything. A person like that insofar as he is like that, is pretty well like a vegetable” (1006a13–15). But if he does say something, and something definite, then you can go on to show him that in so doing he is in fact believing and making use of the very principle he attacks. For in order to be saying something definite he has to be ruling out something else as incompatible—at the very least, the contradictory of what he has asserted. Very near this bottom level will be certain other beliefs—for example the belief that change and plurality exist—that also seem to be so deeply embedded in all thought and discourse that we suspend them on pain of incoherence. At the “top,” on the other hand, will be various beliefs and principles that seem purely arbitrary, that we could alter readily without changing much of serious importance. (As examples of such items Aristotle mentions certain superficial religious beliefs and conventions, for example regarding the proper dates of festivals.) Most of the interesting cases are in the middle somewhere: it would be possible to continue to live and to speak without these principles, and what we need to do in assessing the depth of our commitment to any one of them is to ask what the cost of doing without it would be, what other beliefs, practices, attitudes would have to be given up. For example, suppose we were to believe that luck, and not our own effort, has the decisive role in making our lives valuable. Aristotle says that if we imagine taking that belief to heart, we will see that it would make our lives so flat and meaningless that we would not want to live. Philosophy justifies a belief like this by perspicuously showing its depth and centrality in our lives.

This is only the beginning of a sketch of what is involved in the Aristotelian reply to the sophists. I believe that it offers a basis for a coherent, non-naive, “internal” realism, though I have obviously not begun here to work out the position in the detail that would be required to show this. The view has close affinities with the antirelativism of Putnam’s paper and with the internal realism of his *Reason, Truth and History*. Indeed, the Aristotelian argument about noncontradiction is accepted and developed by Putnam (for a somewhat weaker principle, the Minimal Principle of Contradiction) in a pre-

vious article whose argument Putnam still endorsed at this conference when dissociating himself from Mary Hesse's claim that everything is revisable.<sup>7</sup>

Now to draw some further parallels between my Greek story and the material of the conference. In Fish's paper and the discussion that surrounded it,<sup>8</sup> I notice two different sorts of language used of our relation to our beliefs and principles. On the one hand, we have the language of optionality: words such as "stipulate," "construct," "judge," "decide," "convention," "useful"—all of which imply that the beliefs in question are items that we can exchange, take up, put down at will and/or because it is advantageous to do so. This is the language we noticed in connection with the Aristophanic son, who moves from the humanness and contingency of certain principles directly to an assertion of their optionality. If a human being made it, I can make a new one right now. On the other hand, we also find the language of depth: there is talk of the beliefs of the community being compelling, of principles informing and shaping us, even of the notion that the individual is constituted by his or her communal heritage. Fish mixes the two sorts of language in his paper. He asserts in debate that the latter is the more fundamental, and that insofar as his use of words like "stipulate" seems to imply that we are free to select our beliefs and values, those words do not truly express his position. I believe, however, that in his rejection of the distinction between persuasion and force and his defense of the idea that the profession is the criterion of truth, we find an Aristophanic son lurking behind the evident Gorgianic surface. For if the profession is not free to decide between *p* and not-*p*, if the matter is too deep to be a matter for professional optionality to alter it, then there is after all a place from which the community is entitled to criticize the profession, and it will often make perfect sense to say that the profession is flying in the face of some deep truths that any thinking being must hold. So I think that he cannot have the power and sheer arbitrary freedom he wants for the profession without endorsing conventionalism in a more radical form than he officially does. And if we look beyond the conference to the writings of numerous contemporary theorists, we will again find these two forms of expression used, sometimes separately, sometimes in combination, often without much concern for their relation to one another. (Derrida, for example, seems to speak like Protagoras/Aristophanes at the conclusion of *Éperons*: if there's no way of eliminating the possibility of alternative interpretation, then each critic becomes the arbiter of truth and criticism appears to become free play;<sup>9</sup> though at other times he certainly prefers the language of depth and constraint.)

What the Greek story shows, I claim, is that the two sorts of language do not go together. To the extent to which it is appropriate to say of a principle or belief that it is optional for us, to that extent it is not deep in our lives. To the extent to which it is constitutive of our procedures of life and thought, to that extent it is not optional at all. Aristotle was, I believe, correct in thinking that among the primary jobs of philosophy, if not the primary one, is the sorting out of our beliefs and principles to see where they fall along this spectrum. And he was also correct in thinking that once this painstaking task was underway, we would discover that we get back just what the Protagorean and the Gorgian want to deny us, namely, full-blown notions of public truth, of rational justification, of objectivity. When we are confronted with a contradiction between two principles, we do not say, well then, since there's no uninterpreted given, it's all free play and any story has as good a claim as any other if it can be made persuasive. We try to resolve the contradiction first, of course. But if we cannot, we recall the very basic commitment we have to the Principle of Noncontradiction as necessary for all thought and discourse. Using this, then, as a regulative principle (refusing to assert the contradiction), we set ourselves to adjudicate between the competing principles, asking in each case what the cost would be of giving each up. And we opt for the one that "saves the greatest number and the most basic," as Aristotle puts it, of our other beliefs.

Let me take an example from contemporary ethical theory. John Rawls has advanced various arguments against utilitarianism and in favor of his own principles of justice. One of them goes, roughly, like this. (I hope that I shall be forgiven for the over-simple and schematic character of this summary.)<sup>10</sup> We first show that utilitarianism is committed to a picture of the aggregation of desires that neglects or treats as ethically irrelevant the boundaries between separate persons. We show that the principles of justice do not neglect the separateness of persons. We then ask the utilitarian whether he or she does not share with us a conception of the person that makes these boundaries highly relevant, indeed fundamental. If the utilitarian agrees with our diagnosis, she agrees that there is an internal inconsistency in her position, which can be resolved by her giving up whichever of the conflicting principles (either the conception of the person or the utilitarian principle) appears less deep or fundamental. Rawls bets that most utilitarians will find the conception of the person to be more fundamental and thus that the two of them will decide to agree on the principles of justice.

Here is an example of rational argument, of rational justification, that in no way relies on an uninterpreted given; it can be said to yield,



in a perfectly recognizable sense, ethical truth. It is altogether different from mere rhetorical manipulation because it proceeds by the patient clarification of alternatives and by the detection of incoherence and contradiction. And it allows ample room for a reasonable anti-professionalism. For with such arguments Rawls can go before the profession of economics, for example, and convince it of the shallowness and incoherence of some of its reasoning, showing that certain economists have not properly articulated some beliefs about persons that they themselves hold, and have not noticed their relation to their own other beliefs. Rawls's ability to offer a justification of the principles of justice against the utilitarian economist does not depend on his being well trained in economics (although he is so, and although *in practice* his ability to convince actual economists is certainly helped by this). It depends on his caring about human matters that are common ground between him and the profession, and caring about coherence and rational persuasion. They may or may not in fact be convinced; that is not the point. The point is that we can recognize this as the sort of argument that ought to convince anyone who proceeds rationally and who does not find fault with its premises.

Fish will be quick to reply (as he did at the conference) that my critical remarks about arguments do not really go against his thesis, since insofar as they criticize the conduct of the profession they become a part of it. By this means he can of course serenely swallow up just about anything. But I assert that I am not a part of the professional activity he describes, in two ways. First, I hold that there is a strong distinction between persuasion and manipulation; I claim to be trying to play by the rules of the former. I couldn't care less whether I in fact persuade Fish or anyone else in the profession, so long as I offer an argument that, were they following certain rational procedures, they would accept. Insofar as the profession is playing the other game that Fish describes, I am not, then, a part of it. Second, there is in general, as the Rawls case shows, an important distinction to be drawn between having views about an institution or profession and leading the way of life characteristic of that institution—between, for example, being a doctor and having some views about how doctors should behave, between being married and having views about the institution of marriage. It is a complex and delicate matter to say how much inner sense of the way of life characteristic of the institution one needs to have in order to make pertinent criticisms; or, on the other hand, how much detachment and externality might in fact be valuable in getting a good critical perspective. What is clear is that it is sophistry to pretend that my advisory role at the Hastings Center qualifies me to practice medicine, that my attacks on

the commensurability of values qualify me to teach Economics 10, that my views about marriage determine my marital status. Fish cannot co-opt the opposition by such stratagems. He will do so anyway, and, being a very engaging and articulate man, he will frequently succeed. But that's the distinction between persuasion and manipulation. In persuasion some things don't wash, no matter how charming you are.

Two thoughts more about the connection of all this with the relationship between philosophy and literature. First, I think that it is only because we have for a long time, through the dominance of various brands of formalism, lost the sense that literature deals with human matters of great importance that the Gorgianic turn could flourish as it does. For I have enough respect for Fish as a human being to conjecture (in ignorance) that in anything that really matters to him—politics, personal friendship and love, the rearing of children—he believes that there is a very important distinction between persuasion and force. (When Derrida was in jail in Czechoslovakia it was evident to all members of the profession what that distinction was.) Nor, I bet, does he think that in matters of child rearing the latest deliverances of pediatricians and child psychologists are criterial of truth and exempt from rational criticism; that in matters of love and sex the latest fads of sociology and sexology are criterial of correctness; and so on. Why is the literary profession and its subject matter treated so lightly, as if it were the one place where we could play around with these differences? Isn't it, too, about something real and really important?<sup>11</sup>

Second, the activity of justification I have described shows, I believe, one very important link between philosophy and literature. As we ask, concerning any belief, what its depth is for us (let us say, the belief in the incommensurability of ethical values, or the beliefs about persons mentioned above), we need to be imagining vividly what a life would look like both with and without that belief, allowing ourselves, in imagination and emotion, to get a sense of what the cost for us would be if we gave it up. To get that kind of understanding of possibilities, an understanding that is both emotional and intellectual, we need literature in philosophy; for literature can show us in rich detail, as formal abstract argument cannot, what it is like to live a certain way.<sup>12</sup> In this sense literature, and our discourse about literature, can be, and is, philosophical: it plays a part in our search for truth and for a good life. On the other side, philosophy must engage the help of literature and our discourse about it, or risk being empty about matters of greatest importance.

In short: the right way for literary discourse to be philosophical is

to be more, not less, in love with truth. The right way for philosophy to be literary is to become more immersed in the complexities of human life as literature depicts them, not to emulate the playfulness of Gorgianic arguments.

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NOTES

1 All this talk of “left” and “right” in connection with professionalism and anti-professionalism seems to do little more than to reopen the old question whether there is any substantial difference between authoritarianism and totalitarianism. (Is the profession as described by Fish a military junta or a party? Does it matter?)

2 The scene in question is Aristophanes *Clouds* 1399 ff. It should be noted that the father is brought to his senses by the son’s suggestion that he will beat his mother as well. I have discussed this scene and related questions about convention and truth in “Aristophanes and Socrates on Learning Practical Wisdom,” *Yale Classical Studies*, 26 (1980), 43–97, and in “Eleatic Conventionalism and Philolaus on the Conditions of Thought,” *Harvard Studies in Classical Philology*, 83 (1979), 63–108.

3 On this distinction, see G. E. L. Owen’s fundamental paper, “Dialectic and Eristic in the Treatment of the Forms,” in *Aristotle on Dialectic: The Topics*, ed. G. E. L. Owen (Oxford, 1968), pp. 103–25, and now in Owen’s *Logic, Science, and Dialectic: Collected Papers on Greek Philosophy*, ed. Martha Nussbaum (Ithaca, N.Y., 1985).

4 The possibility of discouragement is described this way by Aristotle, in connection with his criticism of Protagorean subjectivism: “And it is at this point that the most unfortunate consequence arises; for if those who have observed the available truths most closely—and they are those who have sought hardest for them and cared most about them—if they hold opinions of this kind and make these pronouncements about truth, will not those endeavouring to philosophize legitimately lose heart? The quest for truth would be a wild goose-chase” (*Metaphysics* [tr. Kirwan] 4.5.1009b33–1010a1).

5 Aristotle *Metaphysics* 4.5.1009a16 ff. The passage continues: “If they have this belief [namely, that noncontradiction is false] as a result of perplexity, their mistake is easy to remedy, for the difficulty is not with their statement but in their thinking. But if they state it for the sake of stating it, the remedy is to refute the statement which is in their speech and in their words.”

6 Martha Nussbaum, “Saving Aristotle’s Appearances,” in *Language and Logos: Studies in Greek Philosophy in Honour of G. E. L. Owen*, ed. Malcolm Schofield and Martha Nussbaum (Cambridge, 1982), pp. 267–93. This is equivalent to ch. 8 of my *Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge, 1985). The following paragraph condenses portions of that discussion.

7 Hilary Putnam, *Reason, Truth and History* (Cambridge, 1981), and his “There is at least one *a priori* truth,” *Erkenntnis*, 13 (1978), 153–70, also in Hilary Putnam, *Realism and Reason: Philosophical Papers* (Cambridge, 1983), vol. III. Let me take this opportunity to applaud Putnam’s contribution to the conference.

8 I am thinking also of the use of these two sorts of language in Richard Rorty’s “Texts and Lumps,” which appears in this issue of *New Literary History*.

9 I criticized this argument in comments on M. Mitias’s “The Ontological Status of a Literary Work of Art,” read at the annual meeting of the American Society for Aesthetics, November 1981.

10 Rawls first develops this argument in *A Theory of Justice* (Cambridge, Mass., 1971),

pp. 189 ff. The role of the conception of the person in the argument for the principles of justice, and associated remarks about justification and objectivity, are also developed in his "Kantian Constructivism in Moral Theory: The Dewey Lectures 1980," *Journal of Philosophy*, 77 (1980), 515–72.

11 For related remarks see Arthur Danto, "Philosophy and/as Literature," Presidential Address delivered to the Eastern Division of the American Philosophical Association, December 1983, and published in the *Proceedings*.

12 A similar point is made by Putnam in "Literature, Science, and Reflection," *New Literary History*, 7, No. 3 (Spring 1976), 483–91, and in his *Meaning and the Moral Sciences* (London, 1978), pp. 83–94. See also my "Flawed Crystals: James's *The Golden Bowl* and Literature as Moral Philosophy," *New Literary History*, 15, No. 1 (Autumn 1983), 25–50, and "Plato on Commensurability and Desire," *Proceedings of the Aristotelian Society*, suppl. vol. 58 (1984), 55–80.