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SKEPTICAL PROBLEMS IN POLITICAL EPISTEMOLOGY

TABLE OF CONTENTS

Introduction:
Skeptical Problems in Political Epistemology

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1. Political Epistemology and Skeptical Challenges

Political epistemology, like most domains of philosophical research, is not only full of controversy regarding issues within the domain, but is full of controversy regarding what the domain, properly, is. On the one hand, political epistemology can be the philosophical study of how we can come to know and productively share our views about some set of political truths. So, like the moral epistemology of moral truths, political epistemology is devoted to determining how one might know whether some political principle is a good one or that one form of government is more just than another. On the other hand, political epistemology is taken to be about the interplay between political arrangements and the knowledge citizens of those polities have and can share. In essence, the question here is how particular political arrangements allow us to be sensitive to some reasons or evidence, and how others produce other sensitivities (or insensitivities). This duality between the two programs, effectively between the epistemology of political truths and the political background of epistemology, can produce intense but fecund exchanges.

All epistemologies, regardless of their orientation, have the general question of how knowledge is possible at their core. How can we know political truths; how, given the intellectual variances that political arrangements produce, can we know much of anything? The skeptical challenge, then, comes along with this question of how knowledge is possible. Skeptical challenges come in a variety of forms, but there are two general classes of skeptical problems for claims to knowledge.

The first type of skeptical challenge is best considered as a challenge to whether the task of coming to know (and whether knowledge as a phenomenon) is completeable. The familiar regress problem for justification is exemplary, since the trilemma of options for supporting reasons seems to defeat the possibility of justified beliefs. Either one ends the regress with unsupported reasons, reasons in a circle, or one's reasons stretch on without end. None of these three options seems satisfactory for the justification requisite for knowledge. Consider the moral skeptic who may say that because all of our judgments are so connected to deeper controversial commitments, we can never have sufficient justification to hold many of our substantive ethical beliefs. Or

consider a version of closure-based skeptical challenge – that if one knows a proposition and that the known proposition entails another, then if one competently deduces that following proposition from the initially known, then one knows that following proposition. The trouble is that closure, as intuitive as it is, produces paradox for knowledge. For example, one may know that one has hands and one may know that if one has hands, one is not in a computer simulation. But one does not know that one is not in a computer simulation. From these examples, the first skeptical challenge of completing one's knowledge shows that we think of knowledge as having a systematic element to it – our knowledge, *qua* knowledge, must be something that not only allows us to make sense of many other things beyond what's known, but it is the product of our having made sense of many other things. The skeptical challenge is to whether this broad cognitive competence is at all completable.

The second kind of skeptical challenge is less to the possibility of knowledge *überhaupt*, but to the actuality of knowledge in particular cases. These challenges to knowledge are, then, domain restricted. In these cases, what is necessary for the skeptical argument is that some crucial piece of evidence is missing or some central intellectual capacity is not possessed. And so, in religion, for example, the agnostic may say that because the matter is so complex and the truth is hidden, we cannot know whether God exists. Or one may say that, because of our particular limitations of perspective, we cannot synthesize the complex evidence for and against a thesis. Call this the *controversy* problem for knowledge.

The two basic skeptical challenges, that of *completabiltity* and *controversy,* have political epistemic instances. Completability challenges can take the form of recognizing that justification for political arrangements depend on a view of human nature, the significance of some core value, or a moral viewpoint. But each of these must be known to have the status they purport to have in supporting our political knowledge, and it is unclear we have such knowledge of moral truths, or facts about human nature. Alternately, controversy challenges arise in cases of voter ignorance and in instances of reasonable pluralism. So, for example, the controversies regarding causes of inflation or effects of raising the minimum wage are persistent among experts, so how can we expect voters to unravel these issues? Or, given the deep disagreements about the diversity of values, how can we expect a reasoned justification for policy to be anything but question-begging?

We should hasten to add that in liberal-democratic settings, the issues for controversy versions of skeptical challenge are compounded. This is because democratic institutions, insofar as they respect the liberty and equality of their citizens, owe justification to these citizens that they can access, understand, and endorse. Insofar as a state wields coercive power over its citizens, that power is oppressive when those citizens cannot see the reasons behind it. Coercion should be hard to justify, and this restriction keeps coercion to be restricted only

108

to policies that are endorsable by those who are relevantly tied to the policy. So, given this constraint, being right isn't sufficient for political justification, nor is simply knowing one is right. Instead, the requirement is that of being able to show that one knows to any audience who may have concerns, or at least those who are affected by the policy. This is a particularly demanding norm, and it is in place to restrict policies that would otherwise be mere browbeating when it comes to reason-giving. And so, for political epistemologists in the liberal-democratic vein, the fact of reasonable pluralism poses a particularly difficult version of the skeptical problem of controversy.

Further, when we consider the fact that political polarization, both in the form of political parties views growing further apart and in the form of members of parties having individually more radical views only on the basis of their membership of the group, makes productive communication more difficult, and so deliberation that would produce well-founded resolution (or knowledge) seems unlikely. Epistemic injustices, refusals to acknowledge standing to speak, and pernicious representation of one's political opponents are all part-and-parcel with a populace that suffers from these kinds of widening divides. Skeptical consequences ensue.

Anti-skeptical responses in political epistemology depend on roughly two sorts of thoughts. The first is a mitigating commitment – that the norms of knowledge and justification (and in particular, the kind of public justification required for political epistemic ends) behind the skeptical challenges are too demanding. More modest norms can still capture our political epistemic aspirations, but they need not have the dire skeptical challenges. And so, some anti-skeptical replies to pluralism-based skeptical arguments, for example, appeal to less demanding accessibility norms for the justification of policy (e.g., that of overlapping consensus or patterns of *modus vivendi* political arrangements). The second kind of anti-skeptical program is that of showing that the skeptical challenges are, in fact, answerable. In these cases, the skeptic has, according to the anti-skeptic, under-described the intellectual situation. A more complete representation of our cognitive resources yields at least prospects for knowledge. For example, those who argue against polarization-based skeptical programs may reply that mixed-view deliberation can arrest polarization and even yield de-biased outcomes.

2. Essays in this Issue

While each of the eight articles within this special issue can stand alone raising salient issues within the domain of epistemology, as a collection they highlight the full scope of skeptical issues regarding completability and controversy. The special issue begins with Emily McGill's article "Is Liberalism Disingenuous? Truth and Lies in Political Liberalism." McGill analyzes critiques of the Rawlsian political program which assert that the program is merely political ideology, due to the programs 'prohibition on truth.' If the Rawlsian liberal program not only

emphasizes, but is grounded upon a social ontology that is individualized and insensitive to identities, then the political landscape will be plagued with epistemic blind spots regarding oppression. That is to say that the Rawlsian program manifests and maintains the skeptic's controversial challenge. McGill holds that this challenge fails to gain traction given Rawls's endorsement of substantive truths. Of a similar concern, the next article, Eric Morton's "Pragmatism, Pluralism, and the Burdens of Judgement" defends the compatibility of pragmaticism with a Rawlsian version of value pluralism. Morton directly engages with Talisse and Aikin who argue that pragmatists are unable to be unfailing pluralists due to 1- the incompatibility of the metaphysics of deep pluralism and pragmatist meta-ethics, and 2- the clash between a pragmatist's commitments to meliorism and a sense of strong epistemic pluralism. Morton argues that both lines are unfounded, so the skeptical consequences of pluralism need not follow. While McGill's article exemplified particular issues regarding the skeptic's controversy challenge, Morton's work exemplifies the skeptics completability challenges, insofar as Morton's responses to Talisse and Aikin depends upon the status of the commitments an epistemic pluralist must take.

Shannon Fyfe's article "Testimonial Injustice in International Criminal Law" differs from the previous two primarily because Fyfe focuses on legal epistemology, statutes regarding testimony within international courts, and the instances of epistemic injustice that lead to skeptical consequences. In order to help mitigate such instances, Fyfe advocates hearers in international courtrooms to practice testimonial justice, not only for the epistemic aims of truth, but also to achieve political aims such as justice. The practice of epistemic justice cannot completely rid international criminal courts of skeptical consequences, because the structures of the courts is such that there are still some instances that will fall through the cracks so to speak. Fyfe nevertheless presents a solution in hopes of mitigating these occurrences.

The next three articles focus more on the nature of politically deep disagreements and the normative aspects of how we should disagree or engage in politically charged arguments. Scott Aikin's "Dialecticality and Deep Disagreement" is an analysis of the problem of deep disagreement in terms of the skeptical problem of the regress of reasons. In particular, Aikin argues that it is the dialecticality requirement of arguments that makes the persistent controversy found in deep disagreement analogous to the skeptical problem of the defeating regress. Further, Aikin argues that the dialecticality norm is an appealing norm, given pragmatic and recognitional background commitments for arguers. This makes the problem of deep disagreement a unique form of regress problem, because the iterating condition cannot be denied without undoing the argumentative context. Connie Wang's analysis "Beyond Argument: A Hegelian Approach to Deep Disagreements" criticizes both the optimistic and pessimistic account of deep disagreement. At first glance, both of these accounts

110

seem to agree upon very little – as optimists assert that some rational resolution can occur within deep disagreements, while pessimists reject this notion. However, Wang asserts that both views operate under the assumption that argumentation is the only means by which we can come to rational resolutions. This assumption is challenged and Wang offers another solution – one that utilizes a Hegelian-informed approach. This "argument-plus approach" aims to incorporate more than just 'rational' concerns when we exchange information and engage within dialogue. Tempest Henning's article, "Bringing Wreck," offers a critical analysis of the non-adversarial feminist argumentation model, specifically in regards to the ways in which we should engage in arguments. A skeptical controversial challenge is raised against such an argumentative model, especially concerning the model's assumptions of politeness within communicative exchanges. Henning argues that what is missing from the non-adversarial feminist argumentation model is a detailed analysis of politeness in culture and contexts that are non-white. In order to fully flesh out the argument, Henning examines politeness norms within African American women's speech communities, which runs in opposition to the norms deemed to be ethical and conducive to reason exchange by the non-adversarial feminist argumentation model. Henning concludes that the model incorrectly condemns many linguistic and argumentative practices found within African American women's speech communities, so while the model seeks to epitomize *all* women's argumentative styles, it is a model that is grounded in a very specific demographic of women – white middle class women.

The last two papers are unique insofar as both articles more directly engage with the extent to which affective states can play a role in argumentation and debate. In "Arrogance, Anger, and Debate," Alessandra Tanesini links states such as arrogance and anger as detrimental to epistemic practices. When one engages in *superbia*, one is prone to dismiss others' epistemic contributions, and one has a propensity of over self-inflate the support for one's own views. And, worse, one is often tempted resort to intimidation and humiliation of other epistemic agents. These tactics are enacted as an attempt to free oneself from having to give justifications for one's viewpoint – that is to say such individuals deploy anger as a means to intimidating interlocutors so individuals will not have to provide justifications or reasons for their arguments. For Tanesini, anger, especially stemming from an arrogant individual, harms political discourse. Conversely, Howes and Hundleby in "The Epistemology of Anger in Argumentation" argue that anger has not only a vital role to play within argumentation, but the emotional state can also serve as a positive epistemic resource which can enhance arguments and debates. Anger can function as an aide to reasoners because it can increase their accuracy in pinpoint for whom and towards what cause argumentation serves. Emotions, for Howes and Hundleby, possess a cognitive power akin to reason and judgment, albeit the emotion's effectiveness can depend upon the manner it is employed, so can be a

detriment to argumentation. But in particular circumstances, anger is a powerful tool that not only helps to identify the goals of arguments, but also can serve as a gauge to better evaluate arguments importance.

We believe our collection here is representative of groundbreaking thought on the intersection of political philosophy and epistemology. In particular, these essays provide significant work on the skeptical challenges that arise when one asks questions about the connections between how and whether justice and knowledge are possible.

Is Liberalism Disingenuous?
Truth and Lies in Political Liberalism

Emily McGill

Abstract: Rawlsian political liberalism famously requires a prohibition on truth. This has led to the charge that liberalism embraces non-cognitivism, according to which political claims have the moral status of emotions or expressions of preference. This result would render liberalism a non-starter for liberatory politics, a conclusion that political liberals themselves disavow. This conflict between what liberalism *claims* and what liberalism *does* has led critics to charge that the theory is disingenuous and functions as political ideology. In this paper, I explore one way that this charge unfolds: critics charge that liberalism utilizes an individualistic and identity-insensitive social ontology, which in turn yields epistemic deficiencies that render it incapable of detecting oppression. The theory's claim to freestandingness then shields it from necessary critique. I argue that this objection relies on constructing a conflict between liberalism's professed non-cognitivism and its actual cognitivist commitments. By demonstrating that Rawlsian political liberalism explicitly endorses substantive moral truths, and that the method of avoidance applies only to public justification for coercive state action, I show that the theory is openly and foundationally cognitivist, and thus that the charge of disingenuousness does not stick.

Keywords: Rawls, liberalism, non-cognitivism, truth, oppression.

1. Introduction

In a time of post-truth politics, "alternative facts," and strategic claims that "truth is relative," it might seem that democratic citizens desperately need to embrace the truth.[1] Indeed, defending a theory that prohibits appeals to truth in politics may seem backwards or misguided; yet Rawlsian political liberalism famously requires such a prohibition. This has led sympathetic commentators to update or amend Rawls's argument to make room for truth within political liberalism (Estlund 1998, 2012; Larmore 1999; Cohen 2009), while less sympathetic

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[1] "Alternative Facts" is a phrase first used by Kellyanne Conway in an interview with NBC's *Meet the Press* on January 22, 2017: https://www.nbcnews.com/meet-the-press/video/conway-press-secretary-gave-alternative-facts-860142147643; Rudy Giuliani argues that "truth is relative" and that "They [special counsel Robert Mueller's office] may have a very different version of the truth than we [members of the Trump Administration] do" in an interview with the *Washington Post* on May 23, 2018: https://www.washingtonpost.com/politics/in-reversal-giuliani-now-says-trump-should-do-interview-with-mueller-team/2018/05/23/82f8fa24-5eb8-11e8-9ee3-49d6d4814c4c_story.html?noredirect=on&utm_term=.ce1fe5862b67.

commentators have argued against Rawls's epistemic abstinence (Raz 1990), often charging that his method of avoidance reveals a commitment to political non-cognitivism. According to the non-cognitivist interpretation, avoiding truth-talk about democratic essentials requires denying the truth-aptness of political claims; if Rawls is indeed a truth-denialist in this way, political claims, rather than being either true or false, would have the moral status of emotions or expressions of preference. From here it is a quick step to the conclusion that political liberalism requires either skepticism or relativism, according to which one view of justice can never be any better, or any worse, than the next.[2]

This is a troubling conclusion for several reasons. First, when we make political claims or form political beliefs, we tend to think that we are saying or believing something *true*. If political liberals really require that, as citizens, we should avoid the truth, what does this mean about the claims and beliefs that we standardly take to be true (or at the very least truth-apt)? Second, don't we want our political theory to be able to accommodate our intuition that some claims or beliefs about justice are *better* than others? Isn't a roughly egalitarian theory of distributive justice better than one based on natural hierarchies? Isn't working to eradicate structural oppression better than accepting the status quo? Truth denialists cannot make comparative evaluative assessments like these, though surely the ability to do so is a desideratum for any adequate political theory. These outcomes of a non-cognitivist reading of Rawls have been discussed by both critics and defenders of political liberalism.[3]

What is less discussed is the impact of Rawls's method of avoidance on political liberalism's *liberatory* aims. My goal in this paper is to address political liberalism's fraught relationship with truth with a particular focus on defending political liberalism against the charge of disingenuousness that arises when one views Rawls as a truth-avoider[4]. After all, Rawls appears to make all sorts of truth-apt claims about justice – claims that he, presumably, believes to be true. Do liberals exempt themselves from their very own standards for political argumentation? I argue to the contrary that Rawls is not a full-blown truth-avoider – he does not avoid the truth when discussing the moral basis of liberalism, itself (Larmore 1999). Rawls does argue, though, that we should avoid comprehensive truth claims when discussing constitutional essentials in

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[2] For discussion of skeptical or relativistic interpretations of Rawlsian justification, see Barry 1995, Wall 1998, McCabe 2000, Scanlon 2003.

[3] In addition to the sources already cited, see Hampton 1989; Habermas 1995; Rawls 1995; Wenar 1995; Landemore 2017.

[4] The charge of disingenuousness is sometimes leveled by religious critics, who argue that political liberalism unjustly excludes religious reasons from the realm of public reason (see especially Eberle 2002). This objection is often called the asymmetry objection. I refer to the objection central to this paper as the disingenuousness objection, rather than a version of the asymmetry objection, because I want to distinguish the sources of this objection from the religious critics who are the source of the asymmetry objection.

114

the public sphere. In this limited sense, Rawls does avoid the truth, and on this point I argue that political liberals should agree.

The paper proceeds as follows: after a brief explanation in Section 2 of Rawls's method of avoidance, including his apparent prohibition on truth, I explain in Section 3 the practical payoff of such a view for the liberatory potential of a political theory. If it is the case that political claims can be neither true nor false, then important political debates devolve into battles of personal opinion with no correct answers about justice and injustice. However, since political liberals, themselves, endorse as true many claims about justice, critical commentators charge that political liberalism is a disingenuous theory that functions as ideology. In Section 4, I explicate one way in which the disingenuousness critique unfolds. Critics charge that liberalism utilizes a social ontology that is individualistic and identity-insensitive, which in turn yields epistemic deficiencies that render the theory incapable of detecting oppression. The social ontology and epistemic results are both illicit, since political liberalism claims to be freestanding. The claim to freestandingness, in turn, shields liberalism from critique and allows it to function ideologically. In Section 5, I defend political liberalism against the charge of non-cognitivism that begets the disingenuousness critique by demonstrating that liberalism is grounded in substantive normative truths, including truths about the nature of citizens and citizenship. Liberalism's truth-avoidance only applies at the level of public justification for coercive state action and not to liberalism, itself. Sections 6 and 7 consider objections and Section 8 concludes.

2. Rawls on Truth

According to Rawls, a political conception of justice "does not … use (or deny) the concept of truth; nor does it question that concept … Rather, within itself the political conception does without the concept of truth" (Rawls 2005, 94). Rawls's view on truth in politics is motivated by the fact of reasonable pluralism – the idea that under conditions of freedom like those that ideally exist in democracies, people will come to hold different sorts of comprehensive worldviews (e.g. Rawls 2005, 54-58). In order to meet the liberal requirement that we respect all citizens as free and equal, a conception of justice must not be grounded in a single comprehensive doctrine. This is because political liberalism is centrally concerned with the question of justification: when is the coercive use of state power consistent with the freedom and equality of all citizens? If our conception of justice were grounded in one particular moral doctrine, citizens who held competing moral views could not recognize our offered reasons as justificatory reasons. State action justified by such reasons, then, would violate the liberal principle of legitimacy since it would coerce a group of citizens without justification that they could recognize as such. This violation of the liberal principle of legitimacy would render our conception of justice unjust (Rawls 2005, 37).

115

Avoiding this injustice is why Rawls urges that our conception of justice must be freestanding – it must require no specific moral, metaphysical, or epistemological foundation (Rawls 2005, 12). To preserve this freestandingness, citizens must avoid appealing to the truth of their comprehensive doctrines when debating with their fellow citizens matters of basic justice and constitutional essentials; this is a central requirement of public reason. Indeed, citizens who cite the truth of their own comprehensive doctrine as a justifying reason are unreasonable, since they display a willingness to coerce their fellow citizens on terms they could not accept.[5] Unreasonable citizens would violate the spirit of toleration at the core of political liberalism, according to which citizens are free to pursue their idea of the good life without oppressive state interference.

Although disagreement is bound to arise in a free society, Rawls wants our political conception of justice to be agreed upon by an overlapping consensus of reasonable citizens. But how can we achieve an overlapping consensus in a society marked by pluralism? Part of Rawls's answer involves the avoidance of truth. He argues, "Holding a political conception as true, and for that reason alone the one suitable basis of public reason, is exclusive, even sectarian, and so likely to foster political division" (Rawls 2005, 129). To avoid political division, which would potentially jeopardize an overlapping consensus, citizens should avoid offering justifying reasons that appeal to the truth, either of their own comprehensive doctrines or of the political conception of justice that they favor. In this way, we can hope to avoid a society "divided into contending doctrinal confessions and hostile social classes" (Rawls 1999a, 475). Given the fact of this pluralism and the divisions it creates, legitimacy demands truth-avoidance.

3. Boo to Oppression!

Political liberalism's truth-avoidance raises the specter of political non-cognitivism, or truth *denial*. According to non-cognitivists, moral judgments do not express beliefs about the world; for emotivist A.J. Ayer, for example, moral judgments merely express emotions of approval or disapproval and as such can be neither true nor false (Ayer 1952). Similarly, political non-cognitivists maintain that political judgments have no truth value; they are simply not the kinds of things that can be either true or false. Thus, political non-cognitivists also eliminate an objective standard by which to judge our political claims. Like in Ayer's emotivism, claims made within democratic politics amount to mere expressions of personal approval or disapproval. For the non-cognitivist, when we make political claims about equality and justice, we are merely expressing feelings like "Yay for equality!" and "Boo to injustice!"

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[5] Note that Larmore's political liberalism utilizes a different conception of reasonableness (Larmore 1999).

116

Since Rawls argues that his political conception of justice does without the truth it is understandable why some commentators have interpreted his view as non-cognitivist. Habermas, for example, wonders whether Rawls is reduced to value-skepticism, according to which "behind the validity claim of normative statements there lurks something purely subjective: feelings, wishes, or decisions expressed in a grammatically misleading fashion" (Habermas 1995, 123). Although he recognizes that Rawls himself wants to avoid this conclusion, Habermas questions his success: "Rawls must be understood to mean that … the procedure of the public use of reason remains the final court of appeal for normative statements" (Habermas 1995, 124). Indeed, Rawls contrasts his own political constructivism with moral realism, claiming that reasonableness, not truth, is the standard of correctness for a political conception of justice.

In Section 5 I will argue that Rawlsian political liberalism is not non-cognitivist. The purposes of the current section are to understand the charge of non-cognitivism and to outline the consequence that follows from this interpretation: if political liberalism is indeed committed to the view that political judgments are not truth-apt, then it is a non-starter as a liberatory view. Consider a basic example involving two competing normative claims: "Access to affordable birth control is mandated by justice," and "Access to affordable birth control is not mandated by justice." An adequate political theory must be able to diagnose and address inequalities like a lack of equal access to safe and affordable birth control. Ostensibly, the tasks of diagnosing and addressing inequalities must rely on the acceptance of certain claims *as true*, in this case, that access to affordable birth control is mandated by justice, and that a lack of access contributes to the structural oppression of women. Feminists must be able to state these political claims *as true* in public deliberation, and lawmakers must rely on these political claims *as true* in order to amend legislation.

But a political non-cognitivist holds that political claims are neither true nor false. This means that stating "Access to affordable birth control is mandated by justice" amounts to claiming "I really like affordable birth control," or worse yet, "Yay to affordable birth control!" Moreover, these statements of personal preference carry the same weight as the opposing claim "Affordable birth control is not mandated by justice," or "Boo to affordable birth control!" Debate about this important issue becomes a matter of competing personal perspectives, in which case "Boo to oppression!" is all a non-cognitivist liberalism can say about injustice.

4. Is Liberalism Disingenuous?

But of course, political liberalism does much more than merely emote about oppression. Rawls himself has plenty to say on the topic; indeed, Rawls's political turn is motivated by the idea that free and equal citizens should be free from oppressive state intervention. Further, feminist liberals argue that political liberalism can yield substantive feminist outcomes (Hartley and Watson 2010),

117

and critical race scholars like Tommie Shelby maintain that liberalism has the tools necessary to combat racial oppression (Shelby 2016). But how is this possible? How can political liberalism claim to be truth-avoiding while at the same time embracing normative truths, which as we've seen, seem to be required for liberatory political goals? This apparent puzzle has led some critical commentators to the conclusion that liberalism is *disingenuous*; liberal theorists claim to abide by one set of norms while illicitly relying on opposing ones[6]. At times, Rawls appears to make himself vulnerable to this charge. Recall Rawls's claim that a political conception of justice "does not ... use (or deny) the concept of truth." How is that truth-avoidance supposed to align with the argument that "There are facts about justice that may be discovered" (Rawls 2005, 125)? Here Rawls seems to be appealing to *normative facts*, the very sorts of things that a non-cognitivist Rawls would disavow.

The charge of disingenuousness thus amounts to the charge that political liberalism violates its own truth-avoidance. One way for this sweeping objection to proceed is by illustrating that liberalism illicitly relies on a problematic social ontology, which in turn yields *ideological epistemic blind spots*.[7] This marks liberalism as disingenuous since its truth-avoidance and freestandingness require that it not rest on or assert as true any specific moral, metaphysical, or epistemological view. In other words, political liberalism claims to be epistemically abstinent when in fact its ontological assumptions cause an inability to detect oppression. Because the particular ontological assumptions relied upon by political liberalism are, it is charged, individualism and identity insensitivity, the result is a theory that is conceptually unable to detect or address oppression that is both group- and identity-based. A seemingly innocent truth-avoidance yields a political theory indifferent to oppression. At each step along the way – at the illicit ontological assumptions and resulting epistemic failures – liberalism has smuggled in substantive normative truths, violating its own insistence on truth-avoidance. My goal in this section is threefold: first, I aim to explicate the charge against liberalism that it relies on an individualistic and identity-insensitive social ontology; second, I demonstrate how these illicit ontological assumptions are understood to yield epistemic blind spots surrounding oppression and marginalization; and third, I explain how these targeted arguments contribute to the broader objection that liberalism is disingenuous.

Though Rawls claims that his theory of justice is political, not metaphysical (Rawls 1999a), communitarians, feminists, and other identity

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[6] For example, Anne Phillips comments that for some feminists, "liberalism [is] shorthand for everything stodgy, unambitious, and dishonest" (Phillips 2001, 249).

[7] Here I follow Charles Mills' definition of ideology: "A set of group ideas that reflect, and contribute to perpetuating, illicit group privilege" (Mills 2005, 166). Thanks to Patrick Taylor Smith for urging me to consider the disingenuousness critique as an objection to liberalism as ideology.

118

theorists have charged that liberalism in fact relies on a conception of persons as antecedently individuated (Sandel 1998, 53), or in other words, that liberalism is implicitly committed to ontological atomism.[8] On this view, liberal theory, despite protestations to the contrary, relies on a metaphysically robust conception of personhood according to which persons are separate from, and prior to, their ends (Jaggar 1983, 28; Young 1990, 44; Sandel 1998, 19). Early critics thus understand liberalism as "political solipsism" (Jaggar 1983, 40). More recently, critics have argued that liberalism "harbor[s] individualist metaphysical conceptions of selfhood and agency" (Alcoff 2009, 126), and that Rawls in particular "adopts a classically liberal abstract individualism" (Hirschmann 2013, 104).

To understand the objection, recall Rawls's hypothetical contract scenario, the original position, in which citizens deliberate behind a veil of ignorance. The veil of ignorance effectively brackets certain features of persons, since attributes that are morally arbitrary should not factor into our deliberations regarding the principles of justice. With morally arbitrary features bracketed, we are unable to be biased in our own favor. One problem with this line of reasoning for identity theorists is that the proposed methodology of bracketing supposes that people can set aside their identities and their conceptions of the good. Rawls's demand for truth-avoidance in public reason similarly supposes that we can separate our identities from the truths of our comprehensive doctrines. For this methodology to make sense, the objection runs, Rawls must think that people exist apart from their traits and commitments. I must be able to set aside my personal attributes and still have the 'I' remaining. For critics, this supposition reveals Rawls's substantive view of personhood (Sandel 1998, 55-56).[9] Iris Marion Young, for example, embraces this vision of liberalism when she argues that "Liberal individualism denies difference by positing the self as a solid, self-sufficient unity, not defined by anything or anyone other than itself. Its formalistic ethic of rights also denies difference by bringing all such separated individuals under a common measure of rights" (Young 1990, 229).

Here, Young links the charge of individualism to the charge of identity insensitivity (Young 1990, 229). In its most basic form, the charge of identity insensitivity holds that political liberalism's method of avoidance requires laws to treat all citizens equally. However, the argument runs, liberals assume that equality requires sameness and therefore disallow any policy that would violate identical treatment (Hirschmann 2002, 223; MacKinnon 2005, 44; Young 2009,

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[8] Onora O'Neill raises a similar objection. She argues that the abstraction of the original position actually involves strategic idealization that makes it seem as though human agents are independent rather than interdependent, and that their desires can be understood accordingly (O'Neill 1989, 208-210). Unlike the critics I consider here, however, O'Neill's solution is not less abstraction but rather *more* abstraction, or at least proper abstraction without idealization.

[9] See also Taylor 1992.

380).[10] Critics charge, then, that liberalism's focus on equality requires the elimination of difference, arguing that "visible difference threatens the liberal universalistic concepts of justice based on sameness by invoking the specter of difference" (Alcoff 2006, 180). Similarly, some objectors explicitly contrast Rawlsian liberalism with the politics of difference; liberalism is so "inhospitable to difference" that its main contrast is with a theory that is capable of recognizing and supporting diversity (Taylor 1994, 37-38); this contrast is due to the fact that liberalism is, and according to liberals ought to be, "blind to race, gender, and other group difference" (Young 2003, 231). Indeed, the critique that political liberalism relies upon a purposeful obliviousness to difference is one of the most common themes in antiliberal arguments, especially in arguments leveled by those who advocate for the importance of community, identity, and diversity.

The effects of liberalism's identity insensitivity, the argument continues, are then unevenly distributed throughout society so that members of marginalized social groups cannot make claims on their own behalf. Doing so would require an appeal to their distinct identities, and such public appeals are (per this critique) disallowed by liberalism (Pierik and Van der Burg 2014, 498). Just as Rawls's original position is *de facto* biased towards individualistic worldviews, as the charge of ontological atomism is meant to illustrate, liberal policies molded by truth-avoidance are biased in favor of the majority. Since aspects of majority culture are taken as the neutral starting point, any claims on behalf of minority groups are construed as special interests requiring appeals to certain normative truths in politics; as such, these interests are dismissed as violations of Rawls's method of avoidance.[11] This is one way in which ontological commitments yield ideological epistemic blind spots – marginalized groups who need to make *true political claims* about their own marginalization are kept from doing so by a truth-avoiding political liberalism.

According to critics, the effective silencing of marginalized social groups is one particular instance of political liberalism's larger problem: because of its individualistic and identity- insensitive ontological commitments, and because oppression is inherently group- and identity- based, political liberalism is conceptually unable to detect oppression (Schwartzman 2006, 2013).[12] As Lisa Schwartzman explains, "Because liberal theory grants rights to individuals *as individuals*, it primarily recognizes violations of rights that occur one at a time, to individuals *as individuals*" (Schwartzman 2006, 27.)[13] Oppression, however, does

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[10] For discussion see Zerilli 2015, 367. For a defense of Rawlsian liberalism against the objection that its focus on ideal equality mandates a prohibition on identity-conscious policies, see Boettcher 2009.

[11] For a discussion of this point, see Laden 2009, 349-350.

[12] Carol Hay has an excellent discussion of this class of objections. See Hay 2013, 24.

[13] See also Schwartzman 2013, 46. Schwartzman concedes that liberalism can eventually take account of oppression by admitting that oppressed individuals have different opportunities,

not impact people as individuals; it only impacts people insofar as they are members of a specific social group (Cudd 2006). Critics charge that since "liberal individualism denies the reality of groups," it is conceptually incapable of detecting systematic oppression (Young 1997, 17).[14] This inability to detect oppression disproportionately impacts oppressed or marginalized individuals; thus political liberalism's epistemic blind spots systematically harm the oppressed (Pierik and Van der Burg 2014, 504).

Although objections about political liberalism's epistemic blind spots and social ontology can stand on their own, my concern here is with how they contribute to the charge of disingenuousness. This critique maintains that political liberalism's ontological problem is not just that the theory is individualistic and identity-insensitive; rather, it is individualistic and identity-insensitive *while claiming not to be*. And political liberalism's epistemic problem is not just that it has blind spots; rather, it has blind spots *where it claims not to have any*. So, for example, though Rawls maintains that he only utilizes a political conception of personhood (2005, 397, note 15), critics charge him with a voluntarist view according to which our ends are external and freely chosen; but because Rawls explicitly disavows a robust conception of personhood, this voluntarist view must be smuggled in to his theory. In turn, this view requires that there can be no commitment important or central enough to be constitutive of one's identity (Sandel 1998, 62), and rules out *ex ante* any conception of the good that relies on such a constitutive understanding of selfhood. In short, although political liberalism claims to require no particular comprehensive doctrine, it is in fact biased in favor of comprehensive worldviews that understand the self as a freely choosing, abstract individual. Moreover, political liberalism's truth-avoidance ostensibly requires us to tolerate our fellow reasonable citizens even when we strongly, perhaps vehemently, disagree with their views (Rawls 2005, 190); this requirement is meant to respect citizens with different identities. Yet critics maintain that political liberalism is *in actuality* identity-insensitive due to its abstraction away from, or bracketing of, personal traits. In short, although political liberalism's method of avoidance claims to respect different identities, it is in fact biased in favor of the majority. This bias is compounded by epistemic blind spots that preclude the detection of oppression.

At the heart of these objections is the belief that there is something dishonest about liberalism. Relying on a specific social ontology while claiming not to require any metaphysical foundation, and functioning with epistemic blind spots while claiming to respect as free and equal people with different identities, unite to allow the diagnosis that truth-avoiding political liberalism does not, in fact, avoid truth at all. Worse still, the *reasons* political liberalism

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for example, than non-oppressed individuals. But she argues that even though liberalism might ultimately acknowledge oppression, it is not a sufficient theory for discovering or detecting instances of oppression; on her view, radical critiques are necessary for this task.

[14] See also Pateman 1988; MacKinnon 1989.

touts truth-avoidance are to respect all citizens as free and equal and limit oppression; yet, the objection runs, its faux-truth-avoidance yields a theory that respects only the majority and contributes to the oppression of marginalized groups. In other words, according to critics, liberalism functions as yet another ideology.[15]

5. Normative Truths in Political Liberalism

The danger of a disingenuous political theory that functions as ideology is that it cannot be properly challenged. In the case of political liberalism, the charge of disingenuousness amounts to arguing that, while it pretends to be truth-avoiding or truth-neutral, the theory is in fact biased in particular ways – it is individualistic, identity-insensitive, and oblivious to oppression. All three biases favor the majority, as discussed in the previous section, yet members of marginalized groups are unable to object on these grounds since the theory claims to be bias-free. This result would render political liberalism inappropriate for liberatory political goals[16].

But in order for the charge of disingenuousness to stick, it must be the case that there is a conflict between what political liberalism *claims* and what it *does*. Since the objection centers around political liberalism's truth-avoidance, to be guilty of disingenuousness it must be the case that the theory actually claims to do "without the truth, any kind of truth, at all" (Landemore 2017, 278); in other words, it must be the case that political liberalism endorses political non-cognitivism. In this section, I take a closer look at Rawls's method of avoidance in order to demonstrate that he does not endorse political non-cognitivism. In short, I argue that while Rawls does advocate truth-avoidance at the level of public justification, he does not avoid moral truth in his discussions of the founding moral norms of liberalism. These two levels, or projects – the project of legitimizing state action and the project of defending political liberalism – are not identical, though the latter does set important limits on the former;[17] these limits are explicit and thus the charge of disingenuousness does not stick.

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[15] The two aspects of the disingenuousness critique that I consider, an illicit social ontology and epistemic blind sports, are two of the features that Mills attributes to ideal theory as ideology (2005, 168-169). The epistemic inability to detect oppression and the fact that this inability functions to reinforce oppression are also central features of ideology according to Tommie Shelby's account of ideology critique (2003, 183-4). What I am highlighting are therefore what James Boettcher terms the *epistemic* and *functional* connotations of ideology (2009, 242).

[16] That faux neutrality about truth prevents political activism is part of MacKinnon's critique of liberal objectivity. For discussion, see Zuckert 2018.

[17] The two levels or projects of political liberalism map on to what Jonathan Quong calls the external conception of political liberalism, where the task of liberal theory is to justify liberalism itself, and the internal conception, where the task of liberal theory is to determine how to justify state action within a pluralistic liberal society (Quong 2011). My view here commits me to interpreting Rawls as an internalist since he does not attempt to justify the

122

Above, I noted Rawls's argument that his political conception of justice "does not use (or deny) the concept of truth; nor does it question that concept, nor could it say that the concept of truth and its idea of the reasonable are the same. Rather, within itself, the political conception does without the concept of truth" (Rawls 2005, 94). The key part of this passage is Rawls's insistence that truth-avoidance applies only to the political conception of justice *within itself*. In other words, while political liberalism does avoid the truth, it does so only at the level of public justification for constitutional essentials and political conceptions of justice *within a liberal society*. At this level, when citizens are debating amongst themselves using public reasons, the liberal principle of legitimacy together with the fact of reasonable pluralism does demand that they avoid appeals to the truth of their comprehensive doctrines for the purposes of justifying state action. Insofar as Rawls is engaged in this conversation when he defends his preferred political conception of justice, justice as fairness, he too must avoid appeals to the truth of his view for the purposes of justifying state action.[18] Indeed, he is explicit that his truth-avoidance applies only to the task of "uncovering a public basis of justification on questions of political justice given the fact of reasonable pluralism" (Rawls 2005, 100). So it is only when citizens are proposing a specific conception of justice or debating constitutional essentials that political liberalism demands we avoid appeals to the truth of our personal comprehensive doctrines.

Some critics have objected that even this limited domain of truth-avoidance is enough to charge political liberalism with "a move away from moral objectivism and cognitivism, and at any rate moral or normative truth-claims" (Landemore 2017, 279).[19] But this objection misses Rawls's normative meta-

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normative limits I discuss below, but rather stipulates them as defining features of liberalism. Consider, for example: "Those who reject constitutional democracy with its criterion of reciprocity will of course reject the very idea of public reason. For them the political relation may be that of friend or foe, to those of a particular religious or secular community or those who are not; or it may be a relentless struggle to win the world for the whole truth. Political liberalism does not engage those who think this way. The zeal to embody the whole truth in politics is incompatible with an idea of public reason that belongs with democratic citizenship" (Rawls 1999b, 574). In other words, Rawls's project is not to convince illiberal citizens who reject the criterion of reciprocity to become liberals; if this were his project, he would embrace what Quong calls the externalist conception of political liberalism, and he would have to provide justification for the substantive moral concepts he currently stipulates.

[18] To be consistent with his own demand, Rawls notes that his view that justice as fairness is the most reasonable conception of justice is a "conjecture, since it may of course be incorrect" (Rawls 1995, 139).

[19] Though Landemore does argue that Rawls moves away from cognitivism, she does not object that his theory is fully non-cognitivist. Instead, she believes that Rawls substitutes his concept of reasonableness for the concept of truth (Landemore 2017, 280). She is here agreeing with Habermas, who notes that "we have reason to ask why Rawls does not think his theory admits of truth," since "he here uses the predicate 'reasonable' in place of the predicate

123

commitments. Briefly, Rawls's method in *Political Liberalism* is political constructivism, according to which the principles of justice are seen as the outcome of a deliberative procedure (Rawls 2005, 93). Rawls adds two additional features of political constructivism that are relevant here: first, that "it uses a rather complex conception of person and society to give form and structure to its construction," and second, that it "specifies an idea of the reasonable" (Rawls 2005, 93-94).[20] Both of these features involve explicitly moral criteria that establish *normative limits* on the type of society in which the construction of principles of justice can take place, the type of citizens who can engage in construction, and what count as politically acceptable reasons in the process of construction.

More specifically, Rawls argues that the construction of principles of justice can only take place within a society understood as a fair system of social cooperation (Rawls 2005, 93). Citizens within this society are free and equal, and possess the two moral powers – a capacity for a sense of justice and for a conception of the good (Rawls 2005, 18-19). Rawls is clear that, though this conception of persons is political, it is normative (Rawls 2005, 18, note 20). Also normative is the concept of reasonableness, according to which citizens must accept the fact of reasonable pluralism, including both the burdens of judgment and their consequences for public reason and legitimacy, as well as the criterion of reciprocity. The latter requires that citizens are willing to propose fair terms of cooperation that could be endorsed by their fellow free and equal citizens, who are not dominated, manipulated, or "under pressure of an inferior political or social position" (Rawls 2005, xlii).[21] These features of political constructivism are meant to establish *normative truths*, at the level of what I've called Rawls's meta-commitments, that set limits on what sorts of reasons can justify political action at the level of public justification within a politically liberal society. It is because political liberalism, itself, is grounded on the normative concepts of *fairness*, *equality*, *freedom*, and *respect for persons* that it cannot be construed as non-cognitivist.[22]

'true' (Habermas 1995, 122). Rawls explicitly rejects this proposition, as we've seen (see also Rawls 1995, 149-50).

[20] An additional feature is that the construction procedure is based on practical reason and not theoretical reason, which helps differentiate political constructivism from Kantian moral constructivism (Rawls 2005, 93).

[21] See also (Rawls 1999b, 578; 2005, 54). For the significance of the criterion of reciprocity for liberatory politics, see Hartley and Watson 2010.

[22] Importantly, Rawls does not provide a deeper moral justification for liberalism's valuation of fairness, equality, or freedom; he does not provide a justification for why equality, for example, is a proper norm for liberal political theory, or for why reasonable citizens should value it. Such a justification is not necessary since his project is already addressed to reasonable people who by definition accept these values. This does not mean that Rawls is committed to the view that these moral values do not *have* a deeper justification, as it seems some critics attribute to him (Raz 1990). Rather, engaging in justification for these values

6. Different Games, Different Rules

In the previous section I argued that political liberalism cannot be construed as non-cognitivist, since the foundations of the theory employ normative truths that are acknowledged to be simultaneously *normative*, *political*, and *true*, thus committing the political liberal to political cognitivism. Further, because these premises are explicitly built into the theory and not smuggled in as critics charge, political liberalism cannot be construed as disingenuous. Two related objections are likely to be raised at this point – one that I've missed the *site* of the disingenuousness critique, and the other that I've missed the *point*. In this section I consider the first objection and in the following section I consider the second.

My argumentative strategy thus far has been to defend political liberalism as cognitivist by illustrating the moral truths that Rawls builds in to the foundations of his theory. I did so by highlighting two ways that one could interpret the project of political liberalism: either it is addressed to non-liberals as a defense of liberalism, or it is addressed to those who are already (broadly) liberals as a theory of how properly to justify coercive state action (Quong 2011). Rawls's moral truths are built in at the first level, which serves to establish as his audience those who already accept key moral tenets of liberalism – that citizens are free and equal and accept the criterion of reciprocity, for example. Of those who do not accept that citizens are free and equal, Rawls simply states, "political liberalism does not engage with those who think this way" (Rawls 1999b, 574). It is only at the second level, or the level of justifying state action, that political liberalism eschews moral or political truth-claims.

A proponent of the disingenuousness critique, however, might object that highlighting two potential projects for political liberalism as I've done is already to demonstrate the disingenuousness of the theory. It appears political liberals can help themselves to normative truth-claims, one might argue, while at the same time preventing democratic citizens from having the same access when debating constitutional essentials and conceptions of justice. Liberalism would thus be disingenuous in the sense discussed by Jean Hampton: "On the one hand, liberalism is committed to tolerance and thus to the state's remaining impartial in its dealings with the clashing ideas of its citizens; yet on the other hand, it demands partiality with respect to itself, and thus insists on the use of coercion

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would place Rawls in conversation with other reasonable citizens who might disagree about the deeper grounding for fairness, equality, and freedom, and so he is constrained here by his truth-avoidance. Utilizing these moral values in the first place does not violate truth-avoidance because reasonable citizens will accept these values from within their own individual comprehensive doctrines; in other words, these three moral values are suitably public. For discussion, see Quong 2011 Chapter 8 where he explains what he calls Rawls's "buck passing approach to truth."

125

against anyone who would challenge the principle of tolerance" (Hampton 1989, 803).

But note that engaging in fundamentally different projects allows for the use of different tools. Defending liberalism and justifying the coercive actions of a liberal state are fundamentally different projects; they are addressed to different audiences, have different goals, and establish different success criteria. Most importantly, only one involves the coercive and potentially oppressive use of state power. Allowing appeals to normative truth in one project and not the other is no more disingenuous than allowing a wide-receiver to catch a football while penalizing a mid-fielder for catching a soccer ball; the wide-receiver and the mid-fielder are simply playing different games and must follow different rules.

This *different games, different rules* approach is available as a political liberal response to critics who rest their objections on a blurring of lines between the two different projects. I think we can see this tendency in the following remarks from Helene Landemore, in which she describes the role of reasonableness in Rawlsian political liberalism and its associated "agnosticism with respect to the truth-value of moral and political claims" (Landemore 2017, 277):

> Yet, Rawls insists that 'the reasonable' has nothing to do with truth… For Rawls, the function of 'reasonableness' does not require going beyond abstaining from criticizing comprehensive accounts of truth (including religious, philosophical and metaphysical). Asking himself: 'Should we think that any of the reasonable doctrines present in society are true, or approximately so, even in the long run?', his answer is an unambiguous, intentional, and fully assumed dodge. (Landemore 2017, 281)

But there is a difference between reasonableness having "nothing to do with truth," and Rawls's resistance to categorize certain reasonable comprehensive doctrines as true, namely, the first assessment is about reasonableness as a concept, while the second is about its employment by democratic citizens engaged in the process of justifying coercive state action. As a concept, reasonableness is explicitly normative, and so it is incorrect to say that it has nothing to do with truth. Eliding the distinction between political liberalism's two projects allows Landemore to move from claiming non-cognitivism at the level of political justification to claiming non-cognitivism for political liberalism as a whole. But this move is unwarranted once the two projects are disambiguated.

7. Missing the Point

It remains the case, however, that political liberalism is truth-avoiding at the level of public justification. Liberal citizens are still prevented, in some sense, from appealing to comprehensive truth when engaging in deliberation using

126

public reasons.[23] One might object, then, that the worry of non-cognitivism still lingers, and that this is the level at which we should be concerned with a lack of truth, in the first place. In this section, I address the lingering concern.

Recall the details of the disingenuousness objection: liberalism illicitly relies on an individualistic and identity-insensitive social ontology, which in turn yields ideological epistemic blind spots that disfavor marginalized groups. Members of marginalized groups are then prevented from making claims on their own behalf that might highlight these blind spots because political liberalism disingenuously claims to be bias-free. It was the clash between political liberalism's apparent non-cognitivism and its illicit cognitivism that yielded the charge of disingenuousness. By defending political liberalism as cognitivist, I have addressed this objection at one level. One might think that I have not yet addressed the objection at the level of public justification, however, and it is at this level that a non-cognitivist political liberalism would yield a battle of personal preferences rather than allowing debates about justice.

To employ an example used above, it is at the level of public justification that political liberalism would pit "Yay for affordable birth control!" against "Boo to affordable birth control!" as the most substantive sort of debate about reproductive justice permissible within the confines of its truth avoidance. From this point, critics could charge that liberalism's identity-insensitive ontology would prevent it from detecting the structural oppression of women that is at issue in the denial of affordable birth control. When women claim a right to affordable birth control, then, political liberalism would mark this as a special-interest claim based on the normative truth that affordable birth control is required by justice. As such, this claim would be disallowed from the realm of public reason and would not be heard as a potential justifying reason for state policy. The supposedly truth-neutral status quo would remain intact, and women would continue the struggle to control their reproductive lives. Again, the fulcrum of this argument is that political liberalism is formally non-cognitivist while illicitly cognitivist in a way that systematically favors the majority, and I have not yet addressed this worry. In short, one might object that I've thus far simply missed the point of the disingenuousness critique: certain claims about justice *are true*, and this in itself should be sufficient for public justification, *regardless* of what the unjust status quo presents as truth-neutral.

This objection would have bite if political liberals were engaged in the project of justifying liberalism, itself, to illiberal citizens who did not endorse from within their own comprehensive doctrines the moral values of fairness, equality, freedom, and respect. But as we've seen, this is not the project of political liberalism and these moral values set normative limits on what is appropriate at the level of public justification. Because Rawls constrains the set

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[23] Citizens are only 'prevented' from violating public reason in the sense that they ought not to do so. They are bound by the duty of civility, which is a moral duty, and not by legislation.

127

of citizens to reasonable ones, conversations about justice are not held hostage by the illiberal views of those who are unreasonable. This means that there is nothing preventing citizens from claiming women's right to affordable birth control.

As an example, Ruth Bader Ginsburg's dissenting opinion in *Burwell v. Hobby Lobby Stores, Inc. (2014)* perfectly illustrates a public reason argument for access to affordable birth control. She does so utilizing only the public moral values of freedom, equality, and fairness that Rawls builds into political liberalism, without appealing to any specific comprehensive doctrine to ground these values. She begins her dissent by citing *Planned Parenthood of Southeastern Pa. v. Casey (1992)*: "The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives" (Ginsburg 2014, 2). She notes the "disproportionate burden women carried for comprehensive health services and the adverse health consequences of excluding contraception from preventive care" (Ginsburg 2014, 5), and on these grounds argues that the supposedly neutral status quo in preventive health care in fact operated to disadvantage women. Therefore, she concludes, the Court's decision to exempt Hobby Lobby from the contraceptive mandate under the Affordable Care Act was incorrect. She comes to this conclusion without questioning the truth of the religious beliefs of Hobby Lobby's owners, and without grounding her own argument in a competing comprehensive view. Rather, she appeals to the public moral values of freedom, equality, and fairness that act as normative limits on public deliberation in political liberalism.

Note that Ginsburg is asserting as true substantive claims about justice, and that this is not disallowed by political liberalism. This is because the same moral values that keep political liberalism from non-cognitivism at the level of Rawls's meta-commitments allow certain truth claims at the level of public justification. As long as our justificatory reasons utilize public values like freedom, equality, and fairness and as long as they do not appeal to the truth of the comprehensive doctrine that we believe grounds these values, then liberal citizens can make truth-apt claims about justice. This in turn means that marginalized citizens can speak on their own behalf about their marginalization; they may make truth claims which hold that their equality is systematically undermined, or that they do not have the effective freedom to pursue their idea of the good, *and that both of these things are unjust*. Moreover, they may believe the claims they are making to be true; so at the level of public justification political liberalism does not commit itself to non-cognitivism.[24]

The force of this objection, though, is that I've failed to acknowledge that insofar as political liberalism is truth avoiding, it does not allow the truth of a

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[24] Indeed, it would be inconsistent for political liberalism to endorse non-cognitivism, since there are comprehensive doctrines that endorse the contrary view. See Cohen 2009, 17-18.

conception of justice to serve as sufficient justification for its implementation by the state. Indeed, Rawls does argue as I noted above that "holding a political conception as true, and for that reason alone the one suitable basis of public reason, is exclusive, even sectarian, and so likely to foster political division" (Rawls 2005, 129). There are two things to note in response. First, Rawls is not arguing that holding a political conception as true is forbidden by political liberalism; this would commit liberalism to requiring skepticism about citizens' beliefs and values. Rather, it is the conjunction of holding a political conception as true *and thinking that its truth renders it sufficient for justificatory purposes* that is disallowed. This is reflective of the fact that political liberals are principally concerned with what sorts of reasons could legitimate coercive state action in a society of free and equal citizens. Citizens are allowed to believe that their chosen comprehensive doctrine or conception of justice is true, and they are allowed to make truth-apt claims that derive from these comprehensive doctrines in public reason; what political liberalism disallows is the assertion of controversial, non-public moral truths with the expectation that these truths are sufficient to justify coercive state action.

Second, this is the way things should be in a society marked by reasonable pluralism; truth should not be sufficient to justify coercive state action. With this I expect many critics to disagree; critics might insist again that certain claims about justice are true, and moreover that preventing appeals to their truth has the unwelcome expressive result of insinuating that they are up for debate. Rawls considers this objection, but in my opinion his response unhelpfully refers to two different kinds of facts in a way that lends itself to criticism; because his response is so critical to the defense of political liberalism and truth, however, it deserves extended discussion and clarification. To respond to critics on this point, Rawls notes: "Some may ask, why look for something to ground the fact that slavery is unjust? What is wrong with the trivial answer: slavery is unjust because slavery is unjust? Can't we stop with that?" (Rawls 2005, 123-124). Rawls agrees that there are features of slavery, such as that it involves the ownership of one person by another person, that allow us to "appeal straightaway" to *the fact* that slavery is morally wrong (Rawls 2005, 122); this is a *basic fact* that is contained within the features of slavery, itself. This is the first kind of fact to which Rawls refers – moral facts that are rendered true or false by certain rightness or wrongness-making features in the world. Political liberalism does not deny these moral facts. But within political liberalism, our role as citizens requires the offering of justificatory reasons. We must offer reasons based on the moral commitments of liberalism to justify that slavery is unjust, for example, that it violates the moral commitment that citizens are free and equal. This is the second kind of fact to which Rawls refers – political facts that are rendered true or false by the process of political constructivism.

Separating moral and political facts in this way may make it seem as though moral and political facts are two distinct types in a way that fuels the

criticisms I've considered. However, Rawls's own response on behalf of political liberalism relies on blurring this distinction. It is accurate that political liberalism requires justificatory reasons for claims that are *unobjectionably morally true*, and it is accurate that the objective standard by which to judge these claims differs in both cases. Moral facts, like the fact that slavery is *wrong*, are rendered true by certain wrongness-making features, while political facts, like the fact that slavery is *unjust*, are rendered true by a process of construction. But Rawls also notes that "there is no possibility that a principle allowing slavery would be agreed to. That is just a fact related to the injustice of slavery" (Rawls 2005, 125). In other words, the moral boundaries of liberalism, itself, set normative limits on the process of construction. While liberal citizens, at the level of justifying coercive state action, must offer justificatory reasons for a claim that they find unobjectionably true, the truth of the claim itself is not up for debate. To deny that slavery is wrong would violate the moral commitments to freedom, equality, fairness, and respect that ground political liberalism. To refer to a point made earlier, asserting that something is morally wrong and asserting that it is politically unjust require engaging in two different games for which there are separate rules; in only one of these cases are we required to provide justificatory reasons. But this does not mean that these reasons are any less truth-apt than the claim that slavery is morally wrong, since the reasons we offer will appeal to the moral foundations of liberalism, itself. One of these foundations is respect for fellow citizens. It is this moral commitment that we uphold when we offer justificatory reasons for claims that we may believe require no explanation. Political liberalism's truth avoidance is thus best understood as a moral restriction on what sorts of claims can justify state action. Truth is not enough, nor should it be.

8. Conclusion

In this paper I have argued that political liberalism is not committed to formal non-cognitivism in the way that some critics have charged. Because political liberalism never disavows the truth apt-ness of moral or political claims, the appearance of moral values like freedom, equality, and fairness within the theory itself should come as no surprise. These values make up Rawls's meta-commitments and are taken as the moral starting point for the political liberal project of justifying coercive state action in a society of free and equal citizens.

Moreover, these normative concepts help provide answers to the complex charge of disingenuousness leveled by some critics of liberalism. Recall the three elements of this objection: first, that political liberalism assumes a robust ontological conception of persons while claiming not to utilize any conception of persons whatsoever; second, that the particularities of this assumed ontological conception yield epistemic blind spots that prevent liberalism from conceptualizing oppression, even though the theory claims to be able to do so; and finally, that this conflict between liberalism's claim to non-cognitivism and

its illicit cognitivism make it appropriate to charge the theory with disingenuousness. This, in turn, makes it so that the theory cannot be properly challenged, since at each turn political liberals will claim to be bias-free; thus, critics conclude that political liberalism is simply another political ideology.

But as my discussion of Rawls's meta-commitments shows, it is not the case that political liberals claim not to utilize any conception of persons whatsoever. Rather, Rawls builds substantive normative values into his conception of persons as citizens. While this conception is political and not metaphysical, it is still normative and still taken to be true. And although I have not argued for this claim here, since citizens are taken to be free and equal possessors of a capacity for a sense of justice – where both equality and a sense of justice are partially relational concepts – Rawls's political conception of personhood is arguably more relational than is often acknowledged. The important point for our purposes here is that there is no conflict between a non-cognitivist front and a cognitivist reality; political liberalism is cognitivist from its very foundation, and thus the charge of disingenuousness does not stick. Similarly, reasonableness is a moral notion that includes the criterion of reciprocity, which mandates that free and equal citizens must be able to participate in public deliberation not as dominated, manipulated, or "under pressure of an inferior political or social position" (Rawls 2005, xlii). These normative limits help answer the charge of epistemic blind spots surrounding marginalization and oppression in addition to marking political liberalism as a cognitivist theory. Again, the charge of disingenuousness does not stick.

I suspect, however, that some critics may be left unsatisfied by my defense of political liberalism. The charge of dishonesty is extremely difficult to rebut, since any response could potentially be seen as an effort to obscure the ways in which political liberalism functions to preserve the status quo. But if this is the case, I wonder what political liberals could say that would nullify the charge of disingenuousness without being seen as merely furthering liberal ideology. If it is really the case that there exists no successful response on behalf of political liberalism, one might worry that the critical view is not open to counter-evidence, or indeed, that the critique is itself not truth-apt. A basic epistemic norm for engaging in political deliberation is that one's beliefs must be susceptible to contrary evidence; if it is the case that no amount of evidence that political liberalism is not disingenuous would suffice to dispel the critique, then this is a shortcoming of the critique, not of political liberalism. Further, if it is the case that the critique fails to be truth-apt, then political liberals themselves can level the charge of non-cognitivism anew.

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Pragmatism, Pluralism, and the Burdens of Judgment

Eric T. Morton

Abstract: Robert Talisse and Scott Aikin have argued that substantive versions of value pluralism are incompatible with pragmatism, and that all such versions of pluralism must necessarily collapse into versions of strong metaphysical pluralism. They also argue that any strong version of value pluralism is incompatible with pragmatism's meliorist commitment and will block the road of inquiry. I defend the compatibility of a version of value pluralism (the strong epistemic pluralism of John Rawls) with pragmatism, and offer counter-arguments to all of these claims.

Keywords: pragmatism, pluralism, burdens of judgment, epistemic pluralism, reasonable pluralism, fact of oppression.

Introduction

Can pragmatists be pluralists? Those familiar with the papers by Robert Talisse and Scott Aikin on pragmatism and pluralism won't find this question strange. But most others will. To these others the question will feel akin to asking whether pragmatists can be holists, or naturalists, or fallibilists. Pragmatism is something like a family resemblance term, having a handful of elements most commonly used to characterize it. And naturalism, holism, fallibilism, and pluralism are some of the more common theoretical stances associated with pragmatism.[1] That is, when asked whether pragmatists can be pluralists, we are likely to take it to be self-evident that they can be. According to Talisse and Aikin, however, this view is mistaken. They have argued that pragmatists *cannot* consistently be pluralists (Talisse and Aikin 2005a, 2005b, 2015, 2016). At least not of any substantive kind. In this paper I'll be arguing that their view is mistaken, and that their arguments on this matter fail. I'll be advocating an important type of value pluralism we can call "strong epistemic pluralism," and I'll be arguing that it is clearly compatible with pragmatism. The problem, as I see it, is not with Talisse and Aikin's characterization of pragmatism. It is rather with their characterization of strong epistemic pluralism. For that reason, I'll be spending considerably more time explaining and motivating strong epistemic pluralism, and considerably less time on pragmatism. I'll start off by explaining and motivating this sort of pluralism. Then I'll be in a position to explain Talisse

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[1] For special emphasis on the centrality of pluralism to pragmatism see, for example, Bernstein (1989).

and Aikin's various arguments that pragmatism is not compatible with such a pluralism. This will put me in a position to respond to their arguments.

Epistemic Value Pluralism

The sort of pluralism Talisse and Aikin are concerned with, and the sort of pluralism I'll be focused on here and endorsing is *value pluralism*. Value pluralists take it that deep disagreement about morally important matters are not simply pervasive. Rather, they are inescapable and in some sense a part of the permanent condition of human life.[2] And crucially,

> the persistence of deep moral disagreement is not due entirely to human frailty, ignorance, stupidity, or wickedness. Stated positively, all pluralisms agree that there are some value conflicts in which every party to the dispute holds a position that fully accords with the best possible reasons and evidence. (Talisse and Aikin 2005a, 102)

Talisse and Aikin identify two distinct approaches to value pluralism: metaphysical pluralism and epistemic pluralism.[3] These approaches differ in their explanations of why value pluralism is such a pervasive and ineliminable feature of our situation. Metaphysical pluralists take it that value disagreements occur because of the existence of conflicting moral facts. Epistemic pluralists, by contrast, explain value disagreement by reference to epistemic features of our situation.

Reasonable Pluralism, the Burdens of Judgment and the Fact of Oppression

When it comes to epistemic pluralism, Talisse and Aikin hold up John Rawls as the "exemplar of this approach." (Talisse and Aikin 2005a, 102). This is fortuitous, for my purposes, since the strong epistemic pluralism I wish to endorse and to claim is compatible with pragmatism is that of Rawls. Rawls is justly famous for the important work done in his monumental *A Theory of Justice*. There he elaborated and defended a conception of justice he called "Justice as Fairness." (Rawls 1999, xi, *passim*). He also introduced an ideal choice situation: the original position. Agents behind a veil of ignorance select the principles of justice that they would want themselves and their descendants to live under. (Rawls 1999, 10-15). Much of the book is devoted to articulating the principles of justice constituting Justice as Fairness, to explaining the conditions of (and rationale for) the original position, and to arguing that the free and equal people hypothetically situated in the original position would choose these two principles of justice, rather than other principles.

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[2] See Talisse and Aikin (2005a, 102). There Talisse and Aikin describe pluralism, offering relevant quotes from Berlin and Rawls.

[3] Talisse and Aikin shift their terminology somewhat over the span of their papers. In their 2005 papers they use 'ontological pluralism' instead of 'metaphysical pluralism.'

136

But Rawls also spent a good deal of time (the final third of the book) arguing that the conception of justice he had articulated would be "stable for the right reasons." (Rawls 1996, xlii). A conception of justice can be said to be stable if it could endure over time in a well ordered society. More specifically, stability can be characterized as that pragmatic virtue of a moral conception such that a well-ordered society tends to be able to foster the sense of justice in its citizens needed for the societal ordering to endure over time and to override inclinations within society which would otherwise prove disruptive to its endurance. (Rawls 1999, 398). A "well-ordered society" is a society in which the principles of justice are enacted in the laws and constitution, and in which all citizens in the society agree on this conception of justice. (Freeman 2007, 484). Rawls argued that Justice as Fairness would have a greater tendency toward stability than other conceptions of justice. And he claimed that this added to the balance of reasons in favor of his conception of justice, making it more reasonable than its competitors.

Much of Rawls' later work – culminating in his book *Political Liberalism* – can be thought of as centered around the task of redressing what he, in hindsight, saw as the weakness of the showing made in Part III of *A Theory of Justice*. As he came to see it, what he had managed to show in Part III turned out to be of little value, and really failed to contribute to the balance of reasons in favor of Justice as Fairness, because of the unrealistic nature of the idea of "well-orderedness" (Rawls 1996, xix). The idea of the well-ordered society regulated by Justice as Fairness can be seen to be problematic on the later Rawls' view because he came to recognize and to give a central place in his thinking to what he called "the fact of reasonable pluralism." It is, claimed Rawls, simply a fact that:

> A modern democratic society is characterized not simply by a pluralism of comprehensive religious, philosophical, and moral doctrines but by a pluralism of incompatible yet reasonable comprehensive doctrines ... a plurality of reasonable yet incompatible comprehensive doctrines is the normal result of the exercise of human reason within the framework of the free institutions of a constitutional democratic regime. (Rawls 1996, xviii)

And if that is right, then the idea of a democratic society regulated by Justice as Fairness wherein *everyone* accepts this one doctrine is itself an incoherent idea since it is "inconsistent with realizing its own principles under the best of foreseeable conditions." (Rawls 1996, xix).

The fact of reasonable pluralism reflects the idea that well-meaning and conscientious individuals, when relying upon reason (and not merely upon prejudice, or tradition, or their own selfish interests, for example), will not, inevitably, arrive at the same conclusions when it comes to philosophical, moral, and/or religious issues. Rather, they will inevitably arrive at different conclusions. And so, within a free social structure allowing for the free exercise of human reason, citizens in general will not hold the same comprehensive view of things.

137

The main cause of the fact of reasonable pluralism is what Rawls refers to as "the burdens of judgment" (Rawls 1996, 54-55). The fact is, reasoning, when it comes to certain areas – areas which affect our comprehensive views on matters – is a messy business. That's not to say that we should just give up. It's just to admit that reasonable people will not always reason in the same way about complex matters. Reasonable people may disagree about which considerations are relevant to a situation, or they may assign different weights to the importance of various relevant considerations. They may disagree because of their differing interpretations of certain concepts, or because of their differing understanding of vague concepts. They may disagree because of competing beliefs or values, or because of the different ways in which they describe or assess complex situations. (Freeman 2007, 465, and Rawls 1996, II, sec. 2).

We can put Rawls's point by saying that attempts to reach agreement are sometimes burdened by issues ('Burdening Issues') on which competing and incompatible 'Basic Stances' may be reasonably adopted. Agents adopting differing Basic Stances on Burdening Issues may be led to differing conclusions, without anyone having failed to conduct themselves in accordance with the dictates of reason.[4]

A corollary of the burdens of judgment and the fact of reasonable pluralism is what Rawls refers to as "the fact of oppression." That is, given these prior facts, the only way it would come about that a shared acceptance of one comprehensive (philosophical, moral, or religious) view could endure over time within a society would be through the oppressive use of state power. Rawls writes:

> ... a continuing and shared understanding of one comprehensive religious, philosophical, or moral doctrine can be maintained only by the oppressive use of state power. If we think of political society as a community united in affirming one and the same comprehensive doctrine, then the oppressive use of state power is necessary for political community. In the society of the Middle Ages, more or less united in affirming the Catholic faith, the Inquisition was not an accident; its suppression of heresy was needed to preserve that shared religious belief. The same holds, I believe, for any reasonable comprehensive philosophical or moral doctrine, whether religious or nonreligious. A society united on a reasonable form of utilitarianism, or on the reasonable liberalisms of Kant or Mill, would likewise require sanctions of state power to remain so. Call this 'the fact of oppression.' (Rawls 1996, 37)

So, according to Rawls, human reason is not the sort of faculty that could possibly guarantee – even when used properly – that reasonable people will always converge in the conclusions they come to. And this results in the fact of reasonable pluralism, and in the fact of oppression.

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[4] In this paragraph I'm introducing my own terminology ('Basic Stances' and 'Burdening Issues') that is not found in Rawls's own explanations of the Fact of Reasonable Pluralism. While this terminology is new, it is in keeping with Rawls's own pronouncements on the issue.

138

A short time after Rawls's *Political Liberalism* was published, Burton Dreben offered an analysis of these issues in Rawls's book. He warned his audience that these views

> ... will shock you, and should shock anyone who is a well brought up philosopher ... You see, it is really an attack on the traditional view of reason: an attack on the idea that reasonable people can all (or at least sufficient numbers of them) be brought to agree solely through the use of reason on the same philosophical doctrine ...This is something Kant would never have dreamt of saying, nor Mill ... This, I claim, has never been said before in the history of philosophy. It is a totally radical view. (Dreben 2005, 317-319)

Dreben's analysis is important and on-target. However, I'm not entirely onboard with his assessment of the originality of Rawls's views on the matter. Many philosophers have attacked the "traditional view of reason," both before and after Rawls. The most famous and controversial of these assailants is probably Friedrich Nietzsche. Nietzsche's attacks on traditional foundationalist views are perhaps best remembered by the famous line "God is dead." But one must keep in mind that the traditional view of reason falls squarely into Nietzsche's meaning, and is in his line of attack, when he uses that phrase. In any event, Nietzsche may be the most radical of the assailants attacking the idea of a faculty of reason with sufficient power to guarantee convergence, but he is by no means alone. Consider the case of Richard Rorty, who presents the American pragmatist tradition as also attacking the traditional view of reason:

> The suggestion that everything we say and do and believe is a matter of fulfilling human needs and interests might seem simply a way of formulating the secularism of the Enlightenment – a way of saying that human beings are on their own, and have no supernatural light to guide them to the Truth. But of course the enlightenment replaced the idea of such supernatural guidance with the idea of a quasi-divine faculty called 'reason.' It is this idea which American pragmatists and post-Nietzschean European philosophers are attacking. (Rorty 1999, xxvii)

Rorty's characterization of the matter helps us see why the sort of epistemic pluralism discussed in this section might appeal to a pragmatist. It is plausible because it strikes one as simply a consequence of giving up on a divinized conception of reason that has become simply unbelievable. That is to say, the strong epistemic pluralism discussed here may appeal to a pragmatist because it strikes us as simply a consequence of naturalism.

Epistemic Pluralism and Metaphysical Pluralism

Talisse and Aikin argue that strong epistemic pluralism – the sort of pluralism I just laid out and endorsed in section 3 – is incompatible with pragmatism.[5]

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[5] I take it that because the Rawlsian pluralism I just described includes the claim that reasonable pluralism is a permanent feature of our situation (i.e., it makes a modal claim: "it is

They offer two main arguments. First, they claim that the strong epistemic pluralist must embrace metaphysical pluralism, and that metaphysical pluralism is incompatible with pragmatism. (Talisse and Aikin, 2016, 21-22). And second, they argue that strong epistemic pluralism conflicts with pragmatism's "meliorist commitment" and blocks the road of inquiry, and is thus incompatible with what they label 'inquiry pragmatism.' (Talisse and Aikin, 2005a, 106).

Let's consider the first of these arguments. Talisse and Aikin claim that the strong epistemic pluralist must embrace metaphysical pluralism. This is likely to strike the reader as a *prima facie* strange claim. After all, one might expect that a strong epistemic pluralist, believing as he does that our epistemic powers have their limits, might adopt a modesty about metaphysics. This is precisely what Talisse and Aikin assert with regard to their favored variety of pluralism, modest epistemic pluralism.[6] They write:

> … modest epistemological pluralists must be quietists about the metaphysics of value. They must not reject the claims of the metaphysical pluralist, but rather merely decline to accept them. (Talisse and Aikin, 2016, 21)

What Talisse and Aikin say here is fairly uncontroversial. However, one would think that if the modest epistemic pluralist, being cognizant of our cognitive limitations, would need to adopt a modest quietistic stance regarding metaphysics, then a strong epistemic pluralist, whose reservations about our cognitive limitations are even more pronounced, would have an even greater incentive to remain silent about metaphysics. But Talisse and Aiken, rather uncharitably, do not present the strong epistemic pluralist that way. Rather, they claim that strong epistemic pluralism and metaphysical pluralism are likely to go hand in hand, because metaphysical pluralists are likely to want to adopt strong epistemic pluralism.

> … a value pluralist is likely to embrace the strong epistemological view, holding that value ontology explains the intrinsic indeterminacy of certain conflicts. Indeed, the two may support each other: Metaphysical pluralism explains the epistemic indeterminacy, and the epistemic indeterminacy serves as evidence for the heterogeneous value ontology. (Talisse and Aikin, 2016, 20)

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impossible without the use of oppressive state power…") and because it is epistemically motivated, it clearly qualifies as a version of strong epistemic pluralism. It would not do to say that strong epistemic pluralism is defined narrowly so as to exclude Rawlsian pluralism. And it would greatly undermine the strength of what they purport to show if the pluralism of John Rawls – the examplar of epistemic pluralism – were excluded by stipulation from consideration when Talisse and Aikin attempt to show that pragmatism and strong epistemic pluralism are incompatible. Because of the modal ideas packed into "the fact of oppression" Rawlsian epistemic pluralism is too strong to count as a version of modest epistemic pluralism.

[6] While Talisse and Aikin take modest epistemic pluralism to be compatible with pragmatism, they don't really take it to be a substantive enough version of pluralism to be counted as a true sort of value pluralism.

140

Whether or not someone antecedently committed to metaphysical pluralism might think that embracing strong epistemic pluralism was a good idea, the fact remains that someone who was antecedently attracted to strong epistemic pluralists would have all the incentive they need to disavow metaphysics (their reasons amount to all the same reasons the modest epistemic pluralist had).

However, going even further than their claim that strong epistemic pluralism and metaphysical pluralism are likely to go hand-in-hand, Talisse and Aikin argue that the strong epistemic pluralist *must* adopt metaphysical pluralism. They must engage with metaphysics and must embrace metaphysical dualism, say Talisse and Aikin, because they must explain why some disputes are only unresolvable given our current resources, while other disputes are unresolvable in principle. Giving such an explanation, they insist, requires talking about the metaphysics of value. Thus, they claim, strong epistemic pluralism depends upon metaphysical pluralism, and hence is incompatible with pragmatism.

> … the strong epistemological pluralist must distinguish between value conflicts that cannot be resolved given our current resources, and those that are intrinsically irresolvable. And that distinction requires the strong epistemological pluralist to go beyond talking about moral epistemology and say something about the values themselves. Consequently, strong epistemological pluralism depends on metaphysical pluralism. To draw the knot: Pragmatists can't be metaphysical pluralists, and one can be a strong epistemic pluralist only if one is also a metaphysical pluralist; therefore, pragmatists can't be strong epistemological pluralists. (Talisse and Aikin, 2016, 21)

In the next section I'll offer four responses to this argument. Each of these, I claim, is a cogent response, and the cogency of any one of these responses would be sufficient to defeat Talisse and Aikin's first argument.

Epistemic Pluralism and Metaphysical Pluralism: Four Responses

To begin, we can note that, with all due respect to Talisse and Aikin, the claim that the strong epistemic pluralist must affirm this distinction, and must engage in a metaphysically robust explanation of it, is simply mistaken.

Response 1: Active Rejection. A strong epistemic pluralist could actively reject the distinction Talisse and Aikin claim that they must accept and explain. A response along this line would claim that there is no principled distinction between cases where we cannot reach agreement because our current resources are inadequate and those that are intrinsically irresolvable. To resolve a dispute is simply to reach agreement. To reach a state such that all individuals considering the question agree on an answer. Given that, the strong epistemic pluralist (again, of the sort I portrayed in section 3) is *not* committed to the idea (and ought to deny, I claim) that there are any disputes that are intrinsically

141

irresolvable. Accepting the Burdens of Judgment does not entail that there are any issues such that it could not be the case that the individuals considering it come to an agreement. If agreement is reached, that indicates that those considering the issue agreed in the Basic Stances they adopted on the Burdening Issues. The *possibility of agreement* in Basic Stances on the Burdening Issues is *not* something that the proponent of the Burdens of Judgment denies. What he insists on, however, is the *possibility of non-agreement* on the Basic Stances. And, he claims, this possibility is enough to undermine any hope that we might come to widespread agreement when it comes to comprehensive conceptions.

For any of the complex cases where the Burdens of Judgment apply, strong epistemic pluralists can affirm that resolution is possible, if the discussants happen to agree on the Basic Stances. But it is also possible, for any such issue, that the issue will remain unresolved – that agreement will not be reached – because the disputants take up differing Basic Stances. So there is no special class of issues that are irresolvable in principle, and hence no need to distinguish this class of issues from some other class of issues.[7]

In the face of this re-description of the matter, Talisse and Aikin could go on to press their objection by claiming that the strong epistemic pluralist needs to distinguish between those cases where the Burdens of Judgment apply (those cases where we'll be fortunate if we can get participants to come to an agreement, and where, if no such widespread agreement is possible, those who disagree will not necessarily be countable as irrational), and other 'standard' cases where the Burdens of Judgment don't apply (cases where there is good reason to hope that we'll be able to secure lasting and widespread agreement, and where if we cannot we'll know it is attributable to someone being unreasonable).

But the strong epistemic pluralist could respond to this reformulated challenge in the same way: active rejection. That is, the strong epistemic pluralist might deny that there is a difference in kind between such cases. Any topic might be affected by the Burdens of Judgment. Any issue might have Burdening Issues that make differing Basic Stances possible. Or, to phrase the response in another way, the Strong Epistemic Pluralist might assert that there is no particular kind of issue that is in-principle immune to the agreement-eroding effects of the Burdens of Judgment, and so might actively reject the claim that an explanation of the distinction is required.

This line of response may seem radical on first considering it. But I believe that it's the considered position any pragmatist should adopt. We can make this

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[7] It would be a mistake to read Rawls's views on the fact of reasonable pluralism, the burdens of judgment, and the fact of oppression as claiming that there is some special class of disputes that is irresolvable in principle. Rawls makes no such claim, and there is no reason one should saddle him with such a view. Indeed, see Rawls (2001, 36), where he denies that he is making a claim about the special status of values, and instead emphasizes that the burdens of judgment are difficulties arising "with all kinds of judgment."

142

line of response more palatable by a simple reminder that as good pragmatists we ought to be holists. Let's remind ourselves briefly of Quine's holism, and the rejection of the analytic-synthetic distinction. Quine's holism entails that any belief may be held true in the face of recalcitrant experience, and conversely that any belief may be revised or rejected – even simple mathematical truths or basic laws of logic (Quine 1951, 39-40). Of course, when we first consider Quine's holism these conclusions seem pretty radical. And we don't see people engaging in this sort of radical revision all that much in practice. But for holists there is no class of propositions that are in-principle immune to the sorts of adjustments Quine has in mind. There may be propositions, like '2+3=5' for example, that we don't see people revising all that much. For a Quinean holist this isn't because those are in some separate class of propositions partitioned off from the rest – ones that are immune to revision in-principle. And if we were to try to say more about why it is that these don't get revised all that much, we surely wouldn't begin (at least not if we are holists and pragmatists) with the assertion that there is some special kind that is in-principle immune to the adjustments Quine focused on.

Now what I'm hoping my reader will see, of course, is that these basic holistic lessons apply straightforwardly to the strong epistemic pluralist picture I'm endorsing. If we're holists, once we accept Rawls's idea of the Burdens of Judgment, we'll realize that any judgment is potentially subject to them. And if we find that in certain domains (say, mathematics or engineering) we don't find the sort of trenchant disagreement one might have expected given the applicability of the Burdens of Judgment to those domains, we'll realize that this really isn't very significant. It doesn't mean we shouldn't understand this matter holistically. We don't need to admit that there is any class of subjects that is immune in-principle to the effects of the Burdens of Judgment, and so we don't need to explain the distinction between two classes of topics by reference to metaphysics.

If the argument I've just given is right, Talisse and Aikin are mistaken in thinking that strong epistemic pluralists must embrace metaphysical pluralism. And so they are wrong in claiming that pragmatists cannot be strong epistemic pluralists.

Response 2: Passive Rejection. The response we just reviewed involved the strong epistemic pluralist actively rejecting the question pressed upon them by Talisse and Aikin. A more subtle response would avoid actively rejecting the question, and instead would merely decline to accept the question. That is, the pragmatist who wished to embrace strong epistemic pluralism might passively reject the demand for an explanation of the distinction Talisse and Aikin have in mind. A model for this sort of response is found in the work of Huw Price, from whom the term 'passive rejection' is drawn.

Price deploys this maneuver as a part of an attempt to explain semantic properties by reference to the attributions of semantic properties. This sort of

project faces a challenge in the form of the following pesky question: do attributions of semantic properties themselves have semantic properties? Any answer the theorist should give to this question threatens to saddle him with baggage he would rather not take on.

> But the objection is easily side-stepped. We simply need to distinguish between (i) denying (in one's theoretical voice) that ascriptions of semantic properties have semantic properties; and (ii) saying nothing (in one's theoretical voice) about whether ascriptions of semantic properties have semantic properties – I.e., simply employing different theoretical vocabulary, in saying what one wants to say about such ascriptions. A deflationist cannot consistently do (i), but can consistently do (ii). Let's call (i) active rejection and (ii) passive rejection of the theoretical claim that ascriptions of semantic properties have semantic properties. (Like passive aggression, then, passive rejection involves strategic silence.) (Price 2009, 116)

A pragmatist who was inclined to accept strong epistemic pluralism could opt for passive rejection of the demand to explain the distinction Talisse and Aikin are focused upon. Instead of active denial, they could opt for strategic silence. As we've already noted, strong epistemic pluralists have all the reason they need to want to avoid metaphysics, and instead to adopt a modest and quietistic stance toward it. A pragmatist committed to avoiding metaphysics, but also embracing strong epistemic pluralism might worry that if they were to answer the question posed by Talisse and Aikin (how do you account for this distinction?) they might have to lapse into metaphysics.[8] And worrying about this matter, they might opt for passive rejection instead. Instead of answering the question, they remain strategically silent, and get on to more important business (that is, they get on to talking, in their theoretical voice, about whatever it is they do think they can explain given their commitments).

It's hard to anticipate what Talisse and Aikin might say in response to this. However, I find it hard to see how they could reject my claim that it is an open possibility for a pragmatist to respond to their question with passive rejection. Huw Price himself is widely (and rightly) regarded to be a prominent contemporary pragmatist (see, for example, Misak 2013, 248). And the passive rejection strategy for avoiding pesky questions that risk pulling us into metaphysics is endorsed by a number of pragmatist philosophers. Notably, passive rejection (or something that "bears a close resemblance" to it) is endorsed by Talisse and Aikin, who think it a fine strategy to employ when it is being used in defense of modest epistemic pluralism, the variety of pluralism that they favor (see Talisse and Aikin 2016, 25, note 5).

Response 3: Active Acceptance. Our discussion of passive rejection points the way for further responses. The first two responses we've looked at reject (either

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[8] Of course, I think they would be wrong to worry so much about this, as the previous subsection should make clear.

144

actively or passively) the need to give an account of the distinction Talisse and Aikin emphasize. The next two will be responses that take their challenge to be one deserving of an answer.

All pragmatists think it important to emphasize human practices if we are to adequately explain and understand some of the sorts of things that others in the philosophical tradition have thought we could describe and understand on their own, without reference to human practices. Huw Price's deflationism (touched on earlier) is an excellent example of such an attempt: the attempt to explain semantic properties (truth, meaning, reference, etc.) by reference to our practices of attributing such semantic properties (Price 2009). Robert Brandom is another example of a pragmatist who embraces what he calls a "social pragmatist strategic commitment." Brandom adopts an explanatory strategy of explaining what he wants to explain (for example, "conceptual content") by reference to our practices (Brandom 2000, 1-4). The thing that bears emphasis is that one with a social pragmatist strategic commitment to explanation does not explain whatever it is that he or she is attempting to explain by reference to ontology or metaphysics.

So let us now imagine a pragmatist with this sort of social pragmatist explanatory strategic commitment. And imagine that she also embraces strong epistemic pluralism. Whatever she has to explain, her strategy is to attempt to explain it by reference to our social practices (and never by positing that it is some metaphysical difference that explains things). She reasons like this: whenever there is a distinction between important things or kinds, this will always show up as a difference in social practice. If one wants to understand or explain such a distinction, the way to proceed is to focus on our social practices. Now along come Talisse and Aikin. They press on her the following request for an explanation: what explains the difference between those issues or cases where the Burdens of Judgment prevent us from resolving matters and those issues or cases where this doesn't happen.

It is perfectly possible that our pragmatist might accept this challenge. She might think that the question Talisse and Aikin pose is a great question: One crying out for an explanation – an explanation that she is prepared to give. And that she is prepared to give in the same ontologically modest, metaphysically stripped-down manner that she answers every other request for explanation.[9]

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[9] As my comments in the previous subsection should make clear, I think that if she is prepared to answer Talisse and Aikin's question, she should do so accompanied by an insistence that she's not attempting to explain the nature of some supposed special class of cases which are immune or susceptible to the effects of the Burdens of Judgment. If she were to claim that then she wouldn't count as a very good holist, and so not a very good pragmatist either, by my lights. I think that it is perfectly fair to admit that she might wish to offer a social/linguistic explanation for why we see agreement in some cases, and don't in others. But such an explanation does not force one to renounce holism any more than offering an explanation of why someone trenchantly hangs onto 2+3=5 forces would force Quine to renounce his holism.

145

Talisse and Aikin insist at this point that answering this question requires that one lapse into doing metaphysics, and that one embrace metaphysical pluralism. But couldn't our pragmatist at this point respond that it is the differences in social practices surrounding the different issues that accounts for the difference? Wouldn't it be possible for our pragmatist to begin taking up examples of such cases, and launching into detailed explanations of the social practices surrounding them? Talisse and Aikin's suggestion that the pragmatist who attempts to answer must embrace metaphysical pluralism seems like bare insistence that a social pragmatist strategy to answering that question just could not succeed, that anyone attempting to answer the question must come to recognize the futility of such an effort, and that they must then adopt a metaphysical explanation of the issue.

To put matters in a slightly different way: A pragmatist might actively accept the challenge Talisse and Aikin present. They might accept the need to explain the difference between cases where the Burdens of Judgment prevent us from resolving matters and those issues or cases where this doesn't happen. And they might explain it by offering an account of the ways in which the social practices surrounding those issues differ. The pragmatist we've been imagining could accompany her explanation with a re-affirmation of holism, and with the assertion that the difference is not a matter of a metaphysical difference in kinds – it is merely a difference of social practices. Of course, if she were more modest she might think it wiser to remain a quietist about metaphysics entirely. The difference, she would then contend, is to be explained entirely in terms of differences in social practice, and metaphysics is to be left to the metaphysicians.

Response 4: Passive Acceptance. My account of the "active acceptance" response has one serious shortcoming: it was completely lacking in details about the social practices that might be offered to explain the difference between cases or issues that Talisse and Aikin claim must be explained. Talisse and Aikin are in effect claiming that if there really were such a distinction, it could only be accounted for by referencing a metaphysical difference. The strategy I've just reviewed imagined one committed to a social pragmatist explanatory program, who insisted that, on the contrary, it could be explained by reference to social practices alone – without thinking that the differences in cases were attributable to some metaphysically robust distinction of kinds. But when pressed, I didn't deliver the goods. That is, I didn't actually explain things. This brings me to the final response I want to consider: passive acceptance.

The passive acceptance response is similar to the active acceptance response in that it accepts the question as posed. It takes it that the question Talisse and Aikin ask (how do you explain this distinction?) is an interesting one, and one calling for an answer. But unlike the active acceptance response, the passive acceptance response would admit that they do not have an answer to that question at present. The passive acceptance response is thus similar to the

146

passive rejection response, in that no explanation in our theoretical voice is offered.

Again, let us imagine a pragmatist with a social pragmatist explanatory commitment. Being a strong epistemic pluralist, our pragmatist also thinks that quietism and the eschewing of metaphysics is called for. This pragmatist is committed to giving explanations of important philosophical concepts, distinctions, and kinds in terms of social practices, and never by reference to metaphysics. Then along come Talisse and Aikin, pressing their interesting question. Our pragmatist thinks things over, and admits that he has no current answer to this question. Again, Talisse and Aikin proceed as though anyone pressed with this question would either have to embrace metaphysical pluralism in an attempt to answer it, or else give up on strong epistemic pluralism. But that's hardly the case. A strong epistemic pluralist with a social pragmatist explanatory commitment is not simply forced to give up on their program and to abandon their strategic commitments simply because someone points out that there is an outstanding question that needs to be answered. That's precisely not how progress in research programs happens. Instead, research programs progress by identifying outstanding questions that haven't yet been answered, and working hard progressing toward answers to them. This involves identifying promising and interesting problems, and steering new practitioners (new graduate students) toward them. It is par for the course for any research program to have a number of outstanding questions and problems, waiting to be resolved. Rejecting the research program and its most basic commitments is only rational when an alternative research program seems all things considered to be doing a better job of answering questions, and seems more likely to keep doing a good job in the future.[10] But the day of metaphysics, our pragmatist might reason, is done. Metaphysics is a degenerating research program if ever there was one.[11] So giving up our explanatory commitments and our pragmatist program is unwarranted. Even if we have no current answer to Talisse and Aikin's question. *Pace* Talisse and Aikin, taking seriously the question they pose does not force an abandonment of our pragmatist commitments, even if we find that we cannot now offer the explanation we would like to.

We can draw together our conclusion regarding Talisse and Aikin's first major criticism: They are simply mistaken in thinking that a strong epistemic pluralist must embrace metaphysical pluralism. The distinction they insist must be recognized and explained need not be recognized and admitted at all. And even if a distinction between particular cases is recognized and admitted, it need

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[10] My discussion of the logic of research programs is inspired by Kuhn, Feyerabend, and especially Lakatos. For the conditions under which rejecting a research program might be reasonable, see Lakatos (1970, 116-119).

[11] Of course, not everyone would agree with my imagined pragmatist on this point. Analytic metaphysics has made much of a comeback over the past decades. For a discussion of this trend, see Williamson (2004, 11).

not be explained. And even if it is explained, it need not be explained by reference to metaphysics. And if we are to explain it without reference to metaphysics, we need not do so now.

The Road of Inquiry and Pragmatism's Meliorist Commitment

In addition to their argument that strong epistemic pluralists must embrace metaphysical pluralism, Talisse and Aikin urge that strong epistemic pluralism is incompatible with a deep motivational or programmatic aspect of pragmatism. They formulate this criticism in a couple of different ways: first, they claim that strong epistemic pluralism is incompatible with pragmatism because it blocks the road of inquiry. And second, they claim that strong epistemic pluralism is incompatible with the broadly meliorist commitment that any pragmatist worth the name must embrace.

Let's start with the claim that strong epistemic pluralism blocks the road of inquiry. Talisse and Aikin do not focus heavily on this issue in their 2016 paper. In it they merely claim that "the strong epistemological view is objectionable in that it affirms that certain limitations on human inquiry are insurmountable ... This is surely a block to inquiry of the kind that Peirce railed against." (Talisse and Aikin 2016, 21). Elsewhere they remind the reader that Peirce had suggested this maxim ("do not block the road of inquiry") as the "first rule of philosophy" (Talisse and Aikin 2016, 21).

They elaborate upon the "blocking the road of inquiry" objection more fully in their 2005 paper (Talisse and Aikin 2005a, 107-109). However, in this earlier paper, Talisse and Aikin did not include strong epistemic pluralism amongst the varieties of pluralism they consider. They consider epistemic pluralism in general, and they contrast it with metaphysical pluralism. They also consider what they call "deep pluralism" and they contrast it with "shallow pluralism." Deep pluralism holds that incommensurability is in some sense a permanent feature of our situation – thus deep pluralism is in a sense equivalent to strong pluralism. Shallow pluralism, by contrast, takes it that while there certainly are issues where we can't resolve things, it leaves open the possibility that this may be a temporary state of affairs – thus shallow pluralism is in a sense akin to modest pluralism. While this is only a rough characterization, in (2005a) Talisse and Aikin more or less take it that the distinction between epistemic pluralists and metaphysical pluralist and that between shallow pluralists and deep pluralists more or less map onto one another. Deep pluralism results from embracing metaphysical pluralism, and shallow pluralism results from embracing epistemic pluralism.[12] They do not consider a deep form of epistemic pluralism (the strong epistemic pluralism that is the focus of my paper). I suspect that this is no mere oversight on their part, but that the

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[12] Naturally I'm leaving out much additional detail, including *modus vivendi* pluralism.

148

taxonomy they offered resulted from the underlying assumption (which they go on in their 2016 paper to articulate and defend) that any form of deep pluralism must be in the end a form of metaphysical pluralism.

In their 2005 paper, Talisse and Aikin offer a number of criticisms of deep pluralism. Most of these can be set aside, as they are really objections to metaphysical pluralism. But they also criticize deep pluralism for blocking the road of inquiry. And the criticisms they offer should apply equally well to strong epistemic pluralism. In their 2005 paper they describe what they call "inquiry pragmatism," a style of pragmatism which can be characterized by its commitment to a research program of conflict resolution. An inquiry pragmatist takes it that our current inability to reach agreement on questions of value reflects the fact that we do not currently have criteria for judgment which when correctly applied would resolve the conflicts. Their recommended course of action is a program of experimentation, of innovation, of casting about for possible answers and putting them to the test. (Talisse and Aikin 2005a, 106). So why do they take it that this approach is incompatible with deep pluralism?

> First, inquiry pragmatism is inconsistent with the strong modal aspects of deep pluralism, according to which certain value conflicts are *of necessity* inevitable, interminable, and unadjudicable. Such an attitude, the inquiry pragmatist will object, is simply a block on the road of inquiry. The deep pluralist prescription against even *trying* theories that promise to overcome or adjudicate conflicts is a positive hindrance to inquiry. Any theory that impedes or discourages further inquiry barricades the advance toward truth and is an unpardonable offense in reasoning (1.135). ... Second, deep pluralism fails to take any of the competing conceptions of the good as experiments or incomplete or open to revision and correction. Instead, each conflicting viewpoint gets treated as static and perfect. But such an attitude is anti-fallibilist and anti-experimentalist. (Talisse and Aikin 2005a, 108-109)

As I'll explain, I think that Talisse and Aikin are off-target in the claims and conclusions they articulate in this passage. But before I make good on that claim, let me get the other main formulation of this criticism out on the table. Strong epistemic pluralism, Talisse and Aikin contend, is incompatible with the broadly meliorist commitment that any pragmatist worth the name must embrace.

> Our argument in 'Why Pragmatists Cannot Be Pluralists' can be stated succinctly. Any view that deserves to be called pragmatist is broadly meliorist in that it aims at the resolution of conflicts by means of methods that can be plausibly held to be intelligent, rational, open, and non-violent ... pragmatic practice presumes that (1) conflicts are resolvable by intelligent means, and (2) it is better to resolve conflicts intelligently than to let them stand. ... all pluralists deny (1) or (2) or both. Our conclusion is that pragmatists cannot be pluralists. (Talisse and Aikin 2005b, 145)

With these two formulations on the table, let us proceed. I claimed above that the claims and conclusions Talisse and Aikin set forth connected with the 'blocking the road of inquiry' formulation of this criticism were failures. Let's

149

return to that, and let's begin with the claim that deep pluralism offers a "prescription against even trying theories that promise to overcome or adjudicate conflicts." Here Talisse and Aikin attribute an attitude that not every deep pluralist needs to endorse. A strong epistemic pluralist, for example, certainly need not offer any such prescription against trying theories that promise to overcome or adjudicate conflicts. There is nothing about strong epistemic pluralism (at least not the Rawlsian version I've been defending in this paper) that would or should encourage us not to try to adjudicate or resolve conflicts. For, after all, the strong epistemic pluralist does not claim that every conflict or disagreement is irresolvable – nor even that every conflict about value is irresolvable. They do not claim that the burdens of judgment mean that every disagreement is irresolvable. They only claim that some disagreements about value are irresolvable on account of the burdens of judgment. And they also do not claim that we are always (or even often) in a position to know which disagreements are irresolvable. That is to say, they need not claim that we can always recognize when a conflict we may be presented with is due to differing Basic Stances being adopted on Burdening Issues. And since they don't need to make any such claims, this leaves it perfectly open for a pragmatist who adopted strong epistemic pluralism to retain his or her meliorist commitment, and to recommend as a course of action that we continue to persevere to resolve conflicts whenever we encounter them. So if we have something to say that we think could potentially help resolve a conflict, we should say it. If we have a theory to offer, we should offer it. If we have reasons to give, we should give them. There is nothing about strong epistemic pluralism that presents a barrier to inquiry.

Talisse and Aikin also claim that strong epistemic pluralism is anti-fallibilist. But again, this criticism is off-target when considering the sort of strong epistemic pluralism I've defended herein. This criticism seems to suppose that the strong epistemic pluralist must always be motivated by something like "framework relativism." I can certainly sympathize with their being on-guard against conclusions reached from adopting such a static view of our thinking. But the Rawlsian strong epistemic pluralism I've been defending herein is not motivated by such a view. Rather, it is motivated by a naturalistic rejection of a divinized conception of reason, and by the subsequent sense that Rawls is on-target in articulating his claims about reasonable pluralism, the burdens of judgment, and the fact of oppression. Accepting that the power of reason has its limits when it comes to rationally adjudicating disagreements on complex issues does not provide a reason to be an anti-fallibilist, or to think that people can't make mistakes or change their minds.

Talisse and Aikin claim that "strong epistemic pluralism is a form of scepticism regarding the rational resolvability of conflict." (Talisse and Aikin 2016, 20). But describing things in this manner is rather unfair. Doing so is much akin to saying that someone who claims that no individual can ever know what

150

all human beings everywhere in the world are thinking counts as embracing a form of skepticism about other minds. Believing that no individual can do this doesn't count as being skeptical in any sense that should raise our hackles as pragmatists. It is rather the dismissal of an unrealistic aspiration that strikes us as implausible once we decide to be naturalists and to rule out the possibility of supernatural assistance. Similarly, the strong epistemic pluralist is indeed skeptical about the possibility that disputes can be resolved on the basis of reason to such an exhaustive degree that an entire society could ever come to convergence in their comprehensive conceptions (so as to rule out the fact of reasonable pluralism and the fact of oppression). So the strong epistemic pluralist is skeptical about the possibility of comprehensive society-wide convergence in overall outlook, in the same sense in which she is skeptical about gods, ghosts and witches. And this is not a sense that conflicts with pragmatism.[13]

Finally, let's turn back to the two practical commitments of pragmatism that Talisse and Aikin highlight:

> (1) conflicts are resolvable by intelligent means, and (2) it is better to resolve conflicts intelligently than to let them stand.

Anyone with a meliorist commitment is bound to think that (2) is right. It's better to resolve disagreements when you can, and if one is going to try to resolve disagreements it's certainly better to resolve them intelligently and in open, honest, and non-violent ways. There is no reason a strong epistemic pluralist should reject (2). And further, there is no reason at all for them to reject (1), so long as (1) is not interpreted in an extreme way. (1), again, says that conflicts are resolvable by intelligent means. It is important to notice that the quantifier is missing from (1). As it is stated, (1) is ambiguous between two possible ways of reading it. If (1) claims that some or even many or most disagreements are resolvable by intelligent means, then it is something a strong epistemic pluralist could accept. It is only if (1) is read as saying that all cases of disagreement are potentially rationally adjudicable that the strong epistemic pluralist must reject it. Accepting the burdens of judgment and the fact of reasonable pluralism means accepting that disagreements will not be rationally adjudicable if they are traceable back to different reasonable basic stances taken on burdening issues. If that's the case, it may be that each side to the conflict is being equally reasonable. But if Talisse and Aikin mean (1) to be read as a

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[13] Talisse and Aikin sometimes proceed as though the only principled reason a thinker could have for embracing the modal claim (that I take to be definitive of deep/strong versions of pluralism) – the claim that reasonable disagreement is a permanent and unavoidable feature of the human condition – would be if the thinker held a metaphysical view about some class of value facts. I hold, on the contrary, that a pragmatist thinker can be motivated to accept the modal claim simply by embracing what Rawls calls the burdens of judgment and the fact of oppression. And that these two ideas are easy for pragmatists to feel we should accept because they seem to follow from embracing a naturalistic conception of human reason.

universal claim about disagreements, it is a quite strong and controversial thesis, and not one that anyone needs to admit. So understood, it is certainly not something a pragmatist needs to believe. As I've explained above, having a meliorist commitment certainly does not necessitate believing (1) in the strong or universal sense.

A pragmatist defender of the universal reading of (1) might invoke Peirce at this point.

> ... it is unphilosophical to suppose that, with regard to any given question (which has any clear meaning), investigation would not bring forth a solution of it, if it were carried far enough. (Peirce 1878, IV)

However, if we are to invoke Peirce here, we must keep in mind that he does not think we should *believe* or *assert* everything that we might need to *suppose* (Peirce 1932, 2.66). It is a familiar Kantian idea that there might be certain transcendental conditions for the possibility of knowledge of certain sorts. In the hands of pragmatists however (and here I'll focus on Peirce), this realization takes on a subdued and modest character.[14] Rather than showing us necessary truths, this realization (that there are dependencies for certain cognitive activities) helps us to recognize the existence of *regulative assumptions* – that certain assumptions are indispensable for our practices. So even if it were the case that pragmatist practice presupposes that any and every dispute is resolvable (the strong version of (1)), this would only give us reason to take the strong version of (1) to be a regulative assumption needed given our practical interests. It would not give us reason to believe the strong version of (1) to be true. Adopting a strong version of (1) as a strategic supposition or regulative assumption is perfectly compatible with our believing it to be false. A strong epistemic pluralist can believe that a strong version of (1) is false, while admitting that in our practice (when engaged in inquiry) "we must be guided by the rule of hope" (Peirce 1932, 1.405) and should act as though a strong version of (1) were true.

Conclusion

I've been arguing that Talisse and Aikin are mistaken in claiming that pragmatists can't be strong epistemic pluralists. The root of the problem, I think, is that they have been insufficiently imaginative. Talisse and Aikin are not themselves attracted to deep pluralism, and I think they have been unable to imagine any real pragmatist that could be. Consider again their discussion of why a pragmatist cannot be a deep pluralist: because a deep pluralist, they say, is anti-fallibilist, and anti-experimentalist, and takes our worldviews to be static, perfect, and complete, rather than as experiments open to correction or revision (Talisse and Aikin 2005a, 108-109). But of course if you're imagining someone

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[14] See Misak (2013), 52.

who thinks like *that*, you aren't doing a good job of imagining what a pragmatist who was also a deep pluralist would think. A pragmatist who is a strong epistemic pluralist doesn't think any of those things. The strong epistemic pluralist is simply persuaded by Rawls's idea of the Burdens of Judgment, and by the naturalistic (Nietzschean) idea that Reason is not some quasi-divine light that can bring us all through to the Truth if only we use it correctly. They are not attracted to strong epistemic pluralism because our thinking about things is somehow perfect, static, or fixed by a framework. Indeed, matters are quite the reverse: things are often so messy, complex, vague, and open to interpretation that many conflicting Basic Stances are possible – none of which are dictated by basic standards of reason.

But none of this means that we cannot try to reach agreement when value conflicts arise. Of course we can try. For all we know we may be able to reach an agreement – for any value conflict we come across. Strong epistemic pluralism *does not* claim otherwise. It only insists on the *possibility* that we might not be able to reach an agreement, even while all the parties to the dispute remain reasonable.

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Testimonial Injustice in International Criminal Law[1]

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Abstract: In this article, I consider the possibilities and limitations for testimonial justice in an international criminal courtroom. I begin by exploring the relationship between epistemology and criminal law, and consider how testimony contributes to the goals of truth and justice. I then assess the susceptibility of international criminal courts to the two harms of testimonial injustice: epistemic harm to the speaker, and harm to the truth-seeking process. I conclude that international criminal courtrooms are particularly susceptible to perpetrating testimonial injustice. Hearers in the international criminal courtroom should practice testimonial justice, but the institution is not structured in a way that can prevent every instance of testimonial injustice.

Keywords: epistemic injustice, testimonial injustice, legal epistemology, criminal law, international criminal law.

I. Introduction

International criminal courts rely on the best evidence principle, which requires fact-finders to produce the best evidence available in order to reconstruct the truth about relevant events. In situations where crimes were not well-documented, witness testimony is the most crucial aspect of obtaining evidence. In any criminal court, fact-finders must balance goals of presenting the most relevant, truth-apt testimonies, with the goal of obtaining justice for all concerned parties. International criminal courts share these goals, but they face additional language and cultural barriers that can frustrate the aims of ensuring accurate fact-finding and voicing the experiences of witnesses to and survivors of violence. Social epistemology can help explain why international criminal courts may improperly exclude or discount these witnesses' testimonies, which both frustrates the truth-seeking mission and perpetrates further harms on victims.

In this article, I begin with a brief introduction to testimonial injustice. I go on to explore the epistemological foundations of truth and testimony in criminal law, and consider how testimony contributes to the goals of truth and justice within the social system of the criminal court. I then assess the susceptibility of

international criminal courts and tribunals to the two harms of testimonial injustice. I argue that the overwhelming variety of social identities in international criminal courtrooms renders them particularly susceptible to perpetrating testimonial injustice, but fact-finders and other actors can mitigate the harms to victims and the truth-seeking mission by practicing testimonial justice. I conclude that the scope of international criminal trials, however, may render testimonial justice impossible, and thus we must balance truth and justice with other goals of international criminal law if we are to justify the institutions' existence in lieu of alternative justice mechanisms.

II. Testimonial Injustice

Testimony is evidence that we acquire from other people, rather than our own mental processes of perception, remembering, and reasoning. As a source of justification, testimony involves the kind of reliance on other people that Aristotle considers part of what allows us to live as human beings in societies (Aristotle 1962, 1253a2). Testimony is our primary source of social evidence, and we rely on testimony as social evidence from many doxastic agents (Audi 2011, 150-151). Some speakers will be insincere or have relied on poor evidence themselves, thus testimony may or may not be a reliable source of justification for beliefs.

Epistemic injustice is a phenomenon that occurs when one's knowledge (in the form of testimony or otherwise) is not seen as reliable when it should be, especially due to social, cultural, or historical prejudice (See Fricker 2007). Miranda Fricker acknowledges that this phenomenon exists when there is a "mismatch between rational authority and credibility – so that the powerful tend to be given *mere* credibility and/or the powerless tend to be wrongly denied credibility." (Fricker 2006) When we recognize this imbalance of social power, we can see how individuals with less power (often women) are excluded "from the class of those who fully function as knowers." (Langton 2006, 132) Elizabeth Anderson asserts that we should be required to use of all of society's epistemic resources, ensuring epistemic diversity and not ignoring any voices for prejudicial reasons (Anderson 2006, 11). She sees this as a requirement of democracy, but it also seems necessary for accurate truth-seeking.

Testimonial injustice is a form of epistemic injustice that "occurs when prejudice causes a hearer to give a deflated level of credibility to a speaker's word." (Fricker 2007, 1) The speaker is treated unjustly when she receives this deflated credibility from the hearer, based on what Fricker calls "identity prejudice." (Fricker 2007, 4) Identity prejudice results from the power imbalance between social agents, and arises when an agent maintains a prejudice due to a feature (or features) of social identity of the other agent (Fricker 2007, 28). The prejudice leads to stereotyping, which in turn results in the hearer making unwarranted assumptions about the speaker based on her social identity (Fricker 2007, 30). Much of the work on testimonial injustice

156

centers around social identities of race and gender, but identity prejudice occurs with respect to many other aspects of one's social identity, including culture, social class, language, and age.

The views of Fricker and Anderson reveal that instances of testimonial injustice result in at least two harms. First, there is a direct harm to the individual whose testimony is discounted. But there is also a harm to the truth-seeking endeavor as a whole, when a relevant, reliable piece of social evidence is excluded from the set of evidence that serves as justification for a particular belief. Fricker claims that the identity prejudice "presents an obstacle to truth, either directly by causing the hearer to miss out on a particular truth, or indirectly by creating blockages in the circulation of critical ideas." (Fricker 2007, 43) Broadly, we don't want to engage in practices that harm members of our social community, nor do we want to prevent our communities from accessing all of the epistemic resources possible in service of gaining knowledge. We will see in Section III and Section IV how concerns about the harm of epistemic injustice function in criminal law settings.

Fricker argues that we should not permit social pressure to force our norms of credibility to mirror the social distribution of power (Fricker 2006, 62). She suggests that the virtue of *testimonial justice* can only occur in light of testimonial responsibility on the part of the hearer of testimony (Fricker 2007, 91). For Fricker, testimonial responsibility demands a "distinctly *reflexive* critical social awareness" on the part of the hearer (Fricker 2007, 91). This requires the hearer to assess the credibility judgment she might be inclined to make, and then factor the identity power imbalance into the final credibility judgment (Fricker 2007, 91). As Fricker notes, "[i]n testimonial exchanges, for hearers and speakers alike, no party is neutral; everybody has a race, everybody has a gender." (Fricker 2007, 91) But it is the responsibility of the hearer with the relative social power, not the speaker, to practice the virtue of testimonial justice.

It is also in the hearer's interest to avoid testimonial injustice, in terms of her own epistemic interest in obtaining the truth. Failing to neutralize identity prejudice makes a hearer more likely to fail to obtain truths (Fricker 2007, 122). The upshot of the virtue of testimonial justice, then, is that it furthers our goal of achieving both justice *and* truth at the same time (Fricker 2007, 120). It is plausible, then that a hearer in search of justice and/or truth should be motivated to assess a speaker's credibility with an awareness of social power relations and the potential for prejudice (Fricker 2007, 127). In the next section, I turn to the subset of social epistemology that specifically focuses on truth, social power, and the law.

III. Truth and Testimony in Criminal Trials

As a form of applied epistemology, legal epistemology studies whether legal systems of investigation that claim to be seeking the truth are actually structured in such a way as to lead to justified, true beliefs (Laudan 2011, 272). I limit my

157

inquiry to legal epistemology in the context of criminal adjudication, and I focus on criminal law as a social system. In what follows, I explore the application of our epistemological concepts of truth and testimony within the realm of criminal law.

Theories of Truth and Criminal Law

Most theorists of epistemology and the law argue that it is not necessary to consider anything more than a common sense definition of the concept of truth in order to analyze a legal system's ability to seek the truth (Ho 2006, 56; Haack 2003, 19). I agree that it is not necessary to choose one appropriate theory of truth to the exclusion of the others, but I also do not simply presume a basic, universally-accepted concept of truth. The first cut to make regarding truth in criminal law is between the concepts of objective and subjective truth. We might think there is one accurate account that can be given with respect to an event or series of events, and this means the court's role is to determine that one account (Damaška 1998). This objective view of truth will often correspond with a realist or correspondence conception of truth, in which the truth is determined by the way things are in the world. Alternatively, we might adopt a subjective view of truth, in which there are multiple accounts that could each accurately explain an event or series of events. We could also adopt a skeptical view like that of Jeremy Bentham, that historical truth is a fictitious entity in the law, and we can only hope to determine "*legal* truth on the facts of the matter," which is determined by the "outcome of reasonable legal procedures." (Kaptein 2009, 17)

Legal systems do focus on facts, and thus the correspondence theory of truth will often be the most useful tool. This sort of Aristotelian view is, in fact, largely what theorists have in mind when they imagine a straightforward theory of truth. Ho Hock Lai accepts this sort of view, but goes on to qualify that the "verification of correspondence" can hardly be the general criterion we should use for whether something should be accepted in a court as fact (Ho 2006, 57). Rather, he notes that many different theories are compatible with the correspondence theory of truth and can thus be useful with respect to trial deliberation. Mirjan Damaška suggests that the correspondence theory may be insufficient for truth-seeking in adjudication because "most facts we seek to establish in adjudication are 'social' facts rather than phenomena intrinsic to nature." (Damaška 1998, 291)

Coherence theory can be used to assess whether the explanations of an event or series of events is plausible, based on the coherence of witness statements and other evidence (Allen 1997). Amalia Amaya defends a coherence theory of law, arguing that "[a] hypothesis about the events being litigated is justified only if it coheres with a body of background beliefs and the evidence at trial." (Amaya 2008, 307) But if we accept the concept of objective truth,

158

coherence theories present a problem. As Damaška notes, "for any adjudicative event, there may be several coherent sets of statements, or several consistent theories. That a set of statements cohere in adjudicative practice is not a sufficient reason to believe that these statements are true." (Damaška 1998, 291-292)

Susan Haack advocates for a pragmatist theory of truth in the law. (See Haack 2014; Haack 1976) Her view is that truth is not relative, but that legal inquiry cannot proceed in the same way as scientific inquiry (Haack 2014). The American (adversarial) legal system, at least, is not aimed at trying to find the "truth" but rather is explicitly trying to meet a standard of proof in establishing a pre-determined conclusion[2] (Haack 2014).

Truth and Testimony as Evidence

A legal trial uses testimony as part of an attempt to find the truth of what occurred, but it cannot "provide an exact reproduction of what is alleged to have occurred." (Greer 1971, 140) Thus not all testimony that is available to the parties to a legal trial will be appropriate as actual testimonial evidence. If we assume that a criminal trial seeks to establish both that a crime was committed and the defendant committed the crime, then according to Larry Laudan, the only relevant evidence is "testimony or physical evidence that would make a reasonable person either more inclined or less inclined to accept either of these hypotheses." (Laudan 2006, 17-18) Testimony should be both reliable and relevant for it to play a role in helping the fact-finder of a given trial determine the truth. In an adversarial trial, testimony can be excluded, even when it is both reliable and relevant, if it might be prejudicial to the defendant to admit the evidence.

Thus would-be testifiers can be prevented from speaking in a trial if their testimony is deemed irrelevant, unreliable, or prejudicial. Even when they are permitted to testify, their testimony may be discounted if it is deemed unreliable, confusing, or vague. There will certainly be cases in which testimony would detract from the ability of the fact-finder to seek the truth. But there are significant drawbacks to the exclusion of evidence. With respect to testimonial evidence in particular, it can be said that "[n]either complainants nor the accused necessarily benefit from each other's misfortune when testimonial voices are silenced." (Roberts and Hunter 2012, 21)

This quotation captures the danger of the two harms, discussed in Section II, that can result from testimonial injustice. First, the exclusion or discounting of testimony can constitute an individual harm to a testifier. We will need a better

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[2] In an adversarial system, in which lawyers each aim to establish an account of the truth that is most favorable to their respective clients, procedural rules limit the court's ability to seek an objective truth. In an inquisitorial system, the procedures presume that there is one account of objectively true facts, and the trial is aimed at establishing those facts.

159

understanding of what a criminal trial owes individuals other than the accused in order to properly assess the responsibility of the criminal legal system with respect to testifiers. But second, the exclusion or discounting of testimony risks threatening the accuracy of the truth-seeking process, and this harm certainly falls within the purview of the criminal legal system. Accordingly, we need a better conception of how to understand and balance the competing concerns we have identified so far in this Section.

Truth and Justice in Criminal Legal Systems

Our next step, then, is to ask what the goal of a criminal legal system should be. If the only goal is to seek the truth, then it seems that an inquisitorial system is better suited for the task. Ho sees this goal as obvious, arguing that "the 'basic purpose of a trial is the determination of truth'." (Ho 2006, 52) For Laudan, we assess whether our criminal trial procedures are "genuinely truth-conducive," because a criminal trial is "first and foremost an epistemic engine, a tool for ferreting out the truth from what will often initially be a confusing array of clues and indicators." (Laudan 2006, 2)

But we also care about *justice* in a criminal legal system. Bentham uses the metaphor of "Injustice, and her handmaid Falsehood" (Bentham 1978) to make the point that application of the law demands both truth and justice. Laudan notes that "[w]ithout ascertaining the facts about a crime, it is impossible to achieve justice, since a just resolution crucially depends on correctly figuring out who did what to whom. Truth, while no guarantee of justice, is an essential precondition for it." (Laudan 2006, 2) Haack claims that "substantive justice requires not only just laws, and just administration of those laws, but also factual truth – objective factual truth; and that in consequence the very possibility of a just legal system requires that there be objective indications of truth, i.e., objective standards of better or worse evidence." (Haack 2014, 27)

Damaška acknowledges that "the criminal process also serves a variety of needs and values that are independent from and potentially in conflict with the drive toward fact-finding accuracy." (Damaška 1977, 305) In large part, the other objectives of the criminal process are related to social forces that influence the criminal legal system, such as the need to protect human rights from abuses of power, social peace, or cost (Damaška 1977, 305; Damaška 2003, 118). When we think about these so-called 'justice' considerations, and recognize that they are related to social goods, the role of social epistemology in legal systems becomes more distinct. We cannot evaluate testimony or truth without identifying the influence of social processes within the courtroom, nor can we properly balance the goals of truth and justice in criminal proceedings.

The precise balance of these goals will vary depending on the criminal legal system in question, which will become clear in Section IV. This will occur by system, rather than by individual case, because a criminal legal system cannot boast of unfairness in order to achieve either truth or justice. But, as H.L.A. Hart

160

and J.T. McNaughton explain, a legal system "deliberately sacrifices some aids to the ascertainment of truth which might be useful in particular cases in order partly to satisfy the practical exigencies of the needs for an immediate and definite decision and party to serve what are deemed to be more nearly ultimate social values." (Hart and McNaughton 1958, 50-51)

IV. Truth and Testimonial [In]Justice in International Criminal Law

In this final arc of the argument, I reach the crux of my argument and apply the concepts previously outlined to the international criminal legal system. I begin by considering the unique goals and structures of the international criminal legal system, before analyzing the tension between truth and testimonial justice in the international criminal courtroom. I end with a brief discussion of less formal justice mechanisms like truth and reconciliation commissions, and assess whether these institutions might be more responsive to concerns about testimonial injustice. Ultimately, I conclude that international criminal courts and tribunals are better suited to serve range of goals of international criminal law.

Goals of International Criminal Law

There are many goals of international criminal law, several of which necessarily conflict with one another, leading some to argue that there are too many goals to ensure consistency in the legal system (Stover 2007, 14; Damaška 2008, 329). Seeking justice and seeking the truth are clearly two of these goals. The Rome Statute of the International Criminal Court ('ICC Statute') states that it has been created in order to "put an end to impunity for the perpetrators of [the most serious crimes of concern to the international community as a whole] and thus to contribute to the prevention of such crimes," and to "guarantee lasting respect for and the enforcement of international justice." (ICC Statute, Preamble) The ICC Pre-Trial Chamber has also explicitly indicated that "the search for truth is the principal goal of the Court as a whole." (*Prosecutor v. Bemba*, Decision on the Evidence Disclosure System, para. 11) There is, however, "a tension between all the boxes that international criminal procedure seek to tick: they want to do justice for the victims, and to do so in an expedient manner, whilst ensuring the safety of the witnesses and respect for the interests of the international community in the outcomes of their trials." (McDermott 2016, 126) The aim of this section is to more precisely identify the locations of this conflict as it pertains to truth and testimonial justice, and to establish that testimonial justice may not be possible in an international criminal courtroom.

Structure of International Criminal Procedure

International criminal courts and tribunals are mostly constructed based on the adversarial system model, although there are some aspects of the trial processes

that include elements of the inquisitorial system model, such as the duty of the Prosecutor to seek the truth through the investigation of "incriminating and exonerating circumstances equally." (Caianiello 2011; ICC Statute, art. 54(1)(a)) International criminal judges can also be thought of as utilizing managerial powers, thus maintaining the general adversarial system but permitting judges to insert themselves at times in order to speed up the trial process (Langer and Doherty 2011, 241). Judges serve many purposes when they take on a managerial role: "cleaning up the record; clarifying testimony; supplementing, eliciting, and testing testimony, as well as challenging the credibility of witnesses." (Byrne 2013, 1002)

Truth and Testimony in International Criminal Law

While all criminal legal systems aim at least somewhat at seeking the truth, international criminal legal systems that have been established to respond to mass atrocity have a special responsibility with respect to the truth. Not only are they trying to establish the truth of the proposition about whether a defendant committed the crimes with which he has been charged, but international criminal courts and tribunals are charged with establishing an accurate historical record (Parmentier 2002, 203; Ohlin 2009, 96). Witness testimony is the most crucial aspect of obtaining evidence that helps establish the truth, especially when crimes have not been well-documented. As Nancy Combs argues, "[e]yewitnesses have a story to tell about certain events relevant to the defendant's criminal culpability, and, through counsel's questioning, they are able to tell that story in a way that not only is comprehensible to the fact finder but that provides the fact finder sufficient information to draw reasonable conclusions about the defendant's liability." (Combs 2010, 21)

International criminal courts and tribunals have a general preference for live testimony by witnesses rather than written statements. ICC Statute Article 69(2) "provides for the testimony of witnesses to be given in person at the seat of the Court, which is imperative for the examination and cross examination of witnesses." The ad hoc tribunals have also expressed a preference for live testimony where possible (See Klamberg 2013, 365). Live testimony permits the accused to face her accuser, and it also allows for the judges to better assess witness credibility (Ngane 2009, 433). Recall that testimony should be both reliable and relevant for it to play a role in helping the fact-finder of a given trial determine the truth. I now turn to some of the ways in which testimony is either discounted or excluded altogether in international criminal legal systems. I draw heavily on the empirical work of Combs, who has done extensive work in documenting problems in fact-finding in international criminal law.

Excluded Testimony

While evidence is not often excluded in international criminal law, live testimony can be excluded for several reasons. First, situations can arise in which the "personal safety and security of the witness, or other costs to the tribunal or the witness," are weighed as more important than the right of the accused to in-person cross-examination, or the value of the live testimony for obtaining the truth (May and Fyfe 2017, 154). Testimony can also be excluded based on relevance. In this case, if testimony will not serve to make the guilt of the accused more or less likely to be true, it may be excluded. Combs claims that international witnesses are "frequently unable to provide the court with details that *are* relevant to their testimony." (Combs 2010, 38) It may be that a witness is expected to produce relevant information during her testimony, but the witness testifies about something completely outside the scope of the trial's inquiry. Sometimes counsel is clearly trying to obtain relevant information from a witness, and is nonetheless unable to do so (Combs 2010, 56). However, it seems that international criminal courts and tribunals will often err on the side of deeming evidence relevant to the truth-seeking endeavor, and admit the evidence (Murphy 2010, 540).

Testimony can also be excluded in international criminal law based on a determination that the witness is not credible, and thus the testimony lacks probative value. Again, this is not common, as the courts seem to want to give witnesses the benefit of the doubt, and often assume that the appearance of credibility issues can be explained by cultural, educational, or language differences (Combs 2010, 177-178). Trial Chambers, according to Combs, will admit that there are plenty of issues with testimony, but "they often unquestioningly attribute those problems to innocent causes that do not impact the witness's credibility." (Combs 2010, 189) Cases of clearly perjured testimony are likely to be excluded, but these cases are rare, despite the fact that there is a serious problem with lying at some international criminal tribunals (Combs 2010, 130).

Discounted Testimony

Although international courts are often willing to give international witnesses the benefit of the doubt with respect to meeting relevance and credibility requirements, these witnesses are much more likely to have their testimony discounted for reasons *other than* that the evidence can be reasonably deemed irrelevant or not credible. The social dynamics in international criminal law are conducive to misunderstandings that result in discounted testimony. Nearly every international criminal trial proceeds in several languages simultaneously, requiring the participation of multiple translators. Not only does this make the trial process incredibly slow, it introduces numerous possibilities for poor translations, resulting in the likelihood that a witness will be misunderstood and the probative value of evidence will be compromised. Sometimes misunderstandings are not identified, while in other cases a frustrated counsel

163

decides to stop a line of questioning before a satisfying reply is obtained, and in both scenarios the fact-finding mission is impaired (Combs 2010, 62).

Differences in culture can also create misinterpretations, such as what occurred during the ICTR's *Akayesu* trial with respect to the term "rape." (*Prosecutor v. Akayesu*, Judgement, paras. 152-154) In this case, interpreters translated several words as "rape" that did not seem to convey the "force" inherent in rape, yet the Trial Chamber determined that this was correctly done given the cultural taboos that may have prevented witnesses from testifying more clearly about a private and delicate issue (*Prosecutor v. Akayesu*, Judgement, paras. 152-154). This is also an instance where gender dynamics may have played a role in obscuring the testimony (Buss 2014), since even in communities with a shared culture, "men and women communicate differently, as do people of higher and lower social standing." (Combs 2010, 79-80)

There are other cultural differences in communication practices that can result in confusion and subsequent discounting of testimony. Witnesses who come from communities that rely on oral traditions "frequently report events that were recounted to them as though they personally saw them." (Combs 2010, 94) In an adversarial system, such reports would likely be discounted or excluded as hearsay. Yet many international witnesses consider the fact that an event was recounted to them by someone who witnessed the event in person as warranting their own testimony about the event (Combs 2010, 94). Thus witnesses will share information with the rest of the community, and then the information is seen as shared knowledge (*Prosecutor v. Kamuhanda*, January Transcript, para. 41). The ICTR's *Musema* Trial Chamber explained that in Rwanda, there is a "tradition that the perceived knowledge of one becomes the knowledge of all." (*Prosecutor v. Musema*, Judgement and Sentence, para. 103) In another ICTR case, *Ndindabahizi*, a witness asserted that "when someone asserts that [an incident] is a true fact, you yourself will take it to be the truth." (*Prosecutor v. Ndindabahizi,* Transcript, paras. 19-20)

There are also often discrepancies between the witnesses and the courtroom staff in terms of education that can contribute to the discounting of testimony. Illiteracy and lack of education can impair the ability of international witnesses to answer questions. Witnesses who do not have significant formal schooling and are not in the habit of estimating distance or time with numbers will likely be unable to provide certain important details in their testimony, and this may come across to well-educated courtroom staff as an indication that the testimony is not beneficial (Combs 2010, chap. 2). Combs recounts that those witnesses who can provide numerical details are sometimes "obviously inaccurate," which is what happened when the ICTR's *Kamuhanda* Trial Chamber discredited witness GEM's testimony in part because she estimated that there were one million Tutsis taking refuge at the Gikomero Parish, while other witnesses placed the number of Tutsi refugees in the thousands (*Prosecutor v. Kamuhanda*, February Transcript, para. 106).

164

Testimonial Injustice in International Criminal Law

Imagine that you are a prosecutor asking questions of your own witness, who claims to have witnessed a mass atrocity crime in her small village. Let's call her Maria. You want to establish how far away Maria was from the atrocity when it occurred, but she does not use numbers to describe very much in her everyday life. She cannot tell you how many kilometers away the site is. She cannot tell you in minutes how long it takes her to walk there from her house. She cannot estimate the distance in meters between herself and the judges. Maria can tell you, however, how many cigarettes she would normally be able to smoke during the time it takes her to walk between point A and point B. This witness is at risk of having her testimony discounted by other hearers in the courtroom solely on the basis of her method of explaining distance. This witness, whether or not she has something credible and relevant to say, is at risk of testimonial injustice.

As I already noted with respect to Fricker's work on testimonial injustice, much of it centers around social identities of race and gender, but identity prejudice occurs with respect to many other aspects of one's social identity, including culture, social class, language, education level, and age. There are so many language, culture, economic, and other social differences, but we must recognize that they are not just differences. They are *imbalances*, and thus they imply a social imbalance in which our witness may not appear to be a credible witness. The Prosecutor and judges are all likely people who use numbers to measure distance, and that she does not is likely to result in testimonial injustice.

Not all of these cases will be as clear as our number-averse witness. Female witnesses in general can have their testimony discounted based solely on their communication style. Combs notes the following in a footnote:

> Research indicates, for instance, that female witnesses and witnesses of low social status more frequently engage in what has been termed 'powerless' speech. That is, they use more 'hedges,' such as 'I think' or 'it seems as though;' they use more modifiers, such as 'kind of' or 'sort of,' and they use more appended phrases such as 'you know.' They also use more hesitation forms, such as 'well' and 'um,' and they more frequently state their declarations with a rising inflection, which makes the declarations sound more like questions. Research indicates that fact finders are less favorably disposed to witnesses who use a 'powerless' style of testimony. (Combs 2010, 80)

As international witnesses, poor women who have survived violence might possess multiple social liabilities that could result in their testimony being heard as 'powerless.' Of course, I identified various other social imbalances that might result in testimony being heard as 'powerless' or 'weak,' and thus the danger of epistemic injustice is clearly not limited to female witnesses.

There is a distinct harm that occurs when a witness's testimony is discounted based on the way in which it is provided, and the examples listed above suggest that international criminal law introduces significantly more opportunities for these kinds of testimonial injustice than a domestic criminal

165

trial. When an international witness like Maria is not respected as someone with knowledge, as someone who has something to contribute to the fact-finding mission, she experiences testimonial injustice. We might think that this harm is not within the purview of the court, that they are only responsible for caring about the truth-seeking process, and they have no particular obligations to victims. This claim seems wrong to me, both normatively and empirically. We should not be constructing or sustaining justice institutions that do not care about their relationship with direct victims of a mass atrocity. But it is also clear that these institutions do care. Victims and witnesses have their own representation in many of these courtrooms. There is an entire administrative branch of these courts dedicated to victim protection and outreach. By identifying the risk of testimonial injustice, I have simply given these institutions another tool for increasing victim participation and protection.

My claim is not that judges, investigators, and other hearers in the international criminal courtroom have failed to exhibit the virtue of testimonial justice. There are, in fact, quite a few examples of judges who have engaged in activism to try to salvage the testimony of speakers with relatively low social capital (Combs 2010, chap. 7). Rather, my claim is that the virtue must be intentionally pursued, and it must be grounded in respect for the speaker, not in feelings of pity. Hearers must be in a position to responsibly assess testimony by recognizing the potential for prejudice in a credibility judgment. So my claim is that judges and other hearers in the international criminal courtroom should actively pursue testimonial justice in furtherance of the aims of both justice and truth.

I noted in the previous sub-section that there are instances in which testimony is properly excluded or discounted, as the testimony does not aid the fact-finder in establishing the truth, or the testimony will put the testifier at risk of harm. Arguably, there is no testimonial injustice when testimony is given adequate and fair consideration, and it is nonetheless determined that it is not suitable for influencing the fact-finding objective. A witness who commits perjury or who does not have any knowledge (personal or secondhand) about a relevant incident is not wronged. We must also distinguish testimonial injustice from victim's rights with respect to participation in the trial, as a possible goal of international criminal justice. The exclusion of live testimony, in favor of written testimony, may result in harm to the witness if she feels very strongly about testifying in person. But we can distinguish this harm from the harm she might experience if her testimony is excluded altogether, or discounted on an unreasonable basis. We might think that testimonial justice does not guarantee a particular method of having your voice heard – it just means your voice and your knowledge can't be discounted based on your social position. So a witness who is permitted to provide written testimony, which is then assigned probative value, has not necessarily experienced testimonial injustice.

166

On the other hand, one goal of international criminal courtrooms is to give victims of violence some measure of control over their assailants, or at least the historical narrative. If a court fails with respect to this goal, a victim might experience harm, and it might in fact be an epistemic harm. In the context of a criminal trial, particularly an international criminal trial, it may be that it is impossible to practice testimonial justice. The structure of a criminal trial is such that the institution sets the terms and the parameters of the truth-seeking inquiry. The easy questions are what to do in the extremes of perjury and someone who doesn't use numbers to measure distance. Epistemic harm on the latter end, but not on the former. A harder question is what happens when someone is told that their testimony must cease because it is not 'relevant' to the proceedings. The scope of any trial is limited to the charges and defendants in the docket, and international criminal law is further limited. The ICTR, for instance, only had within its mandate the ability to investigate and prosecute crimes committed by Hutus against the Tutsis. I do not agree with the claim that the Rwandan genocide was a civil war, but I do think there were atrocities committed by the RPF, and these are not within the scope of the Court's mandate. Thus a witness who experienced extreme violence, and was a relevant, credible witness with respect to that violence, may be told her testimony is irrelevant based on the previously-determined scope of the proceedings. In such a case, the Court may be precluded from practicing testimonial justice, despite its best efforts, and the harm experienced by the witness may in fact be an epistemic harm.

Alternative Justice Mechanisms

Given all of the issues that can arise with excluded and discounted testimony in international criminal trials, we should be inclined to consider whether alternative justice mechanisms might better serve the goals of international criminal justice, particularly those of truth and justice. Often, alternative justice mechanisms are more focused on giving a voice to victims and establishing a historical record. Mechanisms that are more focused on restorative justice, societal healing and reconciliation are able to provide a more accurate historical narrative of mass atrocity (Henkin 1995, 184-186; Weinstein and Stover 2004, 13-14; Jain 2010, 267). If we think that victims have a 'right to know the truth,' then taking the possibility of punishment off the table can be useful in encouraging the forthright testimony of perpetrators. Arguably, they also can provide a less structured opportunity for truth-telling on the part of victims, where testimony is encouraged as part of constructing a narrative, rather than supporting a previously-determined narrative about an accused individual.

However, although I have not focused on the other goals of international criminal justice in this article, it is perhaps time to acknowledge their importance. Establishing the truth is important for generating a historical record, but also because we do not want to have a practice of reaching erroneous

verdicts in a criminal trial. And we *do* want to reach verdicts in criminal trials. We care about desert, and while alternative justice mechanisms may be well-suited for some communities, and perhaps for restorative justice, they do not necessarily result in everyone receiving what they deserve. Accordingly, we care about truth as a way of ensuring that victims and defendants get what they deserve, in the form of accurate criminal verdicts, and appropriate punishment for defendants who have been found guilty. An assessment of the value of punishment in international criminal law is far outside the scope of this article, but retributive justice is seen by many as a crucial goal of international criminal institutions. A shift away from this understanding of international criminal law would require much more than the foregoing analysis. What I have done, I hope, is shown the need for the international criminal legal system to continue to identify potential locations for testimonial justice to occur, and take responsibility for pursing testimonial justice where at all possible within the limited scope of a criminal trial.

V. Conclusion

I have argued that because we rely on each other epistemically for the truth of our beliefs, particularly in the case of criminal trials, we need to engage in practices that ensure proper assessment of the credibility of speakers. We cannot evaluate testimony, inside or outside the courtroom, without identifying the influence of our social identities on our assessments. The influence of prejudice on our assessment of testimony risks testimonial injustice, which harms individuals by discounting them as epistemic agents, and also the quality of our search for the truth. International criminal courts and tribunals represent a unique site for social inequalities, and thus the testimony of international witnesses is likely to be discounted (or privileged) based on social identities, rather than on credibility. Judges and other hearers in the international criminal courtroom should practice testimonial justice in order to best seek the goals of truth and justice. But we must also recognize the limitations of a criminal courtroom, and acknowledge that while they may be preferable to alternative justice mechanisms, they are not structured in a way that can prevent every instance of testimonial injustice.

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168

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170

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Dialecticality and Deep Disagreement

Scott F. Aikin

Abstract: In this paper, I will argue for a complex of three theses. First, that the problem of deep disagreement is an instance of the regress problem of justification. Second, that the problem of deep disagreement, as a regress problem, depends on a dialecticality requirement for arguments. Third, that the dialecticality requirement is plausible and defensible.

Keywords: argumentation, deep disagreement, regress problem of justification, norms of dialectic.

1. Regresses and Deep Disagreements

Regress problems are familiar to anyone who's interacted with a small child. The question of '*why?*' can be asked again, and again, and again. This interaction yields series of reasons that not only test our patience, but test our understanding of what is at issue. For regresses to get started, with the '*why?*' questions, four requirements for reasons must be in place. Call this *the recipe for justification regresses:*

> **Iterated Backing Requirement**
> Only Justified Reasons can Justify
>
> **Non-Circularity Requirement**
> Only non-circular justifications can justify
>
> **The Fact of Cases**
> There are Justified Commitments
>
> **Finitism**
> Justifying reasons are finite

Once nice thing about the recipe, as stated, is that it gives us a handy roadmap for solutions to the regress problem for justification, since it is an *apory set* – a collection of independently plausible, yet inconsistent, propositions, and the solution to the problem (stated in this case as the inconsistency of the set) is to identify which proposition one eliminates or revises to mitigate the tension between the members of the set.[1] So Foundationalists and Externalists modify the Backing Requirement, Coherentists modify Non-Circularity, Skeptics reject the Fact of Cases, and Epistemic Infinitists reject Finitism.

Deep disagreements are argumentative circumstances wherein there is insufficient overlap of agreed commitments and epistemic resources to resolve

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[1] See Nicolas Rescher 1985, 2006, and 2008 and Aikin and Talisse 2017 for developments of the aporetic method.

an issue between disputants. So, in normal disagreements, we can appeal to some fact we both believe that bears on the question, or we have some decision procedure to determine the right answer. So we may appeal to a mutually recognized authority or consult a source we both take as reliable. With deep disagreements, however, we do not share enough in common or provide enough information to cut the argumentative ice. As Robert Fogelin puts it:

> The possibility of arguments, the possibility of a genuine argumentative exchange, depends … on the fact that together *we* accept many things. (Fogelin 1985, 4)

> We get a deep disagreement when the argument is generated by a clash of framework propositions. (Fogelin 1985, 5)

The takeaway from Fogelin's invocation of Wittgensteinian hinge propositions is that we have commitments that ground much of our system of belief, but for which we do not have further reasons. As Wittgenstein describes these framework propositions:

> [T]he *questions* that we raise and our *doubts* depend on the fact that some propositions are exempt from doubt, as if it were like hinges on which those turn. (Wittgenstein OC, 341)

The key, though, is that these propositions are not shared by all, and so those for whom some proposition is dubitable seem to be unintelligible to those who cannot doubt them. Because these hinges "form the foundation of all operating with thoughts (with language)" (Wittgenstein OC, 401), those who consider doing without them are not, from the perspective of those convinced, making sense at all. And so, given this hypothesis of *hinge commitments*, deep disagreements are instances where arguments are impossible, because these sides cannot see each others' reasons as reasons at all. This is why Fogelin holds, "deep disagreements cannot be resolved through the use of argument, for they undercut the conditions essential to arguing" (Fogelin 1985, 8).[2]

It is not difficult, given this description of deep disagreements, to see how the problem of deep disagreements is an instance of the problem of the regress of justification. Here is how the argument for the view should go:

1) Framework Propositions are (supposed) reason regress-enders only for those who believe them

2) If framework propositions are not believed, then they do not end a reasons regress

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[2] For the current representation of what 'hinge epistemology,' see Pritchard (2015) and Schönbaumsfeld (2017). Further, see Siegel (forthcoming) for a critique of not only the hinge commitments in question. Additionally, a critique of the notion of 'depth' in deep disagreement, namely that it can be *gradable*, can be found in Duran (2016) and Aikin (forthcoming b).

174

3) Deep disagreements are defined by non-shared framework propositions

4) *Therefore:* Deep disagreements have no regress-ending reasons

What's needed, then, is a way to see that what I'd called the *recipe for the justification regress problem* to have a special instance for the problem of deep disagreements.[3] Here's what I see as the *recipe for deep disagreements:*

Backing
Only reasons acknowledged as good reasons can play proper role of backing

Non-Circularity
No reason can be in its own backing ancestry

Fact of Cases
Normal arguments: Yes – shared reasons
Deep disagreements: No shared backing reasons

Finitism
Arguments are finite endeavors

The key is that, given that backing in the case of deep disagreements, is driven by the fact of controversy – if your audience doesn't accept a premise or support relation essential to your argument, that is a problem with your argument. This thought about the deep disagreement instance of the backing requirement must be expanded.

The backing requirement, given this description of invoking not only a further supporting reason, but one that is acceptable to an audience, brings the *dialecticality* of the backing element into sharp focus. This should be contrasted with the demand of epistemic backing, which is only that a proposition can justify only if it itself is justified. In the case of dialecticality, not only must the justification be transmitted for a good argument, but that support must be *mutually recognized.* So, the contrast can be captured as follows:

Epistemic Backing:
P may justify Q only if P is *justified*

Dialectical Backing:
P may serve as a premise supporting Q only if P's acceptability is *shared*

Take 'shared' in these cases to be roughly that the claim's status is recognized as having a positive status, endorsed as at least a *prima facie* reason without a clear defeater, and one that has achieved either explicit or tacit approval in the exchange. This yields the following complex norm for argument:

Dialecticality Requirement:
An argument is good only if it is *dialectically adequate* to its audience

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[3] Elsewhere (Aikin, forthcoming a), I have argued that the problem of deep disagreement is a special instance of the problem of the criterion, which I argue is a regress problem.

175

> An argument is dialectically adequate to its audience only if its illative core (the premises and their support for the conclusion) is *accepted* or *acceptable* to its audience

The core thought behind the dialecticality requirement is the idea that arguments are occasions wherein we are exchanging reasons, our objective is to come to a mutual accord, one reached not only by the best reasons, but on our shared regard for those reasons as best.

The dialecticality requirement is a pretty demanding norm, one that takes on not only a commitment to being an exercise of our shared rationality, but an exercise of our *recognizing* that shared rationality as such. It is an exercise of what Ralph Johnson calls *manifest rationality:*

> What is distinctive of argumentation is that it is an exercise in *manifest rationality*, by which I mean not only that a good argument is itself a rational product […] but that it is part of the nature of the enterprise that *this product appear as rational* as well. (Johnson 2000, 144)

The point of manifest rationality is that we be committed to not only ways that are *good* for resolving our differences, but to ways that we *actually see as good*. It is ruinous, on analogy, for a just decision to nevertheless *appear unjust* to those affected, or for a fair decision to have the *air of improper partiality*. Arguments, like these other shared social goods and ends, have their purchase only if, in our living up to their norms, not only live up to the norms, but also *appear as doing so, too*.

Manifestness is a norm undergirded by two appealing thoughts. The first is a norm of rational respect, one of recognition. Here is a way to capture it: Following the Dialecticality Norm… is a norm of *rational respect*.

> With argument, we are trying to engage someone's reason, so that they see the world in a way we can share. Rational resolution requires that the rationality of the reasons be manifest.

Not caring what others, with whom one disputes, see as decisive reason is a failure to see them as having the moral and cognitive standing of regard. We must live our lives from the inside, and not being moved by this thought when taking up with what others see from their instances of 'inside' is to refuse to appreciate and respect those with whom one disagrees and argues. If one doesn't have that respect, then why *argue* in the first place?

A second reason supporting the manifestness commitment behind the dialecticality requirement is simply that it is good pragmatic policy. Arguments are more effective and durable if we live by the dialecticality norm. Here is how to capture the thought:

> With argument, we are trying to resolve an issue in a way that is quick and durable. Were we not to respect the dialecticality norm, we'd make the argument drag out longer and have more easily rejected resolutions.

176

The lesson is, if we go for dialectical arguments, our conclusions are more likely to stick.

2. Dialecticality and its Discontents

So far, what I've done is argue for two theses – that the problem of deep disagreement is a particular form of the problem of the regress of justification, and that instances of the regress-generating backing requirement for arguments in the recipe for the deep disagreement problem is a norm roughly captured by the dialecticality requirement for arguments. The question, then, is whether, if the regress problem can be mitigated by rejecting a proposition in 'the recipe' (and the backing requirement, in particular), then the dialecticality requirement can and should be rejected to solve the problem of deep disagreement. The most prominent critic of the dialecticality requirement for arguments is Richard Feldman. He holds that the consequence of accepting dialecticality is a form of audience-relativism for argument-quality. In particular, if one requires dialecticality, "there is no such thing as the simple quality of an argument" (Feldman 1994, 172). In support of this thought, Feldman proposes two cases:

> **Case 1: The Blackboard**
>
> [I]f I walk into a classroom and see an argument written on the blackboard, I can evaluate it without knowing for whom it was intended. I don't ask, 'Are there premises justified for the intended audience?' Instead, I consider the merits of the premises and their connection to the conclusion. (Feldman 1994, 172)
>
> **Case 2: The Newspaper**
>
> [Y]ou come across an argument [...] in the local newspaper. You know most of the readers of the paper are not justified in accepting some of the premises, although you know that the premises are in fact true [....] You'd be forced to say, using the acceptability theory, that the argument is no good. It seems clear to me, however, that it would be a mistake simply to leave one's evaluation at that. If you know the premises are true and that they support the conclusion, **then there is surely something good about the argument**, even if its intended audience lacks knowledge. (Feldman 1994, 172-173; emphasis added)

The key to a reply to Feldman's cases is that with both, Feldman has inserted *himself* as the target audience for the arguments at issue. I believe this is easy to see when we consider the fact that arguments, as arguments, are both *processes* and *products* – that is, they are both diachronic exchanges between people, and they are structural relations between propositions. And just as we can evaluate the exchanges in terms of the structural relations between propositions, the structural relations can be evaluated in terms of how they are produced in the exchanges. Consider Feldman's Blackboard case. Let Feldman view the argument on the blackboard, from where he sits, as a *false dilemma*. Perhaps between A and B (with B eliminated). He may agree that B should be

177

eliminated, but he holds that C is also a relevant option, but in the argument given, it's neglected. But imagine, further, that the argument as assessed (*A or B, not B; so A*) is itself the product of a longer process, one stage of which has the trilemma, with A, B, and C as options and C eliminated. For the participants in the longer dialogue, the argument that Feldman would see as a false dilemma is not – this is because the *tertium quid* has already been eliminated. Insofar as we think that the dialogical history of an argument as a product is relevant to its quality, the audience-indexing for the dialecticality requirement must be a component of evaluation.

The relativism Feldman worries about needn't follow. One reason is that Feldman is right that we can still acknowledge, for example in the Newspaper case, that there are elements of arguments that can be successful, independent of audience and their assessment. In the newspaper case, Feldman still holds that "there is something good" about the argument that dialecticality doesn't capture, and this is correct. But the dialecticality requirement is only *one necessary condition among many*, and so cannot capture *all* the norms of argument. So, for example, a valid argument will still have something good about it, regardless of audience capacity to detect it, but for the argument yet to completely perform its function, the audience still must be able to assent to that validity. The same, the reasoning should go, for Feldman's Newspaper case where the argument, were the audience more scientifically literate they would see that it is scientifically well-founded.

The dialecticality requirement, as stated, is only a necessary condition for argumentative success. Being properly hooked up with the argumentative process, that the argument is a relevant contribution to the discussion, and is one that adds to the progress toward resolution or clarification of an issue, is what this requirement identifies. And it, alongside other structural and purely epistemic matters, identifies the aim of argument improving our cognitive position on a matter in question.

3. Conclusion

I've argued here for a complex of theses. The primary is that the problem of deep disagreement is an instance of the regress problem of justification, but it is one with a particular version of the backing requirement – what I've called the *dialecticality requirement*. In particular, given the notion of a deep disagreement on offer, the problem is best captured by the thought that arguments about hinge propositions can never be dialectically successful. One way to resolve the theoretical problem of deep disagreements is to reject the dialecticality requirement, but I've argued here that the norm is very appealing on both recognitional and pragmatic grounds. And further, I've argued that the case for rejecting the dialecticality requirement, as we see with Feldman's two cases, is not well-founded.

178

The lesson, as I take it, is that if we are to have a solution to the problem of deep disagreement, given that it is a dialectical form of the regress problem for justification, it must be (a) consistent with the dialecticality requirement, and (b) be a recognizable solution to the regress problem for justification. Classically, the prospects for a program of reply to the problem have been very dim. Sextus Empiricus's Five Modes is founded on the notion of dialectical regresses, and his solution is skepticism (see PH 1:175). That said, everything about the problem of deep disagreement depends on its description of being a clash between hinge propositions, and perhaps there is reason to be skeptical about the prospects of hinge epistemology.

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Beyond Argument: A Hegelian Approach to Deep Disagreements

Connie Wang

Abstract: Accounts of deep disagreements can generally be categorized as optimistic or pessimistic. Pessimistic interpretations insist that the depth of deep disagreements precludes the possibility of rational resolution altogether, while optimistic variations maintain the contrary. Despite both approaches' respective positions, they nevertheless often, either explicitly or implicitly, agree on the underlying assumption that argumentation offers the only possible rational resolution to deep disagreements. This paper challenges that idea by, first, diagnosing this argument-only model of arriving at rational resolutions, second, articulating a competing but undertheorized Hegelian-informed approach, and third, attending briefly to some of the challenges of such an approach.

Keywords: deep disagreement, rational resolution, argument, Hegel.

I. An Optimistic Outlook

Deep disagreements, or disagreements in which argumentation seems unable to bridge conflicting forms of reasoning, abound in religion, economics, politics, science, and of course philosophy. Despite the prevalence of easy examples, considerable contestation remains regarding what it means for a disagreement to be 'deep' and whether this sort of depth precludes the possibility of rational resolution. Accounts of deep disagreements generally fall within one of two camps: optimistic or pessimistic interpretations. On the pessimistic interpretation, deep disagreements by virtue of their depth cannot be rationally resolved (Davson-Galle 1992; Fogelin 1985 and 2007; Campolo 2005 and 2009). Optimistic variations – the focus of this paper – reject the idea of absolute depth in principle and instead maintain that deep disagreements can indeed be rationally resolved (Lugg 1986; Turner 2005; Turner and Wright 2005; Feldman 2005 and 2007; Phillips 2008; Godden and Brenner 2010; Siegel 2013; Aikin forthcoming).

The aim of this paper is twofold. The first is to diagnose and identify two subsidiary forms of optimistic accounts of deep disagreements. More specifically, I hope to offer an exploratory sketch of a competing but undertheorized alternative to what I call the *argument-only approach* to deep disagreements. I call this account the *argument-plus approach.* My second goal in this paper is to suggest a plausible way of defending the argument-plus model against the objections that derive from my Hegelian formulation of the approach – namely, its ostensibly naive valorization of second nature and habit and its paternalistic

nature. Although my defense of the argument-plus approach is largely centered on what I take to be the most crippling objections, I nevertheless offer some suggestions for potential responses to the other concerns regarding relativism and the deflation of the force of reasons for the interested argument-plus defender.

My suggestion is that optimistic portrayals of deep disagreements tend to take one of two forms: the argument-only and the argument-plus model. Proponents of both approaches, insofar as they are optimistic programs, accept the idea that deep disagreements can be rationally resolved. The central distinguishing feature of these two interpretations hinges on whether argumentation constitutes the sole method of producing rational resolutions to deep disagreements. Whereas the argument-only approach is committed to the idea that argumentation comprises the only method of arriving at rational resolutions to deep disagreements, the argument-plus model rejects the idea that argumentation constitutes the only source of such rational resolutions. Within the existing deep disagreement literature, many explicitly accept the argument-only model or do so implicitly in their failure to consider non-argumentative means of producing nevertheless rational resolutions to deep disagreements (Feldman 2005 and 2007; Phillips 2008; Godden and Brenner 2010; Siegal 2013; Aikin forthcoming).

Given the relative paucity of argument-plus defenders (Turner 2005; Turner and Wright 2005; Lugg 1986), it is no surprise that the position remains severely undertheorized. In what follows, I first offer an elaboration of the central commitments that I take to underwrite the argument-only approach and the strengths that accordingly follow. Once we have a working conception of the argument-only approach in place, we will be in a better position to recognize both the motivations for adopting an argument-plus approach and the difficulties such a position faces.

II. The Argument-Only Approach

Rather than offer a careful articulation of the diverse assortment of argument-only approaches, my intention in this paper is merely to provide us with a rough approximation of such an account. I want to suggest that there are at least five reasons to adopt the argument-only approach to deep disagreements. First, the argument-only approach rests on a Kantian conception of rationality, insofar as it takes reflection – in the form of giving, asking, and assessing reasons – to constitute the most developed manifestation of rationality. For Kant, the ideal form of deliberation for finite rational beings is critical reflection, wherein the agent abstracts from her reasons for action, explicitly evaluates her motives and reasons, and legislates moral law for herself, thereby realizing her rational nature (Walsh 2012, 286). The reason reflection holds this revered place for Kant and, as I argue, for argument-plus defenders is that rationality most fully manifests in the activity of critical reflection, which takes on its public form in

182

argumentation in which reasons are made explicit and correspondingly evaluated. At the core of most argument-only approaches, there seems to exist a general tendency to valorize critical reflection in this Kantian manner. This underlying commitment explains why argument-only defenders insist that argumentation constitutes the sole means of reaching rational resolutions to deep disagreements.

In holding argumentation in such high regard, the argument-only model effectively relegates other forms of persuasion, such as education, manipulation, and brainwashing, as not yet rational or patently irrational. Less controversial forms of persuasion, such as education, are not yet rational in the sense that they do not manifest into argumentative – that is, their fully realized and rational – form, though they may enable us to realize our rational potential and can consequently be characterized as implicitly or latently rational. Accordingly, for the proponent of the argument-only approach, the only possible source of a rational resolution to deep disagreements lies in argumentation. Other forms of persuasion cannot produce rational resolutions because they are fundamentally irrational or not yet rational.

The second motivation to adopt an argument-only approach derives from its firmly-rooted anti-paternalism. The approach is anti-paternalistic in that it recognizes both us and others as rational beings who are responsive to reasons. By tying rationality to argumentation, the argument-only approach effectively isolates effects in belief formation and adoption that arise from argumentation, or 'purely epistemic' grounds, from the effects that arise from non-epistemic bases, such as coercion and force. In other words, it is only because the argument-only approach is deeply committed to the idea that we are rational beings and ought to be treated as such that it finds itself drawn to a Kantian conception of rationality.

A third reason one might find the argument-only approach appealing is that it preserves the epistemic and normative force of reasons. That reasons have an intuitive epistemic and normative appeal is evident in our everyday practices.[1] Their epistemic force derives from the crucial role that reasons play in justifying knowledge claims. Insofar as reasons are what give rise to justification, they constitute a sufficient but not necessary condition for knowledge. It would go against ordinary intuition to attribute knowledge to a merely true belief because that would entail that unjustified true beliefs, such as lucky guesses, would count as instances of knowledge. In referring to the normative force of reasons, I mean to draw out the intuitive idea that there are

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[1] Although there are those who might contest this characterization of preserving the force of reasons as a desiderata of the argument-only approach, my aim here is not to adjudicate between epistemic internalists and externalists. My suspicion is that the externalist would offer an interesting approach to thinking about rational resolutions to deep disagreements, but that the internalist line of thought appears more commonly in the literature, which is why I have chosen to focus on it in this paper.

some reasons that *should* persuade us to formulate and adopt our beliefs (or act) in certain ways, even if we have other motivating or explanatory reasons for believing or behaving otherwise. In short, reasons are normative in that we *ought* to find them compelling, regardless of whether we in fact do. The idea is that the argument-only approach's commitment to our fundamental rationality also commits it to the idea that explicit reason-giving, insofar as they sit at the center of the argument-only model's conception of rationality, are epistemically and normatively important to us. Reasons have a special hold on us, a kind of epistemic and normative force.

A fourth characteristic strength of the argument-only approach is that it maintains a firm grip on objectivity because it is committed to the *translatability thesis*, while simultaneously allowing for a commitment to socially-informed understandings of knowledge. Roughly, the translatability thesis rejects the idea of the absolute incommensurability of conceptual schemes (Davidson 1973-74). Positively stated, all conceptual schemes are translatable and thereby accessible to reasoning. Insofar as no conceptual scheme can fundamentally resist translation, the propositions that make up such a scheme constitute objective reasons because they are theoretically epistemically and normatively accessible and persuasive to *all* rational beings in the same way. The advantage of such an approach is that it can both maintain objectivity and recognize the social basis of knowledge. For instance, the translatability thesis can accommodate the two theses that constitute feminist standpoint theory:

> *The Situated-Knowledge Thesis:* Social location systematically influences our identities, experiences, and epistemic capacities, thereby shaping what and how we know. (Wylie 2003, 62)

> *The Thesis of Epistemic Advantage:* Those who occupy socially marginal space may develop or amass epistemic advantages in at least some contexts. (Wylie 2003, 63; Intemann 2010, 783)

The argument-only approach would accept the idea that social locations may systematically influence our knowledge and that these locations may offer epistemic advantages to those who occupy the social margins, but it would reject the idea that such social locations offer *unique* epistemic advantages that cannot be propositionally shared with those who do not occupy those locations. In this way, the argument-only approach rejects only a strong reading of socially-informed ways of knowing, that is, the idea that some social bases offer unique access in some contexts.

The fifth reason for the argument-only approach's appeal is that it contains explanatory value. As an explanation for the depth of disagreements, the argument-only proponent can point to a failure to effectively, genuinely, and accurately share or consider evidence. In short, disagreements of depth arise from implicit or explicit failures to argue well.

184

III. The Argument-Plus Approach

While there are certainly good reasons to find the argument-only approach compelling, I want to draw our attention to three potential objections to understanding deep disagreements according to this model. From these objections, we will be in a position to formulate the argument-plus approach.

First, insofar as it operates along a Kantian conception of rationality, the argument-only approach is open to the Hegelian line of criticism that such a conception of rationality underestimates habit and second nature as a source of manifest rationality. In *Elements of the Philosophy of Right,* Hegel offers a harsh criticism of the Kantian ideal of rationality, rejecting the idea that critical reflection constitutes the most developed manifestation of rationality. There are two main reasons why Hegel takes such a disparaging stance towards critical reflection. First, conscience – what Hegel takes to be the embodiment of critical reflection – lacks a determinate conception of the good and therefore also lacks an objective criterion for determining the good (Hegel 2016, §141, 186). Consequently, it poses the risk of becoming evil at any moment. For this reason, Hegel rejects the idea that critical reflection is unqualifiedly good (Hegel 2016, §139, 167-70). Put more directly, critical reflection alone is fundamentally limited in its capacity to determine the good. The second danger stems from the fact that the process of critical reflection necessarily involves self-alienation. Insofar as this is the case, critical reflection always poses the structural threat of throwing the subject into a "bottomless pit of self-questioning." (Honneth, 2010, 41) This is why Hegel considers the cultivation of habit in ethical life to constitute an achievement. In ethical life, not only are our reasons tied to a determinate conception of the good but we also immediately relate to those reasons insofar as we feel at home in the forms of life from which those reasons emerge. In Hegelian terms, reason is most fully realized – or actual – in ethical life and the habitual disposition we develop in such forms of life (Hegel 2016, §27, 57; §151, 195).

In contrast to the argument-only approach, the argument-plus approach takes argumentation to constitute merely one form in which our rationality manifests. Turner and Wright (2005) insightfully call our attention to practices and behaviors other than argumentation, such as learning and enculturation, that also manifest our rationality. My suggestion is that, by turning to the Hegelian notion of rationality, we can not only recognize Turner and Wright's insight, but also think more critically about the valorized status of reflection and appreciate the achievement of second nature in ethical life. In ethical life, we not only feel at home in the world but we do so in a world that is rational. Our cultural participation in ethical life, and to the extent that it manifests as habitual and therefore expresses itself as a relation of immediate self-relation, constitutes the fullest actualization of our rationality (Lumsden 2016). In short, the argument-plus approach, unlike the argument-only approach, can appreciate the cultivation of habit and second nature in ethical life not only as an achievement

185

but also as a realization of a higher order than critical reflection and argumentation.

Second, one might criticize the argument-only approach's commitment to the uniqueness thesis because it operates according to a misguided conception of knowledge. Arguably, this mistaken conception is one of the driving factors for the argument-only proponent's rejection of a strong interpretation of the social basis of knowledge. One might resist the idea of absolute translatability on the grounds that not all knowledge is reducible to propositional form. We might call this residual knowledge *understanding*.[2] Although I cannot hope to offer a detailed account of this notion of understanding in this paper, my suspicion is that what is leftover and untranslated when we attempt to reduce a form of life into propositional content has much to do with understanding that derives from having particular dispositions, or more specifically an emotional and cognitive orientation, that plays a crucial role in our ability to recognize, assess, and respond appropriately to salience (de Sousa 1987, 141-204; Lance and Tanesini 2004; Döring 2009). Recent developments within psychology and cognitive science bolster the idea that emotion constitutes a central component of rational thought, insofar as emotion enables us to be "interested in" or "attentive to" an object (Blanchette and Richards 2009; Koole 2009; Gyurak, Gross, and Etkin 2011). In short, emotions constitute a precondition, not a hindrance, for the collection and assessment of evidence, deliberation, and argumentation. These dispositions, which are at least in part and substantially emotional, might themselves be socially molded and are necessary for comprehension of a form of life insofar as they comprise a central component of forms of reasoning.

My contention is that, even in cases in which one accurately, genuinely, diligently, and fully transcribes a form of life into propositions and shares these propositions in deep disagreements, one loses the disposition that, at the very least, accompanies understanding in translation. Even if one could describe such a disposition, having propositional knowledge of said disposition – or the exhaustive list of experiences that gave rise to it – could not by itself produce understanding. I suspect that the reason for this is that, as a kind of disposition, understanding does not merely emerge from having access to and reflecting upon a set of a propositions. If my suspicions are right, absolute and complete translation of a form of life - including the understanding and forms of reasoning to which it gives rise - into a set of propositions lies beyond the range of possibility. And if we are willing to reject the uniqueness thesis' underlying commitment to knowledge as completely reducible to propositional knowledge and therefore absolutely translatable, a strong version of the sociality thesis begins to appear more plausible.

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[2] I am indebted to Tempest Henning for sharing her deeply insightful suspicion of contemporary epistemology's overemphasis on propositional knowledge with me, which inspired me to turn my discomfort with the argument-only approach to knowledge into a criticism of its focus on propositional knowledge.

186

But why think that sociality offers us unique access to knowledge or understanding? It recognizes that, at minimum, some aspects of rationality are grounded in social forms of life, a thesis that has been widely supported and recognized in varying ways and to varying degrees (Sellars 1997; Freud 1989; Merleau-Ponty 2014; Wittgenstein 1958; Marx 1978; Hegel 2016). The appeal of a strong socially-informed understanding of knowledge lies in the fact that it seems to capture why disagreements seem as deep as they do. The idea is not that there is one way to reason but that reasoning takes on a variety of forms insofar as it is indexed to particular forms of life. This is, of course, not to deny the possibility of translation but it recognizes that translation is always imperfect, insofar as it cannot make up for a lack of or develop an appropriate emotional attunement or disposition that emerges from the practices, behaviors, education, and enculturation which comprise particular forms of life. We can accordingly explain deep disagreements as those disagreements that arise when two forms of life – and their respective orientations to the world – conflict. What is rationally salient in one form of life may simply be rationally unpersuasive in another.

The third concern regarding the argument-only approach is that it unsatisfactorily dissolves the very phenomena of deep disagreements. Part of what is compelling about the idea of deep disagreements is that people find them genuinely 'deep,' even if not absolutely so. The argument-only approach can only explain the difficulty of rationally resolving deep disagreements by pointing to explanations that indicate we are either hindered by irrational motives or have simply not genuinely engaged in argumentation. But neither explanation seems to capture the phenomena of deep disagreements in which we surely are not 'blinded by our emotions' and have also tried to sincerely reason and argue with one's interlocutor. I want to suggest that the argument-plus approach offers a more satisfying way of thinking about the kinds of deep disagreements that persist despite continued, genuine, and well-argued disagreements. The acceptance of a strong view of sociality, in a sense, makes deep disagreements deeper because there are now two chasms to cross: one of argumentation and one of a socially-grounded form of reasoning. And while this might appear alarming to optimists, I want to suggest that this approach more accurately captures the phenomenon of deep disagreements.

IV. Hegel on Deep Disagreements

As I have formulated it, the argument-plus approach offers three distinct advantages against its counterpart. It recognizes habit and second nature in ethical life as achievements of manifest rationality, diagnoses the uniqueness thesis as reductive thereby making space for stronger interpretations of socially-informed ways of reasoning, and offers a more satisfying explanation of the depth of deep disagreements. In light of its strengths, we can also identify its corresponding weaknesses. In this section, I explore four challenges to my

Hegelian-inspired formulation of the argument-plus approach, but focus on what I take to be its most damaging criticism – that it is paternalistic. Although I do not offer a full defense of the argument-plus approach in this paper, my aim is to show that by drawing on a particular conception of human nature we can resist some of the objections that are generated by a Hegelian argument-plus model.

There are two interrelated objections that emerge from the Hegelian arc that I have attributed to the argument-plus approach. The first objection is that it offers an uncritical valorization of habit. If rationality most fully realizes itself in second nature in ethical life, the very possibility of social critique and critical consciousness seems to, at least on first glance, have no place in ethical life. In short, Hegel's understanding of second nature in ethical life offers what appears to be a deeply conservative portrayal of rationality that is antithetical to the critical reflection that often constitutes social critique. While this paper is not the place to defend my reading of Hegel, I want only to point out that Hegel himself acknowledges that habit, like critical reflection, is not unqualifiedly good.[3] That is, critical reflection also constitutes an essential component of ethical life. My contention is that their difference lies in the fact that, for Hegel, being at home in the world in ethical life constitutes the highest – or most actualized – form of rationality, whereas Kant precariously, if not naively, treats critical reflection and argumentation as the culmination of rationality. Put in relation to social and political concerns, while it might be true that being an 'insider-outsider' with a critical consciousness might give one better epistemic access to knowledge and understanding, the kind of marginalization that produces a social position characterized by, in Hegelian terms, the systemic inability to be at home in a dominant or oppressive form of life for certain people often comes at a great material and psychological cost. Unlike Kant's conception of rationality, Hegel rejects this naive valorization of critical reflection because it overlooks the importance of being at home in the world.

The second objection is that, in adopting a Hegelian approach to deep disagreements, the argument-plus model appears to endorse paternalism, insofar as it defends other non-argumentative practices as capable of producing rational resolutions to deep disagreements. What makes the charge of paternalism so fatal for a model for understanding deep disagreement is that it makes the site of any deep disagreement an appropriate site for the use of alternative means of persuasion, including potentially coercion and force. The problem is that it seems to endorse the imposition of an external system of reasoning and set of reasons onto a subject who could and would not endorse those reasons as her own. In this paper, I entertain four varieties of the charge of paternalism.

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[3] Others offer excellent defenses of Hegel against this charge. See Robert M. Wallace's (2001) "Hegel on 'Ethical Life' and Social Criticism," Simon Lumsden's (2012) "Habit, Sittlichkeit and Second Nature," Andreja Novakovic's (2017) *Hegel on Second Nature in Ethical Life,* and Walsh's (2012) "Distance and Engagement: Hegel's Account of Critical Reflection."

The first formulation of the paternalism charge can be stated in the following way: the argument-plus approach accepts not yet rational or irrational means of persuasion as processes that can produce rational resolutions to deep disagreements. This objection proceeds on the basis of a Kantian conception of rationality whereby critical reflection – and its public form, argumentation – is held as the apotheosis of our rationality as finite rational beings. The consequence is that non-argumentative practices, such as education and enculturation, constitute latently rational means of persuasion, practices that enable us to realize our rational behavior but are not themselves manifestly rational in the same way argumentation is. My suggestion is that, by turning to Hegel's recognition of the achievement of second nature in ethical life, we can develop a greater appreciation for the ways in which rationality manifests in habit.

A second way of articulating the charge of paternalism is that, even if we grant the argument-plus proponent and confer the status of 'manifestly rational' onto education and enculturation, we lack a criterion and therefore a principled means of distinguishing between rational (in this broader Hegelian characterization) and irrational means of persuasion, such that the two become indistinguishable. The desirability of such a criterion should be apparent by now. Without it, it becomes unclear when education becomes a form of glorified brainwashing, or 're-education.' Even so, this paper is not the place to attempt to identify criteria for distinguishing between rational and irrational means of persuasion. Nevertheless, we can retain the conceptual possibility that such a criterion or set of criteria can be articulated by pointing to a site of agreement among both argument-plus and argument-only supporters. Both would presumably accept the idea that not all varieties of education and enculturation are forms of 're-education.' Insofar as this is the case, we can salvage the conceptual possibility that there is indeed a way of distinguishing between rational and irrational means of persuasion, even if that process or set of criteria cannot be articulated here.

A third version of the paternalism charge might take on the following form: even if the education approach is a rational method of producing rational resolutions to deep disagreements, it is nevertheless a paternalistic program when we impose it upon individuals who already know how to argue. That is, it is not merely the content of the education program that determines whether it is paternalistic; it is also a matter of the circumstances in which that education is imposed. The idea is that there is a substantial difference between educating a child, so that she may realize her rational capacities as a knower by developing the skill of argumentation and educating someone who already knows how to argue. In the former case, one is teaching another how to reason. In the latter, one is 'teaching' someone to recognize someone else's reasons and that precariously borders on paternalism.

An argument-plus defender may respond in one of two ways. First, 're'-education might be appropriate in those instances in which someone has failed to develop reasoning skills that constitute a necessary but not sufficient condition of being enculturated. One such skill might be the capacity for self-correction. We might even go so far as to say that without such a skill one has not become a proper member of any epistemic community. But, of course, such a standard of being a proper member of an epistemic community is easily satisfied, insofar as the capacity for self-correction is merely a formal procedure and contains no given content.

To respond to the more substantial paternalism charge about re-education, I suggest that we turn to the Hegelian tradition of immanent critique. As Rahel Jaeggi (2009) argues, immanent critique offers a more promising method of adjudicating amongst conflicting forms of life than other forms of social critique because it avoids the shortcomings associated with both internal and external critique. Internal critique remains entirely dependent on the resources within a given lifeform, which precludes forms of more radical social critique – namely, ones that might put into question the very standards internal to a given form of life. External critique paternalistically imposes external standards and reasons that the object of its critique would not accept as reasons for action. In contrast to both internal and external critique, immanent critique offers a promising third alternative. Immanent critique relies on the process of determinate negation, or the transformation of the old into what is both new and grounded in the old through the processes of negation, preservation, and unification. This kind of social critique is 'immanent' in the sense that it generates new ideals through the overcoming of the practical contradictions engendered by the original norms in question. In this way, one can understand Hegelian immanent critique as a kind of anti-paternalistic problem-solving or learning process.

One can formulate the paternalism charge in a fourth way: while immanent critique seems to offer a non-paternalistic version of producing rational resolutions to deep disagreements, it nevertheless requires more than a merely formal criterion for identifying practical contradictions or problems. Certainly, at an absolute minimum, a formal criterion for recognizing practical contradictions, such as a consistency requirement, is embedded within the process of immanent critique. But I want to suggest that if we are genuinely committed to the sociality thesis, then we are also committed to a thicker content-laden criterion for recognizing practical contradictions as such. The thought behind this should appeal to both proponents of the argument-only and argument-plus approach. If reasoning is indeed, at least in part, necessarily indexed to particular forms of life such that forms of knowing are socially situated, then recognizing problems is not merely a matter of deconstructing old ways of reasoning but also necessarily involves positively constructing new ways of reasoning and understanding the world. That is, there is no view from nowhere from which we can identify practical contradictions qua practical

190

contradictions. And, if this is the case, the new ideals generated through immanent critique are not generated through some empty formal problem-solving process. One requires a standard against which all forms of life can be measured. And so, we have returned to an external standard and the risk of paternalism reappears.

The response to this fourth variation of the paternalism objection, I contend, hinges on adopting a minimal but nevertheless substantial *anthropological thesis* about human nature – that is, we are embodied, socially constituted and dependent, and necessarily productive creatures who take our own lives as the objects of our creative expression. Insofar as we are the types of human beings that we are, there are certain ways in which all forms of life are continuous or can be measured against the same standard. I do not wish to spell out the contents of this anthropological thesis here, but my conjecture is that a non-reductive naturalistic approach of this sort offers us a potential way of defending the argument-plus approach from the charge of paternalism.

In turning to immanent critique as a potential source of resolving deep disagreements, however, we have ostensibly unwittingly produced a defense of the argument-only approach insofar as immanent critique constitutes a form or component of argumentation. The basis for this objection rests in thinking about immanent critique according to what James Gordon Finlayson (2014, 1153) describes as its "slender, commonplace" version or, as I want to classify it, as a purely argumentative exercise. My conjecture is that the Hegelian tradition of immanent critique cannot be reduced to a purely pragmatic problem-solving process, as a practice that merely concerns the articulation of background premises and presuppositions and the deduction of valid inferences. This commonplace understanding of immanent critique draws on a similarly thin conception of critique grounded in a notion of knowledge as reducible to propositions. In contrast, the Hegelian tradition of immanent critique draws on a thicker notion of critique, one that is grounded in forms of reasoning and ways of understanding that arise from forms of life. According to this line of thought, immanent critique involves more than mere argumentation but also the active, constructive, and transformational practice of "forging links," whereby we develop new ways of being in the world (Jaeggi 2009, 79). Critique, in this Hegelian sense, requires more than just the articulation of well-founded criticisms and statements; it also encapsulates the practice of coming to develop the forms of life and the forms of reasoning to which they give rise that one needs to see objects of critique as such. Thus, the invocation of a Hegelian understanding of critique, like that of rationality, speaks to more than those activities often associated with argumentation. In short, if we adopt a Hegelian approach to immanent critique, we can reject the idea that discussion of immanent critique converts the argument-plus approach into an argument-only approach.

Despite the defense of the argument-plus approach I have attempted to offer here, it is not lost on me that more needs to be said. Substantial criticisms of the argument-plus approach remain. However, my suspicion is that adopting such an anthropological thesis might also pave a path for the interested argument-plus defender to respond to additional criticisms, particularly those related to relativism and the deflation of the force of reasons. Regarding the charge of relativism, a critic of the argument-plus approach might argue that, if we accept the sociality thesis, it looks like we have conceded that there is no objective truth. Truth is now indexed to particular forms of life and this appears to foreclose the possibility of non-coercively resolving deep disagreements. However, the anthropological thesis wards off the possibility of relativism, insofar as it maintains that there is indeed a universal standard to which forms of life and the systems of reasoning to which they give rise must ultimately answer.

A second challenge to the argument-plus approach is that it looks like it offers a deflationary account of reasons. It seems to me that the anthropological thesis allows a defender of the argument-plus approach to successfully avert the charge that she has deflated the normative force of reasons, but it is less clear how one might avoid the charge that one has deflated the epistemic force of reasons. Insofar as reasons are indexed to particular forms of life, their epistemic force – that is, their capacity to give rise to justification – is significantly weaker. The question then is: how should we understand the practice of asking and giving reasons, if not as a primarily justificatory practice? Following the work of Herbert Fingarette (2000), I suggest that we should expand our understanding of the very practice of reasoning. It is not just that it enables justification. It is also central to the acquired skill of 'spelling things out.' Part of why we reason is to make sense of our world as *our own*. In spelling out our world and making the implicit explicit, we also see ourselves as endorsing our form of life. Of course, in doing so, we also hold our forms of life up to our forms of reasoning and, when our forms of life fail to live up to this standard, they risk producing a sense of alienation. In short, forms of life are also answerable to our practices of reasoning. We might say the epistemic force of reasoning practices is, in some sense, expanded upon in this account. Reasoning enables us not only to *justify* knowledge, but also to endorse knowledge as *our own.*

V. Conclusion

Why adopt an argument-plus approach to deep disagreements? At first glance, the motivation for such an enterprise seems to be severely outweighed by the significant costs of trying to reconsider rationality in a Hegelian light. Indeed, I offer only a partial sketch of an argument-plus model of deep disagreements precisely because it does not eschew the difficult questions of how to hold onto both argumentation and second nature as manifest expressions of rationality, a strong interpretation of sociality and objectivity as compatible, and

192

propositional knowledge and knowledge which exceeds propositional reduction. Nevertheless, I contend that grappling with these questions in regards to deep disagreements is not only timely but also necessary. Questions about the nature of deep disagreements sit at the heart of the contemporary political landscape. Deep disagreements and the ways we will confront them, in many ways, are what will characterize this historical period. Turning the conversation away from argumentation, I want to suggest, is one way to begin to broaden the conversation about how to think about rationally resolving the kinds of entrenched and pervasive deep disagreements that characterize much of our political engagement today.

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194

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195

Bringing Wreck

Tempest Henning

Abstract: This paper critically examines non-adversarial feminist argumentation model specifically within the scope of politeness norms and cultural communicative practices. Asserting women typically have a particular mode of arguing which is often seen as 'weak' or docile within male dominated fields, the model argues that the feminine mode of arguing is actually more affiliative and community orientated, which should become the standard within argumentation as opposed to the Adversary Method. I argue that the non-adversarial feminist argumentation model (NAFAM) primarily focuses on one demographic of women's communicative styles – white women. Taking an intersectional approach, I examine practices within African American women's speech communities to illustrate the ways in which the virtues and vices purported by the NAFAM fails to capture other ways of productive argumentation.

Keywords: feminist argumentation theory, intersectionality, African American Vernacular English.

The advent of the 45th United States Presidential administration has reignited a wave of literature and debate pertaining to civility within argumentation theory. Displays of aggression, adversariality, and impoliteness are often construed as impediments to '*genuine*' debate and argumentation (Hundleby 2013; Hundleby 2010; Rooney 2012; Rooney 2009; Cohen 2002; Govier 1999). Moreover such impediments can facilitate an environment where various forms of argumentative injustice can take root (Bondy 2010; Kotzee 2010; Linker 2014). While not everyone who condemns aggressive, adversarial, or impolite argumentative tactics fall under the heading of feminist, much of the critique of such tactics have come from feminist argumentation theorists. The purpose of this paper is to examine the various modes of feminist argumentation theory with an eye towards an intersectional analysis. What interests me is the notion that women are more inclined to partake in arguments in a more nurturing, affiliative, and community oriented way than their male counterparts. This strikes me as gender essentialist and white-washed. I argue that the non-adversarial/minimalist adversarial feminist model of argumentation is not suited to accomplish the aims that it seeks out to solve – neither theoretically nor practically.

In order to adequately illustrate the ways in which non-adversarial feminist models of argumentation fail to address the concerns that it purports to remedy, I first provide an exegesis of the literature. From here, I briefly touch upon the nature of debate and argumentation, because I believe that what the non-adversarial feminist argumentation model (NAFAM) is proposing is

something different from debate and/or argumentation. That is to say, what NAFAM hopes to see occurring within arguments and debates, is not actually arguments nor debates. Within the next section of the paper, I temporarily suspend my previous concern and theoretically concede that what NAFAM advocates is indeed a model of argumentation and debate. I argue that even if the model is a form of debate and argumentation, it still is ill-equipped to deal with the issues that it hopes to address (namely sexism). In order to partake within a 'barn raising' activity, members of the debate must be able to trust and understand one another, along with having the same blueprint (i.e., goal). All three are necessary in order to adequately engage within the argumentative project that NAFAM hopes will remedy the state of oppressed individuals.

I use the precarious relationship between Black women and white women to illustrate the saliency of trust, understanding, and goal orientation. Specifically, I focus on the ways in which the gendered language community of women within the NAFAM literature has been structured with white women's language practices and I contrast this with the practices within African American women's speech communities (AAWSC). Ultimately, I argue that what is asserted as inherently feminine or gendered as women's communicative and argumentative practices are not universal. While NAFAM does acknowledge 'not all women' engage in the same argumentative practices, I argue that what they purport as a common mode of argumentative style is not as common as they think – specifically, it may only be common for white women. If we adopt an NAFAM, then AAWSC practices will theoretically and in practice be perceived as hostile and combative. The logical conclusion regarding our practices under NAFAM is that AAWSC practices should be jettisoned. I adamantly reject this.

I conclude the paper with some ways in which the NAFAM can adapt to best address the concerns that I previously raise, although, ultimately and especially given the political debate climate, while NAFAM may be modified to handle debates and arguments even amongst those who share a proximity of viewpoints, the model cannot handle deeper debates and disagreements.

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> "I'm such a fucking lady"
> -Rihanna *Wait Your Turn*

In one of the most seminal works "Language and Woman's Place," Lakoff argues for the connection between women's oppression and the language that we use – "Language uses us as much as we use language" (1973, 45). A lady should engage within the passive voice, rather than the active voice and be deferential to their audience – i.e. "'John is here?" versus "John is here, isn't he?" (Lakoff 1973, 54). Polite conversational behavior for a lady involves no swearing, rough talk, interruptions, loud volumes, assertiveness, or simultaneous speech. The majority of these features make up what Moulton deems to be "The Adversary Method" within philosophy. Moulton states

198

> Under the Adversary Paradigm, it is assumed that the only, or at any rate, the best, way of evaluating work in philosophy is to subject it to the strongest or most extreme opposition. And it is assumed that the best way of presenting work in philosophy is to address it to an imagined opponent and muster all the evidence one can to support it. (Moulton 1983, 153)

While this modus operandi may seem ideal to create, foster, and strengthen objective stances and systems of thought, Moulton believes that such a method severely limits the scope of philosophical projects and inquiry. Deductive reasoning becomes the reasoning of choice and problems/questions are constructed between opponents. Refutation is the name of the game – "the philosophic enterpriese [sic] is seen as an unimpassioned debate between *adversaries* who try to defend their own views against counterexamples and produce counterexamples to opposing views (Moulton 1983, 153, emphasis in original). 'The Adversary Method,' according to Moulton thrives on oppositional tactics and the strongest opposition is the stance that survives. Such a model has no interest in investigating philosophical problems for their own sake nor do we assess theories for their plausibility – what our assessment boils down to is whether or not a philosophical stance can be defended against a particular opponent. This, Moulton argues, creates and facilitates not only bad reasoning, but bad practices. Because we construct strong oppositional stances as markers of success and our interlocutors as opponents, argumentation under this method fosters aggression, which is a characteristic that presents a double-bind for women.[1]

What 'The Adversary Method' lacks is a gendered analysis of argumentation. What is assumed to be the neutral state of argumentation and what should be the goal and good practices is not neutral at all, but is more male orientated. It is men who are more inclined to be "confrontational, dominant" (Ayim 1991), "judgmental" (Rooney 2010), "aggressive" (Moulton 1983; Hundleby 2013), "hostile" (Rooney 2010), "penetrating," able to "thrust," partake in a "battle of wits," or "cut an opponent's argument to pieces" (Ayim 1988), be "war-like" (Cohen 2004). Women are often more "affiliative, nurturant, cooperative" (Ayim 1991), "indirect, empathetic," "tied to relationships and respect for the other," (Orr 1989), or "cooperative or contextual" (Rooney 2010). Burrow states "Men can take turns insulting and swearing at each other and evidence verbal sparring that is friendly, not quarrelsome" (Burrow 2010, 247). In contrast, women are more cooperative and "feminine politeness strategies aim at cooperation through connection and involvement, reflecting values of intimacy, connection, inclusion, and problem sharing" (Burrow 2010, 247).

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[1] Moulton does not advocate for women to take on a more aggressive, rather she questions the causality between success and those who display aggression stating "it is a mistake to suppose that an aggressive person is more likely to be energetic, effective, competent, powerful or successful and also a mistake to suppose that an energetic, effective, etc. person is therefore aggressive" (Moulton 1983, 150).

199

Women are more communal and group oriented, while men are more individualist. Ayim goes as far as to say that within argumentation men are focused on domination – "Women are concerned with affiliation in their use of language and men are concerned with control" (Ayim 1991, 82). These practices that are often attributed to men have aided in the oppression of women and any indication of hostility or what is construed as rude behavior should not be tolerated within any circumstance (Govier 1999; Miller 1995).[2]

Rude behavior for some NAFAMs merely is a product of the oppositional assumptions within argumentation (although, Govier slightly differs on this point). It is not only the language and lack of polite behavior within argumentation that is problematic, but the very way in which we conceptualize argumentation that is at issue. Ayim states "I believe it is time to stop focusing our attention exclusively on proving arguments that run counter to our own as wrong. We need to turn to the more integrating tasks of asking how these arguments mesh with other different experience sets, different belief systems, different value codes, and even different reasoning styles" (Ayim 1988, 189).[3]

Ultimately, impolite adversarial methods should be avoided within argumentation (Hundleby 2013; Hundleby 2010; Rooney 2012; Rooney 2010; Rooney 2009; Cohen 2002; Govier 1999; Ayim 1988; Burrow 2010; Moulton 1983). Ayim does not completely jettison the 'combative' model of argumentation, as she acknowledges that confrontation has a role to play in getting rid of the combative model towards a more nurturant paradigm. The confrontational paradigm does not in itself have inherent value, rather it is necessary to address confrontational modes of thinking within a pre-established combative system with tactics that the system will recognize and not immediately destroy. Ayim states "I do not want to turn our classrooms into nurseries and graduate suckling babies, for these could not survive in the world" (Ayim 1991, 80). So the preservation of any combative or confrontational modes of argumentation is merely strategic and pragmatic.

Nevertheless, communicative styles that are considered "rude" and "brusque language" are not conducive to any of Ayim's nurturant goals, along with the practice of interruption, because "while persistent interruption undermines affiliative behaviour [sic], it goes hand in hand with the maintenance of power and control as well as linguistic confrontation" (Ayim 1991, 83). The practice of interruption violates the politeness established within 'turn-taking' practices within "*our* ordinary language" (Ayim 1991, 83, emphasis my own). Here I want to flag the notion of a universal community of shared language

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[2] More will be said on this in the following section.
[3] Ayim's vision, I believe, is something more than the standard habit of 'presenting both sides' of the issue, as it is often the case that there are more than two angles to an issue or argument. For more on this, see Govier (1999), Collins (1998), and Collins (2000).

200

practices[4], because one of the major faults within the NAFAM I find is the assumption that what considered to be 'rude, brusque, or ordinary practices' are indexed to particular communities. That is not to say that there have been zero acknowledgements or nods to the various ways in which women can and do converse or argue. Several scholars have made the obligatory footnotes or addendums remarking that 'not all women partake in the same argumentative tactics' or moreover 'one must take an intersectional approach to formulating new argumentative models,' but I have yet to see any serious and in depth work on the subject. I will expand upon this more within the remaining sections, as I hope to remedy this problem.

II

"Get your swagger right "
-RichGirl, "Swagger Right" (2010)

The general consensus within the NAFAM is that framing arguments as taking up oppositional positions give rise to arguers asserting their viewpoints at all costs, often in a war-like combative style because the end goal is to 'defeat' the opposing side so that one's own viewpoint can prevail. Because 'war is hell,' participants engage in rude practices, such as interruption, brusque language, offensive tones, and dismissive gestures (Cohen 2004). Women tend not to communicate via this style (#notallwomen), which disadvantages women because the more masculine argumentation style is what garners praise since harsher styles is what it takes to 'win' arguments. Getting rid of the metaphor of arguments as war, along with the practice of viewing interlocuters as opponents will, according to the NAFAM, get rid of hostility within argumentation. However, there are differences to the extent that adversariality should be avoided within argumentation. While theorists such as Rooney aim to avoid adversariality at all costs, Ayim sees the method as being capable of being subverted to thwart itself, and Govier sees the necessity of a 'minimal' amount of adversariality in order to maintain that arguments are indeed arguments. Within this section, I will briefly outline Govier's stance ultimately agreeing that in order to uphold the practice of argumentation adversariality, in some sense, is necessary.

Govier distinguishes between "ancillary adversariality" and "minimal adversariality" – the former pertaining to "name-calling... animosity, hostility, failure to listen and attend carefully, misrepresentation" (Govier 1999, 245).

While these negative argumentative practices are distinct from minimal adversariality, they often accompany minimal adversariality which makes one

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[4] Although it is interesting to note that Ayim does acknowledge that men and women operate within different language paradigms, so in some sense she recognizes that there are different language communities with differing sets of norms. Ultimately, her argument is that the dominating male model is inherently destructive and confrontational, while the feminine model is supportive and affiliative.

tempted to elide the two. Minimal adversariality is just the nature of controversy, which "is a healthy thing in many contexts" (Govier 1999, 51). Controversy is beneficial in several ways: 1- it can cause us to partake in the activity of giving reasons for our beliefs, 2- we are prompted to hear beliefs that differ from our own, 3- counterpoints to our arguments can help to strengthen our viewpoint or dismiss an argument if its conclusion proves no longer viable, and 4- it provides us with a civil opportunity to non-coercively persuade others. For Govier, "argument is not *necessarily* confrontational" and what adversariality happens to exist in the nature of arguments "can be kept to a logical, and polite, minimum" (Govier 1999, 55, emphasis in original). But some level of adversariality is necessary, otherwise it seems that what is occurring is not longer arguments. Aikin states "If an argument were not adversarial, then dissent could not be argumentational" (Aikin 2011, 266). The NAFAM dissents from the adversarial model – it offers reasons against it, not reciprocal reading of it, nor a growing with or adaption of the thought (recall: many theorists of the NAFAM want to completely do away with the adversarial model). There isn't barn raising, or cross-pollination or hybridization with the adversarial model either. There is *objection*, *refutation*, and *dissent*. The NAFAM is *opposed* to the adversarial model.

It is unclear to me exactly how one is to strongly oppose a stance, engage in argumentation, and not be adversarial. What many of the NAFAM recommend to replace adversarial argumentation no longer appears to me as argumentation. Also, as Aikin correctly points out, some narrative should address when it is the appropriate time to use stronger adversarial tactics within arguments. Aikin asserts that there are some situations where "it would inappropriate to be *minimally* adversarial" (Aikin 2011, 267, emphasis in original). I would hope that those purporting a NAFAM would not be so eagerly willing to engage in brainstorming, barn raising, hybridization, or cross-pollination with those who actively distort the truth or purposely fuel hateful rhetoric. And it seems that many of these theorists would not want individuals who are highly disadvantaged within society to 'go up against' oppressive rhetoric with little to no argumentative tools.

III

<div style="text-align: right">

"Begin with the heart, our sisters is a living art."
- KRS One *Womanology*

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Within the previous section, I questioned to what extent the non-adversariality Feminist Argumentation model is still argumentation. The majority of NAFAM aim for non-adversariality within all forms of argumentation, sans Govier who sees argumentation has having some form of minimal adversariality, but still nonetheless seeks to remedy all ancillary adversarial practices with conceptions of politeness. I now turn to examining AAWSC to highlight the ways in which a NAFAM that is strictly non-adversarial, but even Govier's suggestion of instilling a sense of 'politeness' when engaging in arguments will be problematic and force

202

some communities who these theorists are attempting to liberate, to engage in oppressive practices (i.e., codeswitching). I suspend the discussion as to whether or not strict NAFAM is still argumentation, and will grant that it is, because I aim to still show that such a model is nevertheless untenable for *all* women.

As a precautionary note, while I am focusing on the AAWSC, that is not to assert that all Black women engage in all or some of these language practices. Every Black woman has her own unique experience that differs, sometimes quite vastly, from another Black woman's. Black women are not a monolithic community. But in virtue of being Black women, we do share certain "elements of community" such as "shared history of enslavement, Jim Crowism, segregation, and 'race'-ism; investment in ties that bind, including knowledge and value systems; historical connection to Africanized language forms; self-identity" (Troutman 2010, 92). From these community elements, which also includes language, we are able to ascertain particular characteristics to AAWSC practices, even though not all Black women will partake in these practices.

Some linguistic practices within AAWSC include lewd or indecorous language, signifying[5], culturally toned diminutives (i.e., girl[6], sistah, child, honey, bitch[7], simultaneous speech, and talking with attitude (TWA), while nonlinguistic practices include side-eye, cut-eye, various hand gestures, 'edge,' and suck-teeth. This list is not meant to be exhaustive, but is to serve as a reference point as to what sorts of practices are common, albeit not necessary, within the AAWSC. These practices are at times meant to emphasis the content of speech, replace words directly, highlight various affective states, and can be seen as acts of resistance. However, stereotypes and media representations of AAWSC practices often render us as sassy, dismissive, copping an attitude, ghetto, or straight up hood rats.

This image of the sassy angry Black women is what Collins refers to as a "controlling image." Such images are not meant to serve as representations of reality; rather, they are a façade designed to render dismal of the hood rats/ghetto chicks/welfare queens as "natural, normal, and inevitable parts of everyday life" (Collins 2009, 77). The deployment of these controlling images helps to justify and maintain Black women's oppression within the dominant society. Many linguistic practices within the AAWSC are perceived as unprofessional, ill educated, and hostile (Collins 2009; Troutman 2010; Koonce

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[5] Signifying is a verbal game/exercise of indirection, sometimes called sounding or snapping. See Morgan 2002.

[6] Early in my career, this term in particular caused me a great deal of grief when I once referred to a white conference presenter as 'girl,' only to be charged with belittling and demeaning the speaker because I didn't call her a woman. I don't forget where I am anymore.

[7] Typically, these culturally-toned diminutives express solidarity, even though within white U.S. and European contexts several of these words have been "rejected... as a result of inequitable and degrading treatment," but tone is incredibly important here along with other nonlinguistic communicators (Troutman 2001, 217). See xander bird "How to say B*tch in many ways" for an example of the role that tone, inflection, and facial expression plays.

203

2012; Fordham 1993). However, within our community, these practices do not usually carry the negative connotation that they hold within dominant culture.

Within Troutman's study on politeness within AAWSC, she conducted a survey on what talking with attitude (TWA), one particular practice within our language community, meant for a variety of Black women. Below are a few of their responses:

-Oh, it's like they use a certain tone in their words.

-It's not so much the words but it's the tone and the structure of the words to get the point across... you know what I mean?

-Inflection in voice; sass, talking back but it's not disrespectful

-It's which words are used to accent

-I think on the outside looking in for people who are not [B]lack women they may think that its attitude but among black women we just see it as a way of communicating; all in all I don't think it is really an attitude it is just how we express ourselves.

-I guess we have always TWA. It's also walking with an attitude, being with an attitude. It's not unique to language.

(Troutman 2010, 99-100).

Not all responses considered TWA as merely 'just the way we talk or express ourselves;' some of Troutman's participants explicitly contributed positive attributes to TWA. They saw it as a sign of confidence, knowledge, authority, and even as a means of resistance. Usually, it is deemed as impolite if it is incorrectly deployed, done with strangers outside of the community, or excessive for no reason. Several of the participants were well aware of the general stereotype of Black women who TWA – "Someone who doesn't know me may think it's negative... we are highly publicized of having an attitude; it's just an over-generalized stereotype" (Troutman 2010, 101). One particular respondent stated that it was inappropriate within the work place or another professional setting "where the majority of [her] colleagues were not Black women," not because TWA is inherently a negative thing to do, but because it would play into the stereotypes that already plague us and would hurt her professional standing within the workplace. That is to say it's not the practice itself that she is reluctant of, it is the high probability that the practice will be misunderstood and she will suffer negative consequences, so she engages in code-switching when the predominant audience is white. Young argues that coerced engagement of code-switching is oppressive to many Black people, especially Black women, and it does not "match the achievements in diversity" (Young 2009, 64).

My concern regarding NAFAM is that these controlling images which often portray Black women as sassy, angry, and hostile in conjunction with our misunderstood linguistic practices, if enacted within an argument will be

204

interpreted as engaging within The Adversary Method or perpetuating ancillary adversariality. Within the next section I expand upon this notion.

IV

"It's funny how money change a situation/Miscommunication lead to complication/My emancipation don't fit your equation"
- Lauryn Hill *Lost Ones*

Now that I have provided a sketch of what some of our practices are within the AAWSC, within this section I now juxtapose our practices with the critique of the adversarial mode of argumentation offered by the NAFAM. I argue that many (if not all) of the practices criticized and deemed impolite within NAFAM, appear in some fashion within the AAWSC.

For example interruption, for Ayim, is an exercise of power and domination, rather than just a mode of expression. When you interrupt another persons' speech, you are attempting to shut them down and shut them up. The assumption, according to Ayim, is that what the other person has to say is not worthy to be heard and your (the interrupter) viewpoint has more saliency and should interject. Not only is interruption within an argument a sign of disrespect, Ayim asserts that if everyone responds similarly while conversing, "then we would be hard-pressed indeed to keep a conversation going" (Ayim 1991, 84). Laying all of my cards on the table, I have to wonder a bit if Ayim has ever seen/heard a group of Black women conversing while engaging in TWA or other AAWSC practices, because we typically are very skilled at keeping the conversation going. Nor does the conversation have an overly hostile tone to us, since engaging in some of these practices is one way to show solidarity, affection, and equality.

One person's harmful argumentative practices is another's form of 'tough-love,' assertiveness, or act of resistance. Ayim's description of one particular male centric confrontational domination tactic is "[o]ne cuts them off, interrupts them, puts them in their place" (Ayim 1991, 84). Rooney strongly associates "hostility and combativeness in argumentation, with an aggressive atmosphere that can include name-calling, put-downs, or quips such as 'that's a ridiculous argument!'" (Rooney 2010, 209). However, both of these descriptions also fit into what Pough describes as an AAWSC practice of "bringing wreck," specifically "talking back, going off, turning it out, having a niggerbitchfit, or being a diva" (Pough 2004, 78). AAWSC linguistic practices, as previously stated, can be used as a sign of calling-in, 'gettin your peoples,' putting someone in their place, or talking that talk. A "put-down" or "quip," as Rooney refers to it, is not always meant to shut someone up or shut them down. It's not necessarily a tactic that is

205

meant to halt argumentation. Bringing wreck and other AAWSC practices are not inherently domineering nor antithetical to an affiliative project.[8]

Rather than being opposed to an affiliative project or practice, I argue that some of our practices should be viewed as affiliative and cooperative. Dialoging in this way is incredibly important to our assessment of knowledge claims. Collins harkens our practices today with African based oral traditions, such as the call-and-response model. This model is "[c]omposed of spontaneous verbal and nonverbal interaction between speaker and listener in which all of the speaker's statements, or 'calls,' are punctuated by expressions, or 'responses,' from the listener" (Collins 2000, 280). For example, a Black woman might be arguing with a friend about x, and while making her points the friend can 'interrupt' the speaker with expressions such as 'uhm,' 'uh-huh,' 'I hear you,' 'girl,' 'bitch,' or a plethora of other responses. This interruption is not an interruption to shut the speaker down/up. The interruption can function as affirmation that the listener is indeed listening. Being entirely silent while a speaker is speaking, within many AAWSC practices actually has the opposite effect as what the NAFAM purports. Collins states "to refuse to join in, *especially if one really disagrees* with what has been said, is see as 'cheating'" (Collins 2010, 280, emphasis my own). To not partake in this call-and-response model is seen as not partaking in the dialogue or not listening – and for us that's just rude.

As one can see, many of the practices within the AAWSC are highly contextualized and situational.[9] While such practices within AAWSC may appear to be dismissive of an interlocutor's remarks or arguments, "when you talk with an attitude, you have to know what you are talking about" (Troutman 2010, 99). In other words, in order to adequately execute TWA, TTT, or bringing wreck, one has to not only have command of the subject matter at hand, but they also have to exhibit a mastery of a multitude of linguistic and non-linguistic communicative practices. So enacting any one of these practices "represents one of the highest levels of linguistic dexterity," because it encompasses multiple communicative practices simultaneously (Troutman 2001, 2006, and 2010). Similar to the call-and-response model, TWA, TTT, or bringing wreck can be a

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[8] In an effort not to air too much dirty laundry or giving away 'trade secrets,' I hesitate to give clear concrete examples of the various ways bringing wreck, talking the talk, talking with attitude, or other AAWSC practices can be delineated from being practices of resistance, tough love or 'calling-in,' play, or just wild'n out. What I will say is that we within the community of practices know the apropos contexts, rules, etc.

[9] When asked if TWA was polite or impolite within Troutman's study, there was almost unanimous agreement that "You have to use contextual cues to know if it's positive or negative" (2010, 101). One respondent indicated that the relationship between the speaker and 'target' is also important. "[I]f I see [B]lack women acting that way no I would not view it as negative because I'm used to it, it's the norm for me... but if I seem them using that same attitude with strangers *for no reason*, then I'll be like yea that's a little excessive... you just have to know when and when not to use the attitude and how far" (Troutman 2010, 101 emphasis my own).

206

sign that the listener is actually listening to what is being said. These practices require not only an understanding of what the dialogue or argument is about, but also what has been said thus far, and an ability to play off of these points using linguistic and non-linguistic practices. One has to be able to play with the language, recapitulate the concepts, and articulate these with just the right emphasis on certain words with well timed and appropriate bodily/facial expressions. According to one of Troutman's respondents, "We have to respect each other's conversations before speaking. It's the way you say something, not what you say" (Troutman 2010, 101). The way one says something isn't just that there is tone, sass, or rough edge to the voice – the way you say something also has to fit the context.

Engaging in TWA, TTT, or bringing wreck also is a way in which an individual can assert themselves, particularly when these acts are being done with an interlocuter and there is a power differential. The act of TWA, for hooks, is "speaking as an equal to an authority figure... daring to disagree" (hooks 1989, 5). In this way, utilizing some of the practices within the AAWSC can be an act of resistance. ''It is that act of speech, of 'talking back,' that is no mere gesture of empty words, that is the expression of our movement from object to subject – the liberated voice" (hooks 1989, 9). To liberate women's voices appears to be what many NAFAMs are after, but hooks' (and Pough's) notion of talking back as a form of liberation appears to be contra to the means of liberation asserted by the NAFAM. While the emancipation of women's voices is the goal for both the NAFAM and Black feminists/womanists, our means of getting there are incredibly different. And I have to wonder, exactly who the NAFAM seeks to liberate.

<center>V</center>

''If I see you and I don't speak/
That means I don't fuck with you"
-Cardi B *Bodak Yellow*

I have made the case that many of the practices within the AAWSC do not fit the practices encouraged by the NAFAM; moreover, several of our practices seem to be precisely what the NAFAM is opposing. However, with a few modification I believe a case could be made that the NAFAM could be adapted to accommodate AAWSC practices, especially considering that whether or not AAWSC practices are impolite or polite depends a great deal on context, the majority of the time our practices are not aggressive, born out of an attempt to shut another person up, or ignorant of our interlocutor's stance. That is to say that what is happening within our language community is not necessarily the vices that are being critiqued by the NAFAM. One way to make the NAFAM more acquiescent to AAWSC is to adequately enlighten other interlocuters to the practices of AAWSC. Education regarding the various cultural practices of politeness has the potential to not render AAWSC as hostile when our speech practices are enacted (by us)

within arguments or debates. Many of our linguistic practices could be seen as nutritive, coalescent, or polite.[10] But such modifications I find to be insufficient. Several of our ideological commitments, which I believe are reflected within our linguistic practices, are too confrontational for the NAFAM.

It is not just the means by which adversariality is articulated that the NAFAM of argumentation rejects – it is also the practice of opposing viewpoints and approaching arguments as though the interlocutors are in opposition with one another. An oppositional stance is deemed to perpetuate the adversarial method, which then brings about rude, brusque, and dismissive argumentative practices. Differences in opinion and argumentative disagreements are acceptable, and will occur, but these can be resolved if we approach the argument from a more communal and understanding perspective. We should argue alongside our interlocutors, rather than against them (Cohen 2004). Similarly, Rooney interrogates the move between practices of "difference and disagreement to opposition and adversariality," in hopes of diminishing the latter, because it "construes the epistemic role of good argument as a significant tool of rational persuasion in the acquisition and communication of truths or likely truths" (Rooney 2010, 211). To be adversarial – to be oppositional – is to impede the goals of argumentation and weakens its strength as a tool. Rooney states "By 'oppositional reasoning' I mean reasoning and arguing that is largely structured in terms of opponents and opposing positions, attacks and defenses, winners and losers" (Rooney 2010, 209 fn 6). Such an embattled sense of reasoning is in "conflict with the standard philosophical norms of good reasoning and argumentation" (Rooney 2010, 211). Arguments should not be battle grounds. They should be "diplomatic negotiations," "metamorphosis," "brainstorming," or "barnraising [sic]" (Cohen 2004). But are there really no viewpoints or arguments that warrant an oppositional stance? Does the NAFAM sincerely intend to 'brainstorm' or 'raise barns' with those who seek to advance not only oppressive arguments, but oppressive practices?

As I stated within Section I, Ayim (1991) sees utility in the adversarial model, mainly that of combatting the adversariality of the world – be it racism, sexism, ableism, etc. Once these oppressive forces are gone, as communicators we should depart form an adversarial style and turn to a more nutritive mode of argumentation. Govier argues that argumentation at a minimum is adversarial, that is simply its nature, but that does not give us reason to be hostile or rude to those who differ with us. Govier states that "When argument is understood in an *oppositional* way, difference in opinion or belief is construed as disagreement, and disagreement is regarded as conflict; conflict leads to contest between opponents; and contest to battle – real or metaphoric" (Govier 1999, 54, emphasis in original). Argument can merely be a forum in which interlocutors

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[10] For example, the co-opting of culturally toned diminutives such as 'girl' and 'bitch,' by gay white men can be seen as a sign of solidarity and friendship. For a critique of this phenomena, see E. Patrick Johnson 2003; Mannie 2014.

208

articulate their differences. Difference, according to Govier, does not necessitate disagreements. While I agree that having differences does not demand that disagreements occur, I reject the notion that opposition is inherently bad.

Before delving into the discussion in favor of certain cases of oppositional stances, specifically Black feminism, I want to make it explicit that just because a Black woman engages in AAWSC practices does not mean that they are a Black feminist. Black feminism is not synonymous with AAWSC; however, many Black women whether or not they label themselves as Black feminists, tend to adhere to several of its central tenets. Collins states that this is because "as members of an oppressed group, U.S. Black women have generated alternative practices and knowledges that have been designed to foster U.S. Black women's group empowerment... helps U.S. Black women survive in, cope with, and resist our differential treatment" (Collins 2009, 33-35). In order to survive the U.S. terrain, we must remain oppositional to it. "For Black feminist thought, oppositionality represents less an achieved state of being than a state of becoming" (Collins 1998, 89). Black feminist thought challenges the status quo – that is the reason for its being (Collins 2016). The practices within AAWSC, given our history within the United States, is in direct opposition to the very practices of white American communication. To partake in many of these linguistic practices is to stand opposed to some systems of oppression.

All-in-all, I sympathize with the NAFAM project. Arguments do not need to always be hostile, and sometimes using particular words, bodily gestures, or facial expressions are not warranted. But warrant for adversariality is the missing element within the NAFAM, because under this model no situation warrants any hostility. I believe certain situations warrant particular argumentative styles and that includes what is perceived to be (and what flat out is in some cases) adversarial methods of argumentation. The claim that all modes of hostility are oppressive to women ignores the communicative styles of several different groups of women, particularly Black women. If the NAFAM model remains adamant on maintaining a universal conception of politeness within argumentation, I wonder which women does their work serve?

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Arrogance, Anger and Debate

Alessandra Tanesini

Abstract: Arrogance has widespread negative consequences for epistemic practices. Arrogant people tend to intimidate and humiliate other agents, and to ignore or dismiss their views. They have a propensity to mansplain. They are also angry. In this paper I explain why anger is a common manifestation of arrogance in order to understand the effects of arrogance on debate. I argue that *superbia* (which is the kind of arrogance that is my concern here) is a vice of superiority characterised by an overwhelming desire to diminish other people in order to excel and by a tendency to arrogate special entitlements for oneself, including the privilege of not having to justify one's claims.

Arrogance, including intellectual arrogance, can take different forms. One kind of arrogance finds its expression in hubristic forms of hyper-autonomy. It is characterised by aloofness, and feelings of invulnerability which lead to irresponsible attitudes to risk. The behaviour of some investment managers prior to the 2008 financial crisis illustrates this form of hubristic arrogance. There is, however, a different cluster of attitudes and dispositions which are usually perceived as arrogant. These include smugness, self-importance, self-satisfaction and a thin skin. Individuals exhibiting these features tend to put other people down; they are bullies who shout, intimidate and humiliate others. They may also condescend and belittle. A paradigmatic example of this kind of person is the powerful individual who dominates discussions, reacts angrily when criticised, and rudely interrupts other people when they are speaking. He (and it is most often a "he") also adopts a variety of intimidating and humiliating postures to induce others to self-silence and to become excessively deferential.

We have all come across individuals of this kind. They are arrogant, domineering and always a small step away from anger.[1] Cultural norms discouraging public displays of anger may serve to inhibit some of these behaviours. In these contexts they are often substituted by expressions of condescension or contempt. In the United Kingdom in particular, where expressions of anger or rage are especially disapproved because they indicate a lack of self-control, the dominant elite often responds to challenges with a condescending laugh which may hide suppressed anger. For example both the previous foreign secretary Boris Johnson and an earlier minister for Brexit David

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[1] For some evidence of a positive correlation between arrogance, dominance (as trying to outdo others) and anger in the workplace see Johnson et al. (2010).

Davis often laugh in response to questions from the media before answering in a jokey manner.

Given the existence of this positive correlation between some forms of arrogance and anger, it is natural to wonder why this may be the case. One aim of this paper is to answer this question which has not, to my knowledge, been addressed in the philosophical literature. One reason for the neglect is that philosophical accounts of anger are often based on the analysis of this emotion offered by Aristotle in the *Rhetoric* (Aristotle 2007), while interpreting the latter as suggesting that narcissism is the primary cause of excessive anger. Narcissism and arrogance are, of course, closely related since people who suffer from one trait may also possess the other. Nevertheless, narcissism and arrogance are distinct. It is my contention here that anger is properly understood as a manifestation of the kind of arrogance I call *superbia*, whilst narcissism is more closely associated with envy. It is possible for envy to slide into anger. Nevertheless, these are distinct emotions.

Exploring the connection of anger to superbia throws light on the complex nature of this vice of superiority. It is expressed by an overwhelming desire to diminish or humiliate other people in order to be better than they are, and thus excel in one's own eyes.[2] It is also characterised by a propensity to arrogate entitlements to special treatment of the kind that one denies to other people. I argue that this form of arrogance is ultimately borne of insecurity. Given that anger is the response to an act that is perceived as a wrong threatening what one cares about, and includes a wish to diminish the other in return (Nussbaum 2016), it is no surprise that superbia, which presupposes an hyper-vigilance to alleged threats to one's superiority, often manifests itself through anger.

Further, the account of superbia, which emerges by exploring its connections to anger, provides an illuminating lens through which to understand arrogant behaviours in debate. Arrogant speakers interrupt others, and react angrily when challenged. We can make sense of their anger, if we think that those who suffer from superbia arrogate for themselves a dispensation from the answerability commitment that governs the speech act of assertion. Arrogant individuals interpret any challenge as an affront because they think of it as a violation of their special entitlements.

The paper consists of three sections. In the first I focus on anger as a negative emotion in response to a perceived wrong which includes a wish for a pay-back. In the second I argue that there is a kind of arrogance that is characterised by an inflated but fragile self-esteem.[3] Individuals who suffer from

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[2] Arrogant individuals want to be superior to other people. They are not as interested in having their superiority acknowledged by others, although they would welcome such acknowledgment as evidence that they are correct in their evaluations of their qualities as impressive.

[3] This insecurity about self-esteem is a cause of the self-deception at the root of arrogance. Those who suffer from superbia lay claim to privileges and special treatment as a way of

214

it are very defensive; they attempt to protect their superiority by engaging in behaviour designed to diminish others. In the third section I describe the effects of superbia on debate. Speakers, who are arrogant in this way, behave as they do because they arrogate for themselves the privilege not to be answerable for their claims to their listeners. That is, arrogant individuals behave as if they did not need to justify their claims. That is why they experience any challenge as a personal insult. They react in anger by intimidating and humiliating other people. Audiences can also be arrogant. They manifest their arrogance by exhibiting a propensity to dismiss speakers or to mansplain to them their own views.

On Anger

Aristotle in the *Rhetoric* defines anger as a "desire, accompanied by [mental and physical] distress, for apparent retaliation because of an apparent slight that was directed, without justification, against oneself or those near to one" (Aristotle 2007, 116, 1378a 30-33). In what follows I flesh out this definition before briefly defending a qualified version of Aristotle's account. Finally, I argue, contrary to Stocker and Hegeman (1996), that anger should not be thought as an especially narcissistic emotion or reactive attitude.

Anger is a negative emotion directed at a person or persons for something that they are perceived to have done. This action is thought by the angry person to be intentional and to constitute a wrong. In particular, the act is a wrong because it is both unjust, or otherwise illegitimate, and harmful to a person's interest in goods which he takes to be central to his self-conception. The belief or judgment that one has been wronged in a way that harms what is closest to the self is the basis for the desire, also constitutive of anger, to get even. So anger involves a desire for revenge, retaliation or pay-back.

Aristotle focuses almost exclusively on one kind of anger provoking wrong, namely a slight or insult. This is an action which if intentional is designed to diminish its target, to lower him or her in status. This focus on slights is, as Nussbaum (2016) observes, too narrow. People feel angry in response to wrongs other than slights. For example, we may be angry when someone has wrongfully harmed a friend. It would seem a mistake to think of this wrong as a slight. Yet, as Nussbaum also notes, there appear to be people who treat all anger provoking wrongs as insults directed at the self. We can easily imagine someone reacting angrily to a wrongful action that harms a friend whilst thinking: 'How dare you harm my friend!'. The person whose anger is motivated by this thought is conceiving of the wrong as a personal insult. His concern is not for the wrong inflicted on the friend, but for the diminishing effect that the action has on him.

securing the high rank they seek, whilst believing that their high rank entitles them to the privileges they claim. In short, they act so as to bring it about that they have higher status, whilst thinking that their actions are warranted by their pre-existing high status. Thanks to Scott Aikin for forcing me to be clearer on this point.

In his view, by harming his friends the offender is implicitly treating *him* as someone who can be messed with. In other words, the offender is not showing him the respect that would befit a person of high status or rank.

Nussbaum refers to the anger manifested by these self-centred individuals as "status anger" because it is exclusively focused on actions experienced as personal affronts. Status anger would then be a wish for payback based on the belief that the offender's actions were intentional and illegitimate attempts to lower one's social status. Nussbaum's identification of this kind of anger with an obsessive concern for social status is in my view too quick. The person who is angry because he perceives the harm inflicted on a friend as a personal affront is clearly extremely self-centred. He would also seem to value the wrong things, or at least value some things disproportionately compared to their true worth. For instance, he values having positional goods, such as being the boss or the winner, more than he cares for the well-being of his friends. Social status, however, is only one such positional good; but there are others. An arrogant person may value being the best at some activity without caring about whether his alleged excellence is widely acknowledged.

There is some unclarity over how to translate Aristotle's definition of anger which may have motivated commentators to read his account of it as a desire for retaliation following a threat to social status.[4] Be that as it may, because the payback is intended as revenge, it matters, as Aristotle observes (Aristotle 2007, 123, 1380b 20-29), that the target of the action perceives it as retribution for his initial alleged offense. However, an individual may respond angrily to an action that is perceived as wrongfully threatening one's ranking, wishing to put the opponent in his place, without also desiring that the put down is public so that the offender will also be lowered in others' eyes. For example, an individual may think that a colleague is slighting him by showing insufficient recognition of his high level of achievement. This colleague may be a peer who is perceived as acting superior. One may respond angrily to these alleged put downs by responding in kind. It seems entirely possible that the angry and vengeful individual finds satisfaction in pointing out to the offending colleague some failures in her performance, knowing that this will hurt her. He may not particularly care that the whole office notices the put down. Of course, there might people to whom it matters that the humiliation is public; but this need not be so. In other cases the desire for payback is fully satisfied by the response in kind. If this is true, anger in response to an act that is perceived as lowering one in rank, need not be exclusively concerned with social status.

When anger is driven by a desire to get even or do others down in response to actions whose effects have been some loss or diminution with regard to a positional good, it may prove effective. By lowering or diminishing

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[4] The debate concerns whether the slight is apparent in the subjective sense of appearing to one that one has been slighted or in the objective sense of the slight being manifest to all. I follow Leighton (2002, 27) in setting this issue aside.

216

the offender in return, it is possible to succeed in re-establishing one's prior rank. Hence, retaliation to restore one's share of a positional good is not irrational. For example, if a child is invested in being the student that always raises her hand first whenever the teacher asks a question, she may perceive a quick raising of hand by another student as a slight. She thinks of this action as designed to lower her rank. In response she feels that it is within her right to kick the other student under the table or to snigger if he gets the answer wrong. In the long term these behaviours may be effective in making one's classmates think twice before raising their hands again.[5] Thus, this kind of anger can succeed in undoing the loss that motived it. In this regard it is unlike anger of a different kind since harming the person who assaulted us will not undo the assault.

Aristotle perceptively observes that anger is an implicit acknowledgement of vulnerability to threats (Aristotle 2007, 119, 1379a 49- 1379b). He claims that those who respond angrily to claims dismissive of their qualities are insecure about their excellence, since those who are genuinely self-confident will show indifference for the attempted insults. In my view this observation gets to the heart of the psychology of anger over ranking or status. This kind of anger is a defensive mechanism to protect one's own self-esteem from alleged threats. In other words, the person who has a tendency to anger quickly is the person who often perceives others' actions as a threat to the self. They perceive actions which are not threatening as threats. They also take these threats as consisting in failing to acknowledge one's alleged status or one's possession of positional goods such as being the best student in the class. In sum, these individual perceive these behaviours as slights or insults because their self-esteem depends on thinking of themselves as superior to others in a number of domains.

Note, however, a person's self-esteem can be so dependent on rankings whilst thinking that the only opinion about ranking that matters to one is one's own. As a matter of fact, this attitude would seem most consonant with arrogance. Why would one care if other people, whom one thinks are inferior to oneself, fail to recognise one's superiority? The reason why an arrogant person responds angrily to put downs is because they threaten his ranking in his own eyes. Firstly, perceived put downs raise the spectre that one's own estimate of one's superior abilities may be a mistake. It is this insecurity in one's own eyes that drives the angry response aiming to intimidate the opponent into silence so that he will not make salient again the possibility that one's own self-assessment is erroneous. Secondly, put downs are at least in some domains actually effective in lowering somebody's rank. For instance, one would not belong anymore to the category of people with whom others do not mess. The angry response might restore the previous state of affairs.

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[5] Of course, the student who raises the hand quickly has not wronged anyone. Nevertheless, she may be perceived as having done so by her classmate.

217

I am now in a position to substantiate the claim I made at the start of this section that even self-centred anger is not always a manifestation of narcissism. There is no agreed definition of narcissism in the social psychological literature which would clearly demarcate it from arrogance and superbia. Rather, psychologists often think of narcissism as a kind of arrogant and defensive pride (McGregor et al. 2005). I suspect that the same conflation mars some philosophical accounts explaining status anger as a manifestation of narcissism. There are undoubtedly close ties between superbia and narcissism since they both involve self-centredness and an inflated sense of one's own specialness. But there are also important differences between the two which tend to be ignored. Narcissism is a deep kind of vanity when one turns onto oneself the infatuated and admiring gaze that one seeks from other people. So unlike individuals driven by superbia who primarily want to be superior to other people, individuals who are vain and narcissistic want to be loved by them. Individuals who suffer from superbia would be delighted to strike fear in the hearts of others around them. In this regard, superbia and arrogance on the one hand, and vanity and narcissism on the other, are polar opposites. Although more would need to be said to substantiate these claims, nevertheless they receive some support from the folk conception of narcissism as a kind of self-infatuation which, being closely related to vanity, seeks to down play one's visible defects in order to be the object of admiration.

If this is right, those who are vain and narcissistic do not seek payback; they do not wish to do others down.[6] On the contrary since they wish to be admired, they may even flatter and charm other people so that to get their love in return. Both those who suffer from superbia and those who are vain and narcissistic seek elevation and self-enhancement. But they seek different kinds of self-enhancement and pursue them in different ways. Individuals who have superbia want to be superior to others; whilst those who are vain and narcissistic only care that others think that they are superior. Further, vain and narcissistic individuals because they want to be admired can only gain their superior status when others like them. Thus, although they may be envious and even spiteful, they are unlikely to seek pay back since doing so would be an obstacle to being admired. In this regard, those who suffer from superbia are different, since they do not seek to be loved, they have no scruples to do others down in order to triumph. To summarise, anger is a manifestation not of narcissism but of superbia.

On Intellectual Arrogance

Intellectual arrogance is generally regarded as a vice of superiority because arrogant people presume that they are better than other people. It might be tempting to conclude that arrogance consists in the belief that one is superior or

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[6]They may, out of envy, wish misfortune upon them.

more excellent than others. This conclusion, however, is a mistake. Belief in one's alleged superiority is not sufficient for arrogance. It is possible for a person to think of herself as better in some domain than others in her circle without being arrogant. This person may be self-confident but she would not act superior, or be dismissive of those around her (Tiberius and Walker 1998). Even if this person's confidence in her superior abilities is misplaced because her beliefs about her capacities are false, it is perfectly possible that such a person has made an honest mistake. If so, she may not display the attitudes and dispositions characteristic of arrogance such as smugness, self-satisfaction, presumptuousness, aloofness, and a propensity to treat others with contempt and to dismiss their views without due consideration (Tanesini 2016a, 2016b).

Contra Tiberius and Walker (1998) full belief in one's superiority is not even necessary for arrogance. It seems possible that a person may act in superior ways, and take great pains to make it manifest to all that she thinks she is better than they are, precisely as a way of building up her self-confidence against nagging doubts about her own superiority. If this is right, at least some arrogant individuals are very insecure about their self-worth. They appear to be full of themselves because they continually engage in the process of "bigging" themselves up. But, the smugness and self-satisfaction of the arrogant individual is a defensive reaction to cover up for a deep sense that one's self-esteem is fragile and under threat.

These considerations suggest that arrogance, including intellectual arrogance, does not consist in beliefs about one's alleged superiority, although it may be accompanied by them. Rather, arrogant individuals need to feel superior to other people in order to preserve a sense of self-worth. That is, their own self-esteem is predicated on feeling that they are better than others. Thus, they construe others' abilities and achievement as a threat to their self-esteem. They react defensively to these alleged threats by trying to boost their self-confidence. Arrogance, therefore, is a manifestation of what social psychologists have labelled defensive high self-esteem (Haddock and Gebauer 2011).

Individuals who have high self-esteem as explicitly measured through questionnaires appear to be very confident in their abilities. Some of these people, however, have low self-esteem when this is measured indirectly. For example, these people dislike things which are associated with the self, such as their own name or its first letter. They may also associate the self with negative or unpleasant things. These associations can be measured in IATs (implicit association tests). These people whose self-esteem seems high in explicit measures and low in indirect ones are said to have defensive high self-esteem (Haddock and Gebauer 2011). They are very sensitive to threats; they are alert to respond to them and tend to misclassify some unthreatening situations as threats. Their apparent confidence, which is recorded in the explicit measures of

self-esteem, is a defensive response that belies their deeper insecurities which are revealed when self-esteem is measured indirectly.[7]

There is empirical evidence that individuals whose high self-esteem is defensive display all the behaviours usually associated with arrogance. For example, they have a propensity for self-enhancement (Bosson et al. 2003); they are prone to boasting (Olson et al. 2007); they react to threats in seemingly arrogant ways (McGregor et al. 2005); they suffer from heightened defensiveness (Haddock and Gebauer 2011); they have higher levels of prejudice toward members of other ethnic groups (Jordan et al. 2005); they display higher levels of self-deception in general than those whose high self-esteem is congruent (Jordan et al. 2003); they have a tendency to overestimate the extent to which other people agree with their views (McGregor et al. 2005) and to react badly to negative feedback by derogating the views of out-group members (Jordan et al. 2005); finally, they are prone to anger (Schröder-Abé et al. 2007).

It is not my contention that all forms of arrogance are indicative of defensive responses to insecurities about the worth of the self. Rather, my view is that there is a distinctive form of arrogance that displays these features. I call this brand of arrogance haughtiness or superbia because it is characterised by an inordinate desire to diminish or humiliate other people so that one is able to excel.[8] Individuals who possess this vice are consumed by an overwhelming desire for positional goods such winning races or being the first to make a discovery. They crave to secure these achievements as a way of boosting their self-esteem and are prepared to diminish other people to achieve their aims.

There are at least two reasons why people who suffer from superbia behave in these ways. Firstly, by humiliating and abasing others, they are likely to succeed in eroding these people's confidence in their own abilities and thus lower their standard of achievement. In this way, individuals suffering from superbia can bring it about that they outperform others. Secondly, also by diminishing others, they succeed in quietening them, or at least portraying them as not being worth listening to. Either way they minimise the risk of situations emerging that may force those whose self-esteem depends on feeling superior to revise downward their own sense of self-importance.

I have argued so far that superbia is the kind of arrogance which is manifested in a desire for superiority combined with a propensity to do other people down in order to excel. These tendencies are rooted in insecurity about the worth of the self. Since one has low self-esteem one tries to enhance it by feeling that one is better than others. But since one's sense of self-worth is dependent on these favourable comparisons, it is also fragile because others'

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[7] There is an unresolved debate within social psychology whether these two kinds of measurement tap into the same construct or whether they track different psychological states. Here, I set this issue aside.

[8] This is Dante's characterisation of superbia in his *Divine Comedy* (1994) at Purg., XVII vv 115-17.

successes would unravel it. Hence, one experiences one's self-esteem as especially vulnerable to threats and one adopts defensive attitudes to protect it. Importantly, one also experiences others' achievements as being threats to one's self-esteem and thus acts to neutralise these threats by diminishing other people. Hence, one does others down to protect one's self-esteem, because one's own sense of self-worth is dependent on feeling superior to other people.

Individuals who are arrogant in these ways, because they need to feel superior to other people, also attempt to gain confidence in their superiority by claiming special entitlements (Roberts and Wood 2007, 77). If they are granted these privileges, they can tell themselves that the special treatment is warranted by their excellence when compared to other members of the group. These thoughts then offer support for the feelings of superiority which are so crucial to their self-esteem.

Further, arrogant expectations of entitlement to special and preferential treatment cause these individuals to perceive perfectly legitimate behaviour on the part of other people as insulting. They expected to be treated as VIPs, and thus experience common treatment as a slight. Because these individuals are protective of their self-esteem, which in their case can only be protected by feeling superior, they react to the perceived slights by attempting to do other people down in response.

It is now clear why those who suffer from superbia are especially prone to anger. They experience quite innocent and common behaviour as an insult and a personal affront. These experiences are born out of their sense of entitlement. Whenever these individuals do not receive the preferential treatment which they arrogate for themselves, they feel that their rights (in the form of privileges) have been violated. Thus, they think that they have been wronged because they have been denied the respect which is due to them. For this reason, these individuals are prone to perceive a broad range of actions as insults directed at them. Further, they respond to experiences of slights by seeking to get even. This desire for revenge is the desire to do others down which is characteristic of superbia.

To summarise, we should expect some forms of arrogance to be manifested in a propensity to anger often and quickly. Since this kind of arrogance is underpinned by a need to protect a fragile self-esteem by feeling superior, individuals who suffer from this feature are likely to construe a broad range of occasions as threats to one's sense of self-worth. In particular, they interpret ordinary treatment as a slight because it violates their alleged privileges. Theferore, arrogant individuals are likely to experience an unusually broad range of situations as warranting an angry reaction. Moreover, because they are inclined to attempt to establish their superiority, they are disposed to act on their perceptions and react angrily. Getting even in response to what they experience as slights is for them a perfect way to try to achieve their goal of feeling superior whilst thinking that they occupy the moral high ground.

Alessandra Tanesini

Superbia and Anger in Debate

In this section I highlight some of the negative effects of superbia, and of the anger that accompanies it, on debating behaviour. My focus is on one privilege arrogated by those who suffer from this vice. This is their tendency to think that they do not need to offer justifications for their views and to think that they are better placed than speakers themselves to justify the speakers' own views.

Superbia in debate can take many forms. These include domineering conduct such as taking up more than one's allocated speaking time, rudely interrupting other people or speaking over them. It comprises linguistic and paralinguistic behaviours intended to dismiss or belittle the views expressed by other participants. These range from eye rolling, expressions of feigned disbelief as well as verbal insults. Such conduct is disrespectful because it violates the norms governing debating behaviour.

Speakers and listeners that engage in discussion and vigorous debate have obligations toward each other. These obligations have an ethical-epistemic character since they relate to what epistemic agents owe to each other when engaged in an epistemic practice such as debate. Whilst often people enter in discussions with the sole aim of winning and defeating their adversary, in many situations the proper aim of debate should be to clarify contrasting views, to test them against a number of possible challenges, to highlight what evidence exists in their support, and at least in some cases to resolve the disagreement in favour of the view that is more likely to be true and that satisfies other epistemic desiderata such as explanatory power. So understood, debate is part of enquiry whose purpose is the production and distribution of knowledge and responsibly held belief.

The norms governing debate facilitate the achievement of the proper aims of this practice. In this paper I focus primarily on norms that concern the conduct of individuals with regard to making assertions. In particular, I discuss some responsibilities that speakers have toward their addressees and that listeners have toward speakers. These are responsibilities that flow from the commitment undertaken by speakers to be answerable to their audience for their claims.

When using assertions to tell something to an audience a speaker undertakes at least two commitments.[9] She commits herself to having the right epistemic standing with regard to the content of her assertion. That is, she shoulders accountability for its correctness. She also commits to answering proper queries and challenges to her claims. That is, she takes herself to be answerable to others for supplying them with reasons to believe her assertions if they have well-founded reservations. I have elsewhere labelled these commitments as, respectively, the accountability and answerability commitment (Tanesini 2016a). Here I restrict my discussion to the second.

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[9] There is a third commitment to sincerity which I bracket for the purposes of this paper.

222

When making an assertion, a speaker, in addition to vouchsafing for its correctness, accepts the responsibility to answer challenges when these are legitimate. A speaker, that is, typically accepts an obligation to justify her assertions, when her addressee raises genuine concerns.[10] A speaker is within her own right to treat some challenges as disingenuous. For example, there are contexts in which an intervention from a member of an audience feigning that he does not understand what the speaker is saying should not be taken as a genuine request for clarification.[11] It is best read as an indirect way of insinuating that the speaker was insufficiently clear because her position is indefensible. In these circumstances the speaker has no obligation to justify and clarify her claim, because no proper challenge to it has been issued.

Whilst speakers are usually answerable to their audiences and thus have responsibilities toward them to present reasons and evidence in support of their assertions, there may be special cases where speakers are exempt from this responsibility because of their authority. For instance, the Pope as representative of Christ on earth is meant to have special epistemic authority when speaking *ex-cathedra*. We can interpret the doctrine of papal infallibility as stating that on these occasions, the Pope although accountable for the correctness of his pronouncements is not answerable for them to ordinary members of the church. In these circumstances, there would be no legitimate challenges to his views; thus, there are no queries he ought to answer, or reasons he must offer. The Pope would have the special epistemic privilege not to have to justify his position to other people in a debate. Personally, I am sceptical about papal authority; therefore, I do not believe that he has the privilege not to be challenged even when speaking *ex-cathedra*. Nevertheless, the example suffices to show that there could be an authoritative kind of assertion that does not impose on speakers the requirement to be answerable for their claims. This kind of assertion is akin to a verdict since it is intended as responsive to the facts without being open to challenges.[12]

One of the characteristic behaviours of those who suffer from superbia is their angry reactions to any challenge when engaged in a discussion. They treat disagreements as personal insults. The account offered here provides an explanation for this otherwise inexplicable behaviour. Arrogant individuals claim for themselves the privilege not to be challenged. They think that they do not need to justify their views to others because they feel that their superiority bestows upon them the kind of authority that insulates them from queries. Since, as it goes without saying, the arrogation of this privilege is illegitimate the

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[10] This obligation can be overridden by weightier responsibilities.

[11] This move is only effective when the questioner is widely thought as intellectually superior to the speaker. In these cases other members of the audience are invited to infer from the questioner's claim that he could not understand that the presentation was unclear, given their firm background belief that the questioner is smarter than the speaker.

[12] See Tanesini (2016a) for further discussion of these points.

arrogant individual's dismissal of criticisms violates the norms of debate and is disrespectful to others.

Arrogant individuals do not merely dismiss challenges by ignoring them. They often go further and positively attempt to intimidate and humiliate those who disagree with them. They seem to think that they are entitled to behave in these ways because their actions would be retribution for the violation of their alleged privilege not to be questioned or disagreed with. Both intimidation and humiliation are effective strategies to defend the kind of self-confidence which is based on the need to feel superior. Intimidation and humiliation are also what we would expect, if these reactions are angry attempts to get even following a perceived slight.

Intellectually arrogant individuals intimidate by shouting people down, and by engaging in other activities which will make their opponent fearful of voicing their challenges in future. Intimidation works to minimise the risk of further threats to self-esteem since if others are rendered timid they are unlikely to speak up. Arrogant people also humiliate their opponents by engaging in behaviour that belittles them and their views. Humiliation succeeds by making others feel ashamed. It undermines their self-confidence while promoting deferential and servile behaviour.

In short, those who are arrogant defend their illegitimate privilege not to be challenged in two ways which are effective in minimising the occurrence of future challenges. Intimidation succeeds by creating the conditions in which one's opponents will self-silence or self-smother (Dotson 2011). They choose silence out of fear to be subjected to the bullying and harassing behaviour characteristic of arrogant shouting and domineering. Humiliation succeeds by creating the conditions in which one's opponents lose confidence in their own opinions (Tanesini 2018). Having been the target of condescension and dismissal people can become deferential and servile in the hope of putting an end to the abasing treatment.

Superbia affects the behaviour of addressees as well as that of speakers. Whilst, contra Anscombe (1979, 150), audiences are not ordinarily disrespectful if they do not believe what a speaker says, listeners are under an obligation to at least recognise that the speaker has made a contribution to the debate (Tanesini 2016a).[13] That is, listeners must acknowledge, for example, that the speaker has committed to justifying her claims if challenged. Hence, it would be disrespectful if addressees ignored this commitment and asked a third party whether one should believe the original assertion. In my view, an addressee is under no obligation to ask the speaker for a justification whenever he is doubtful or even sceptical about her claim since the addressee is within his right to change the topic of debate or end the conversation. He is not however entitled to ignore the

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[13] That said, there are cases when not to be believed is an insult. For instance, if one's assertion is in response to a query, one is entitled to expect that the questioner believes the response in the absence of independent evidence casting doubt over the truth of the answer.

224

commitment made by the speaker or dismiss what she said. By making an assertion a speaker has taken upon herself the burden to defend her claim and be blameworthy if it turns out to have been incorrect. The audience owes it to the speaker to acknowledge that she has willingly undertaken these special responsibilities.

Arrogant audiences are often not willing to acknowledge that the speaker has acquired these obligations. They deny their acknowledgment to speakers, because to accept it is to recognise that the speaker has a privileged status with regard to the asserted content. Defending it, in the given context, is primarily her responsibility. Arrogant individuals see even this behaviour as a challenge to their superiority. Hence, the prevalence of a phenomenon known as mansplaining. When it occurs, an addressee takes upon himself the responsibility to explain and defend to a speaker, the true meaning of her own claims. This condescending attitude is a way of asserting one's superiority by denying that the speaker has any authority over her own claims, and thus acting *in loco parentis* on her behalf. It is this presumption that the speaker is unable to shoulder her responsibility toward her own claims, that makes mansplaining condescending and offensive rather than helpful. It is the fact that it is an attempt to diminish others so that one can excel in one's own eyes that makes mansplaining an example of how an addressee may fail to give a speaker the respect he owes her.[14]

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The Epistemology of Anger in Argumentation[1]

Moira Howes and Catherine Hundleby

Abstract: While anger can derail argumentation, it can also help arguers and audiences to reason together in argumentation. Anger can provide information about premises, biases, goals, discussants, and depth of disagreement that people might otherwise fail to recognize or prematurely dismiss. Anger can also enhance the salience of certain premises and underscore the importance of related inferences. For these reasons, we claim that anger can serve as an epistemic resource in argumentation.

Keywords: anger, argument, emotion, epistemology, practical reasoning.

> Anger may be the enemy of reason. It cannot, all the same, come into being except where there is a place for reason.
> Seneca (*De Ira*, 21)

> When we turn from anger we turn from insight, saying we will accept only the designs already known, deadly and safely familiar.
> Audre Lorde (*Sister Outsider*, 131)

Introduction

In this paper, we provide a new view of the epistemic benefits of anger in argumentation. Drawing on research showing that anger can operate as a positive epistemic force, we chart paths for anger to assist people in achieving a clearer understanding of the content of arguments. We also suggest ways that anger can help reasoners – both participants in and observers of argument – to increase their accuracy in identifying the purposes argumentation serves. Attending to the complexity and significance of these functions of anger can benefit both arguers and arguments.

We begin with an exploration of different accounts of 'anger' to set the parameters for our discussion. We address various arguments against the moral and epistemic influence of anger followed by arguments that show it can have moral and epistemic value. To support our view that anger has greater epistemic

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[1] This paper developed with the assistance of audiences at the *Trent University Workshop on Emotion and Argumentation* in 2016 and the Second European Conference on Argumentation: *Argument and Inference* in 2017.

value in argumentation than is often recognized, we draw on research in philosophy of emotion, moral psychology, psychology, and feminist studies. We explore the potential for emotion to support the epistemological functions of argumentation, suggesting that this contribution can be aided especially through what Douglas Walton (1992) describes as the "maieutic effect." The maieutic effect concerns the way that argumentation processes – the exchange of reasons, questions, and responses – bring new ideas to light. In that way, argument functions like a midwife, he suggests, helping to birth "personal insights that deepen one's understanding of one's own position [on] an issue" (Walton 1992, 220). The perspective that develops regarding oneself and the audience generates knowledge of the arguers, the context and functions of argumentation, and the world in which the arguers operate. In the case of anger, the maieutic effect extends to the very content of arguments, we suggest, insofar as it enables the identification of implicit reasons and assumptions.

What Is Anger?

In the *Rhetoric*, Aristotle famously defines anger as "a desire accompanied by pain, for a conspicuous revenge for a conspicuous slight at the hands of men who have no call to slight oneself or one's friends" (Aristotle 1984a, 1378a31-33). In this account, anger has a cognitive component consisting in the belief that one has been unjustly slighted and corresponding thoughts of revenge. Anger can also be calmed by a change in beliefs, such as when a person finds out that the one who made them angry did so involuntarily, or that they are "much distressed at what they have done" (Aristotle 1984a, 1380b32-33). Aristotle's account also draws attention to the psychological and physiological feelings associated with anger. People find slights painful and take pleasure in the corresponding "expectation of revenge" (Aristotle 1984a, 1378a4). Anger thus has "compositional intricacy" for Aristotle, comprising "body and mind, cognition and desire, perception and feeling" (Price 2010, 140).

The "compositional intricacy" of anger also appears in contemporary accounts. Although anger is considered to be one of six basic pan-cultural emotions (Ekman 1992) – and is thus arguably quite "hard-wired" in the human brain – anger is neither a clearly delineated natural kind nor does it have immunity to reason. Although anger often feels very automatic and resistant to rationality – features which suggest that anger is modular – there are excellent reasons to doubt that emotions are strongly modular in nature (De Sousa 2006; Russell 2006). Most contemporary accounts of emotion hold that emotions involve a complex blend of physiological responses, feelings, patterns of behavior, motivations, beliefs, perceptions, and judgements, which are amenable to change through rational influence (De Sousa 1987, 2010; Greenspan 1988; Griffiths 1997; Nussbaum 2001; 2016). Moreover, the interaction of anger with other feelings, emotions, desires, moods, thoughts, imaginings, beliefs, intentions, character traits, and various physical states makes for a great variety of possible

230

experiences of anger. Considering that the evolutionary purpose of anger likely relates to the need to signal the emergence of conflict that requires resolution (DiGiuseppe and Tafrate 2007, 16), and that conflict comes in many shapes and sizes, it makes sense that anger should be variable and flexible. Any account of anger in practical reasoning should therefore attend to various distinct forms of anger and their sensitivity to context.

Another complication for any definition of anger arises from the need to distinguish between anger and its expression because the expression of anger does not provide a truly reliable guide to either the presence or intensity of anger (DiGiuseppe and Tafrate 2007). Anger can be expressed in very different ways; for example, it can be expressed through silence, stonewalling, glancing, shouting, passive aggression, physical violence, and even smiling. Our personal history and cultural context shape how we express anger, so such factors must also be taken into account (DiGiuseppe and Tafrate 2007). This variability of expression can make it challenging to identify anger or determine its degree in any given exchange or argument.

To add further to the complexity of anger, Owen Flanagan (2018) identifies a variety of different *types* of anger. "Payback anger," arises when people seek to harm those who have harmed them (Flanagan 2018, xvi). "Recognition respect anger," seeks to restore personal status after a slight (xvi). "Pain-passing anger," involves causing others pain because one is in pain, "but not pain that [they] caused" (xvi). "Instrumental anger," involves the desire that others will provide a remedy (xvi). "Feigned anger" is used manipulatively to gain agreement (xvi). "Political or institutional anger" focuses on changing "social policies or laws or structures that are unfair, racist, sexist, or otherwise harmful and dehumanizing" (xvi). Finally, "impersonal anger" involves feelings of "horror and fury at the heavens, nature, human evil, or folly" (xvi). Flanagan further identifies three "spheres" of anger: the "personal" that comprises anger at "family and friends"; the "communal" that directs anger at "communal and commercial relations"; and the "political" that involves anger at "politics and institutions of government" (xvi).

The complexity of anger surely provides a key reason for Aristotle's care in addressing the difficulty of managing anger virtuously. In discussing moral excellence in the *Nicomachean Ethics*, Aristotle says,

> any one can get angry – that is easy – or give or spend money; but to do this to the right person, to the right extent, at the right time, with the right aim, and in the right way, that is not for every one, nor is it easy; that is why goodness is both rare and laudable and noble. (Aristotle 1984b, 1109a26-29)

Aristotle thus places many conditions on anger for the virtuous person. In the *Rhetoric* he also addresses the conditions that give rise to calmness, for calmness is "the opposite of anger" (Aristotle 1984a, 1380a5-6). This is significant, as Flanagan notes, for Aristotle's truly virtuous person is even-tempered and more inclined to forgiveness than revenge (Flanagan 2018, xvii). Given the constraints

231

Aristotle places on anger, and his view that virtuous people are gentle, occasions for virtuous anger presumably will be relatively uncommon.

The Epistemic Case against Anger

Anger has a well-established reputation for its negative effects on moral and interpersonal relationships as well as judgement, perception, and rationality. Everyday experience clearly shows that when people "see red" they often behave very poorly and appear to others as beyond the scope of rational persuasion. Skepticism about the moral and epistemic value of anger is therefore quite justified. Insofar as argumentation tends to be lauded for providing a reasonable alternative to violence and coercion, it is often taken to substitute reason for various emotional responses but especially for the anger that motivates retribution. Reason has provided one of the central means for managing or eliminating anger that philosophers have recommended throughout history and across cultures.

Ancient Greek Stoics, for example, advise the elimination of anger, for in their view the beliefs and judgements that cause anger invariably prove wrongheaded upon later reflection. In later Roman Stoicism, Seneca similarly advises us to eliminate anger, for "it is easier to exclude the forces of ruin than to govern them, to deny them admission than to moderate them afterwards" (*De* Seneca 1995, 25, I, 7, 2-3). Similar approaches to anger also crop up in ancient and contemporary Buddhist philosophy. The *Dhammapada*, one of the texts of the Pali Canon, counsels that the wise person will control anger and respond instead with love. In a contemporary Buddhist context, Thich Nhat Hanh (2001) counsels us to respond to anger with compassion and search for and correct the ignorance and wrong perceptions at its root.

Perhaps the most in depth contemporary western philosophical version of the view that anger always proves "normatively problematic, whether in the personal or public realm" comes from Martha Nussbaum (2016, 5). She reasons that anger always includes some notion of payback, although it may be very subtle. The payback sought through anger proves normatively problematic in two respects. First, even though the injured party may feel that payback will correct a moral harm, it will not. It is a mistake to think that "the suffering of the wrongdoer somehow restores, or contributes to restoring, the important thing that was damaged" (Nussbaum 2016, 5). Second, although payback may effectively improve our relative status after being wronged, Nussbaum argues that "it is normatively problematic to focus exclusively on relative status, and that type of obsessive narrowness, though common enough, is something we ought to discourage in both self and others" (Nussbaum 2016, 6). With regard to relative personal status, Nussbaum takes a Stoic approach: "if people are secure, they won't see an injury as a diminishment" (Nussbaum 2016, 26).

Although Nussbaum grants that anger may have some limited usefulness as a "*signal* to self and/or others that wrongdoing has taken place, as a source of

motivations to address it, and as a *deterrent* to others, discouraging their aggression" overall, she advises finding better routes to those goods (Nussbaum 2016, 6). Anger can serve the practical purpose of protecting self-respect, identifying wrongdoing, and fighting injustice, but it remains normatively inappropriate. "Nor," she says, "is it as useful, even in these roles, as it is sometimes taken to be" (Nussbaum 2016, 6).

Anger can also constitute the enforcement of oppressive social structures, such as Kate Manne (2018) observes about misogyny, in which case it has a serious tendency to mislead people in their reasoning. Manne takes "misogyny's primary function and constitutive manifestation [to be] the punishment of 'bad' women, and policing of women's behavior" (Manne 2018, 192). Misogyny includes outrage at women though not necessarily hatred of women in general (an older view evincing some psychological naivety). Specific women become subject to misogyny, she suggests, when they deviate from nurturing roles and thus seem to wrong other people considered entitled to women's support (Manne 2018, 90). The violation of these norms includes when women themselves seek support, and that demand to place a woman at the centre of the story can trigger misogyny against her (Manne 2018, 225, 236). "From the perspective of the dominant, the people they mistreat are often far from innocent. On the contrary, they are often tacitly – and falsely – held to be deeply guilty" (Manne 2018, 157).[2] Insofar as people have no right to women's caring labour, misogyny has no basis in truth, making misogynistic anger epistemically dysfunctional. Analogous obstacles to knowledge will arise regarding other axes of oppression, where anger responds to deviation from other sorts of subordinate roles.

A considerable body of contemporary research in psychology seems to support the approach to anger we find in Manne, Nussbaum, the Stoics, and some Buddhist accounts. For instance, psychologists have found that anger can "dangerously alter perceptions of risk," "distort likelihood estimates," "place an attentional premium on anger-related information," "decrease trust," "increase stereotyping and prejudice," and "trigger hostility and aggression" (Moons and Mackie 2007, 706). To argue that anger has a proper and rightful place in rational persuasion, at least as traditionally-conceived, thus seems to conflict with widely-held beliefs as well as some scientific evidence and liberatory politics.

However, recognizing that people are susceptible to anger, and that anger may occasionally be "genuinely rational and normatively appropriate," Nussbaum argues for a concept called "*Transition-Anger*, whose entire content is: 'How outrageous. Something should be done about that'" (Nussbaum 2016, 6). Transition-anger is "forward looking" in the sense that "a reasonable person

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[2] The dominant perspective may also be maintained by other women who envy the attention (Manne 2018, 229) or simply seek to maintain the social order.

233

shifts [from anger] toward more productive forward-looking thoughts, asking what can actually be done to increase either personal or social welfare" (Nussbaum 2016, 6). Nussbaum's notion of transition-anger here resembles Emily McRae's (2015) account of anger which draws on the Tantric Buddhist view that one can "metabolize" anger, that is, transform anger into morally efficacious "nourishment" that avoids destructiveness (McRae 2015, 466, 472). In metabolizing anger, one shifts the energy of the anger away from harm and towards helping oneself or others. McRae says that the "presence of an overarching deeply ingrained, caring orientation (*bodhicitta*) distinguishes tantric anger from normal anger" (McRae 2015, 474).

The historical accounts of Stoics and Buddhists, and many contemporary accounts such as that of Nussbaum, make the case that people should eliminate anger because of the moral and epistemic havoc that it creates for individuals and communities. Nevertheless, Nussbaum's transition-anger and McRae's metabolized-anger suggest that anger need not be eliminated or repressed. Rather, it is what we do when anger arises that counts. And this raises a question regarding the extent to which these accounts really differ from Aristotle's position that people can experience anger virtuously in select circumstances. Consider that Aristotle's term for anger – *orgê* – has a more limited meaning than the Western concept of "anger," referring only to "the species of revenge-desiring anger that comes from contempt, spite, and arrogant abuse" (Flanagan 2018, xvii). Given the downranking involved in these forms of slighting, Flanagan argues that *orgê* must depend on "cultural knowledge about status and hierarchy, about "who is not fit to slight one or one's own"(Flanagan 2018, xvii). In his view, the intention behind the desire for revenge in Aristotle's account is not to secure a bad consequence for the offender, but to reestablish one's status or worth.

Flanagan thus argues for the classification of Aristotle's *orgê* as "recognition respect anger," rather than as "payback anger" (Flanagan 2018, xviii). Recognition respect anger, like transition or metabolized anger, seeks to rectify a situation rather than engage in payback. As Trudy Govier argues, it seems that anger can operate without a desire for revenge (Govier 2002, 14). The idea that there may be constructive, virtuous uses of anger therefore seems quite plausible.

It is also relevant that Aristotle's discussion of anger in the *Rhetoric* takes place within a broader discussion of the character traits that inspire confidence in an orator, such as good sense, excellence, and goodwill (Aristotle 1984a, 1378a9). These character traits are important for building trust with audiences and serve to moderate the influence of emotions on the judgements of orator and audience. This is important given that for Aristotle, emotions "are all those feelings that so change men as to affect their judgements" (Aristotle 1984a, 1378a21-22). Aristotle begins his discussion of emotion and rhetoric with an examination of anger, which makes sense given the particular power of anger in oratory. Anger can easily sway an audience for good or ill and so knowing how to

234

ignite or calm anger provides an important oratory skill. Aristotle instructs that "we must discover what the state of mind of angry people is, who the people are with whom they usually get angry, and on what grounds they get angry with them" (Aristotle 1984a, 1378a24-26).

It is our view that Aristotle's instructions are worth greater consideration, for they reveal a good deal about the complexity of anger, its epistemic value, and its potential to enhance argumentation. While payback and pain-passing anger seem rather straightforwardly problematic both morally and epistemically, this is not clearly the case for recognition-respect anger, political anger, and instrumental anger. These angers do not necessarily involve the desire that bad consequences come to others and they may well *begin* at the 'transition' or 'metabolizing' stage. The desire accompanying anger could, for example, be a strong desire for the peaceful resolution of an injustice.

In light of the above considerations, to make the case that anger can have epistemic value in argumentation we focus principally on recognition respect anger, instrumental anger, and political and institutional anger, all of which involve goals beyond revenge. Also, because anger arises for complex social and cultural reasons and interconnects with many conscious, unconscious, and biological processes, we consider the door open for a broad interpretation of its nature. We are mindful that anger may well present differently in arguments depending on the 'spheres' it involves, and whether those spheres are distinct or overlapping. We consider anger to be more involved than a superficial reading of Aristotle's revenge account at first suggests and hold that mistakes about anger's value in argumentation, as well as the neglect of the topic in argumentation theory, trace in part to an overly simplified understanding of anger. This is an understanding we hope to correct as it applies to argumentation.

The Epistemic Case for Anger

At a basic level, anger has epistemic relevance because it arises in response to information about harm, frustration, or disrespect, and it ceases when the issue becomes resolved. The circumstances in which anger arises, however, are often quite complex and the cause of anger is not always immediately transparent. Additionally, the causes of anger arising from systemic and institutional injustice may be very difficult to identify from within those systems and institutions. Anger may thus resist resolution not because it is irrational, but because a reasoner failed to identify the correct source of the anger or determine the best way to address it. These pose significant considerations for any investigation into the epistemology of anger.

Consider a case wherein a person provides a set of reasons for their beliefs that are rational and objective in light of what they have accepted about reality, but those beliefs clash with the emotion they experience. This discordant emotion then nags until a re-examination of the situation discovers that the emotion was 'right' all along. This type of experience leads Sabine Döring to

235

regard emotions as "an indispensable source of practical knowledge" (Döring 2010, 283). She gives the example of Mark Twain's character Huckleberry Finn who, acting on his sympathy for Jim, helps Jim to escape from slave hunters. In the novel, Huck's sympathy does not align with his rational judgement that he should have turned Jim in. Only later does Huck realize that his sympathy – which persists all the while he believes he acted against his "rational" judgement – was right all along: it would have been wrong to turn in Jim.

Examples like this show, Döring argues, that emotions have a "cognitive power" equivalent to reason and judgement that can guide people when they erroneously believe their reasoning is cogent. To serve this *rational* role, "emotions must be beyond the agent's guidance and control" (Döring 2010, 297). That is, they must persist long enough for us to uncover their rationale and respond. The "ongoing cultivation of one's practical reasons through discovering new reasons and improving one's existing reasons" depends on emotions (Döring 2010, 296). On this view, anger provides a cognitive perception equivalent in its power with judgement and reason and is of a nature to persist until resolved. Anger in this sense functions rather like the epistemic feeling of doubt, which has a similarly persistent nature and drives us to seek resolution.

Anger demonstrates epistemic value as it regularly signals for people that they are being harmed, devalued, or blocked in their objectives and persists until the problem is resolved. This provides some explanation for why work on social injustice, particularly gender and intersectional oppression, frequently demonstrates the epistemic value of anger (Adichie 2012; Burrow 2010; Campbell 1994; Cherry 2018; Donner 2002; Frye 1983; Gilligan 1990; hooks 1996; Jaggar 1989; Leboeuf 2018; Lorde 1984; Lugones 1987; Manne 2018; McRae 2018; McWeeny 2010; Meyers 2004; Narayan 1988; Spelman 1989; Tessman 2005). As Audre Lorde argues, anger "is loaded with information and energy" and can be used for the "hard work of excavating honesty" about unjust personal, social, political, and institutional experiences (Lorde 1984, 127-128). Anger can also help people to increase their knowledge of personal agency, self-worth, and oppressive structures, as well as provide epistemic resources for determining how to address problems that threaten their agency and worth (McWeeny 2010, 295-296). Without anger, reasoners are at greater risk of accepting false stereotypes and unjust treatment, particularly if it aligns with other false views about them in the cultural web of belief. Anger encourages the pursuit of truth. Anger can also help distinguish those with whom we can debate about differences from those "who are our genuine enemies" and will not take up our reasons or issues (Lorde 1984, 127).

Anger can also improve people's perception of the social and political world. Emotions like anger affect what reasoners pay attention to and can make previously unnoticed features of reality salient. Alison Jaggar argues that "outlaw emotions" such as anger can "enable us to perceive the world differently than we would from its portrayal in conventional descriptions. They may provide the first

indications that something is wrong with the way alleged facts have been constructed" (Jaggar 1989, 161). Maria Lugones argues further that anger can make travel possible between mainstream worlds where an "arrogant perception" structures the ignorance of "outsiders," and worlds where "loving perception" makes power relations and their effects transparent (Lugones 1987, 3, 18). As epistemic "world travellers," oppressed reasoners can gain new understanding of the mainstream worlds and what they hide, as well as ideas for new possible worlds (Lugones 1987, 18). World travelers also learn more about their own subjectivity as they shift subjectivities between worlds.

While anger can lead to knowledge of social injustice and its effects, those who are oppressed are less likely to have their anger taken seriously (see, for instance Manne 2018 on "himpathy"). This issue is not only moral, but also epistemic in nature. Kathryn Norlock, for example, argues that uptake from others and affirmation from audiences is necessary for gaining understanding through the expression of anger (Norlock 2009, 83). Anger also links, as Marilyn Frye argues, to recognizing that one has "a claim to a domain – a claim that one is a being whose purposes and activities require and create a web of objects, spaces, attitudes and interests that is worthy of respect, and that the topic of this anger is a matter rightly within that web" (Frye 1983, 87). For Frye, the expression of anger depends on certain social preconditions, and "requires and involves a certain cooperation from the other party… If the second party's "uptake" is not forthcoming, the relation… collapses. Your speech just hangs there – embarrassed, unconsummated" (Frye 1983, 88-89). Anger is silenced and, as Myisha Cherry (2018) notes, that silencing constitutes a kind of epistemic injustice or violence that "disappears" knowledge (Spivak 1998; Dotson 2011). Rejecting the anger of others suppresses knowledge, "by making it the case that certain groups cannot be heard. Such ignorance can be harmful, for the angry agents' courage or agency has now been undermined. This is an epistemic error made by the anger evaluator" (Cherry 2018, 60).

The epistemic concerns associated with failures to acknowledge and consider the anger of others makes clear that anti-anger approaches to argumentation also carry significant moral risks. As McRae argues, it can be difficult to distinguish the "extirpation of anger from its repression or suppression" (McRae 2018, 109) and the extirpation of anger is very problematic for members of oppressed groups. She argues that because

> anger is at least in part communicative, happens in relationship, and requires some form of uptake, and since the uptake of oppressed people's anger is routinely denied, oppressed people are faced with an extremely difficult psychological and moral task: How to abandon one's anger with moral integrity in a society that did not take seriously one's anger in the first place? (McRae 2018, 109)

237

Given this, any theory of argumentation that does not recognize the constructive epistemological and moral value of anger in argumentation risks encouraging an oppressive standard that results in the loss of knowledge of the world.

The view that anger has epistemic benefits for reasoning also receives support from an increasing body of research in psychology. Wesley Moons and Diane Mackie, for example, found that anger can enhance rather than detract from analytic information processing involving "effortful, deliberate, and meticulous scrutiny and evaluation of information" (Moons and Mackie 2007, 706). They found that the responses of angry people and their actions can be "the result of quite clear-minded and deliberative processing" (Moons and Mackie 2007, 718). These findings counter the assumption that anger principally involves fast, nonanalytic forms of cognitive processing such as heuristics and stereotyping. In another study, Jimmy Calanchini, Moons, and Mackie (2016) found that persuasive appeals accompanied by expressions of anger increased analytic processing and helped override nonanalytic processing in the recipients. Recipients were also more likely to prefer strong arguments over weak arguments when anger was expressed. The authors theorize that because anger poses a threat, recipients are more likely to think deeply about persuasive appeals expressed with anger than they would otherwise. They also observe that emotions like anger "may signal that something is wrong in the environment and, consequently, motivate careful scrutiny" (Calanchini, Moons, and Mackie 2016, 89).

Anger has also been found beneficial for reaching compromises during negotiation, provided that negotiations are taking place in a context with low levels of hatred. Eran Halperin and colleagues (2011) found that inducing anger in groups with low levels of hatred towards an outgroup resulted in increased levels of support for reaching compromises with that outgroup. They also note that anger can contribute to improved intergroup relations, increased awareness of out-group heterogeneity, long-term reconciliation, and risk taking in negotiations (Halperin et al. 2011, 284). By contrast, inducing anger in groups with a high level of hatred towards an outgroup reduces support for reaching a compromise. These studies suggest that some of the negative effects on moral and epistemic value that people normally attribute to anger may actually stem from hatred.

Anger in Argumentation Theory

These various considerations about anger convince us of its epistemological value and lead us to consider how it affects reasoning that takes place in argumentation. If arguing practices can help arguers to use anger wisely, they might limit anger's disruption of reasoning processes and contribute to greater learning through argumentation. The dialogical contexts that include the expression of anger cannot be adequately captured by the monological model of an argument as a premise-inference-conclusion complex, and we find helpful the

238

dialogical account of "argument" as "an invitation to an inference" proposed by Robert C. Pinto (2001). When one offers an argument, there may be a hope to persuade the audience, but there may be other goals for the proposed inference too. The larger discursive context in which people argue, the dialectical models, and the rhetorical techniques people use all belong under the term "argumentation." Sometimes an occurrence or a piece of dialogical argumentation may be called an "argument" too, and such segments of argumentation can include premise-inference-conclusion complexes.

Our main claims are that anger can serve the operation of reasoning in argumentation and that argumentation provides useful ways to process anger. To support these claims, we first review some of the treatments of emotion in argumentation theory. Theorists such as Michael Gilbert, Dale Hample, and Douglas Walton have noted positive roles that emotions play in argumentation. While they have not focused on anger and or particularly recognized its epistemological potential, their accounts suggest how the role of anger in argumentation might be better understood. We then focus specifically on anger in argumentation, and show that anger, properly managed, may be of considerable value to argumentation, since epistemological values such as truth, empirical accuracy, and understanding often figure among the express purposes for arguing. Even when the main purpose of arguing does not lie in determining the truth or the most justified belief, argumentation tends to have a maieutic effect. That may result from a focus on content that distinguishes argumentation stylistically from other forms of discourse: "[e]ven when the primary interaction goals are identity, dominance, or something other than issue resolution, the conversation plays out in terms of content" (Hample 2012, 165). Focusing on content involves the critical doubt that Walton suggests moves argumentation forward, and that movement can draw out the meaning in anger and allow arguers to learn from it.

Emotion in Argumentation

Argumentation helps us to address disagreement, whether understood in the minimal sense of reluctance to accept a claim or as a stronger opposition such as taking up a contrary position. Traditionally argumentation theorists treat disagreement and strong opposition as strictly logical relations between claims or propositional viewpoints, neglecting the likelihood of attendant personal conflict. Isolating disagreement by addressing only the logical opposition certainly can simplify the processes of argumentation in order to make people's goals more attainable. Sometimes people want to bracket off the complexities of social relationships to progress on one particular point of contention, a focus that the complexity of emotion and the forcefulness of anger can undermine. Much can be missed, however, in argumentation that assumes all relevant information has been made explicit. Moreover, although the expression of

239

emotion can conflict with the goals of argumentation, it can also provide information relevant to sorting out and achieving those goals.

Late twentieth century scholarship on persuasion tends to treat emotions in general as weapons, not elements of communication deserving respect. Emotion was mostly ignored or treated only as an impediment to reasoned argumentation and a source of skepticism because the historical study of argumentation focused on written texts and speeches. Even since the 1970s surge of interest in interpersonal argument, studies tend to set emotional aspects aside (Hample 2012).

Yet, emotions account for multiple dimensions of argumentation. As Hample explains:

> Emotions contextualize arguments, instigate them, disguise them, interpret them, guide them, and resolve them. The understanding of what people are doing when they argue is probably more traceable to feelings about arguments than to any amount of formalized knowledge about them. (Hample 2012, 174)

To ignore emotion in argument, Gilbert advises, is "to forget that one is arguing with a human being" (Gilbert 1997b). To ignore this in actual arguments or in argumentation scholarship (a tendency he calls "neo-logicism") sacrifices the potential for rich communication that encourages "a deep understanding of mutual positions and standpoints" (Gilbert 1997b).

What attention there has been to the role of emotions in argumentative reasoning focuses largely on fallacies and associated argumentation schemes. Because emotional appeals have such force, they can play too great a role in argumentation and may gain an undeserved weight in reasoning, thus constituting fallacies. Walton associates four argumentation schemes with emotion: *ad baculum* or appeal to force, *ad populum* or appeal to popular sentiment, *ad misericordiam* or appeal to pity, and *ad hominem* or personal attack. Each of the four, Walton (1992) suggests, relies on what the arguer takes to be deeply held emotional commitments of the audience, especially commitments to their own personal interests. As for other fallacies, an appeal to emotion derives credibility from invoking an accepted inferential scheme in these cases playing to personal interest (Walton 2010). Any scheme can be invoked in the wrong place or the wrong fashion in an unreparable way deserving to be diagnosed as a fallacy.

However, the audience's personal agendas can be perfectly reasonable bases for argumentative appeal, enhancing the salience of the reasoning offered. Each argumentation scheme associated with the fallacy name can be acceptable in certain circumstances. In the case of *ad baculum,* the type of dialogue, "negotiation," circumscribes the appropriateness of the appeal, but the other schemes typical of "persuasion" dialogue may tend to become fallacious even within dialogue type. Showing that a claim or emotion has relevance to the specific persuasion dialogue depends on supporting premises particular to a type of appeal, and requires that the arguer address questions regarding that

240

support: In *ad populum*, might the received view track the truth? In *ad misericordiam*, is sympathy relevant to evaluating a student's grade? In *ad hominem*, do a person's failings affect the validity of their claims? Generally, do those emotionally loaded observations relate significantly to the matter under discussion? Do they deserve as much attention as they receive?

When knowledge provides a goal for argumentation then emotional appeals provide room for skepticism, but Walton's account of presumptive argumentation schemes shows that appeals to emotion can play positive roles in argumentative reasoning too. He presents the proper function of argumentation schemes as depending on a dialogical context that has specific purposes, such as resolving disagreement in "persuasion" dialogue or "critical discourse," or in planning to exchange resources in negotiation dialogue. For instance, the *ad baculum* argument, characterized by an appeal to force, threat, or fear, can be appropriate in negotiation dialogue but not in persuasion dialogue, because of their different value orientations. In negotiation dialogue matters of truth and falsity play a secondary role, and the main purpose lies in the exchange of some kind of goods or items of value, including personal actions and behaviour. *Ad baculum* appeals have no place, however, in persuasion dialogue, which includes pragma-dialectical "critical discussion" in which people use argument to resolve disagreement. Walton's persuasion dialogue involves disagreement, but it may succeed even without resolving that disagreement so long as the process has a maieutic effect and those involved learn something about their background assumptions (Walton 1998, 30-31, 48-49).

Emotions take on a more extensive and broadly valuable role in Gilbert's multi-modal approach to argumentation that can be used to analyze any argument. The emotional mode of analysis that he recognizes operates alongside the logical mode for viewing argumentation, well developed over centuries by scholars, along with two further wholly or partly non-logical modes, namely the visceral and kisceral modes. Gilbert associates the emotional mode broadly with feelings, the visceral mode with physical and contextual elements, and the kisceral mode with spiritual and intuitive concerns. Some expressions in one mode may translate into others while others may not be translatable. Many arguments will reflect more than one mode, and "an argument, then, may be wholly or partially in a particular mode when its claim, data, warrant, and/or backing is drawn from that particular mode" (Gilbert 1997a, 80).

Gilbert's multi-modal account makes especial sense in his coalescent model of argumentation, which measures the success of an argument in terms of the development of mutual understanding. Each mode provides a different kind of strength to an argument and may in fact dominate the function of the argument so much that some arguments fall into types distinguished by modes. There can thus be emotional arguments in which the emotional mode dominates (Gilbert 1997a, 93-99).

The modes of arguing, however, are not the same as the goals of argument that Gilbert also recognizes to fall into different types. "Task goals" form the immediate strategic object of the encounter whereas "face goals" concern the relationship among participants, including their continued engagement in the argument. Each influences the other and, further, both types can be affected by an individual person's psychological motives that overarch and guide strategic and face goals (Gilbert 1997a, 67-68). Such goals, however, need not be explicit to have an influence on argumentation:

> Goals can be hidden from the person who holds them. We can be unknowingly self-destructive or self-defeating. We can be provocative or antagonistic without realizing that we are trying to evoke a particular reaction. We can think we are doing one thing for one reason only to realize later, with or without help, that we were completely wrong. (Gilbert 1997a, 69)

Bringing into awareness one's own goals and those of others in the argument thus provides a central technique of "coalescent argumentation." The development of understanding about goals helps to draw people into agreement by conjoining their positions in as many ways as possible and finding common ground (Gilbert 1997a, 70-71). Gilbert also suggests that nondiscursive communications – gestures, tone, emphasis, and so on – clarify and disambiguate verbal or logical communication and thereby support meaning (Gilbert 2001, 244).

Whatever the ideal or real goals of argumentation, expressed emotions help us understand the intentions of arguers as the maieutic effect brings "light" to what Walton describes as "dark-side" commitments or beliefs. Dark-side commitments of one person are not clear to that person (or to others), and the probative operations of argumentation bring them into the discussion in a way that constitutes the maieutic effect (Walton 1992, 220). As an argument proceeds, arguers become more aware of the content of their beliefs and the implications of what they say. The demands of explicitness, which acts as a virtue of argumentation, make arguers less able to remain unconscious of our beliefs and commitments (Govier 1999). The maieutic effect may even help reasoners to confront cognitive biases (Walton 1998). Walton suggests that emotion provides the direction and critical doubt provides the mechanism for the progress of argumentative discussion.

Walton (1992, 1998) indicates that others can only recognize dark-side commitments and make them "light-side" commitments by using empathy. Arguers use such empathy to aid the effectiveness of speculation about what reasons might persuade the other person.

> The basis of all persuasive argumentation lies in the choice of suitable initial premises for convincing your respondent through your ability to put yourself inside your opponent's position in an argument, metaphorically speaking – it is the ability to arrive at presumptive conclusions, concerning your respondent's commitments in a dialogue. It is based on presumption because,

242

> characteristically, you do not have any direct way of knowing what your respondent's commitments really are in an argumentative exchange. (Walton 1992, 255)

A truly persuasive argument must attend to matters deeper than those made explicit.

Further, Walton echoes the pragma-dialectical school of argumentation theory in viewing critical doubt as an attitude that involves suspension of one's own views in order to take others' views seriously. While critical doubt may seem dispassionate, Walton (1992) suggests it engages empathy, or at least creates conditions conducive to empathy, and this can initiate the unpacking of expressed emotions.

Anger in Argumentation

Anger may be the emotion that most obstructs the progress of reasoning in argumentation, giving good reason to be skeptical about arguments involving anger. Anger's ability to undermine efforts at shared reasoning seems to outstrip any particular fallacy, which may explain why most argumentation theorists ignore it. Yet, we maintain that anger can in particular circumstances help argumentation better fulfill its expressive, persuasive, and epistemic functions, and it can help us to identify the goals of argument and evaluate their importance. After all, argument may have no definitive purpose (Goodwin 2007). The central goals for an argument might not include epistemic values such as empirical adequacy, knowledge, truth, or understanding. But even in cases where the goals of argument are not obviously epistemic, we contend that the maieutic effect of argumentation manifests the epistemological value of anger.

People strongly associate anger with argumentation. In empirical studies anger connects with disagreement (Hample 2012) and both laypeople and argumentation theorists tend to take resolving disagreement to be the point of arguing. The strongest association lies in popular parlance where 'to argue' means to have a verbal fight, such fights often involving anger. Argumentation theorists generally count verbal fights as an 'eristic' form of argument, which specifies the goals of winning. Who wins may be assessed by public favour, or successfully inflicting injury on the other person. Epistemological goals such as knowledge or advancing understanding are not typical, and even when present in eristics they will be secondary to winning. Daniel H. Cohen observes that the irony of eristic argumentation lies in the "loser" learning the most, and so "winning" but in different terms (Cohen 2013; 2003). "It is odd, to say the least, that someone who has become convinced of something in an argument – that is, someone who has gained a new, well-justified and battle-tested belief – is invariably described as the 'loser' of the argument!" (Cohen 2003, 2)

Most disagreement involves opposition not just to claims but to people or their actions, whether or not those people are among the arguers. Disagreement often sparks anger and can encourage further clashes as the discussion proceeds.

243

Hample notes that "[w]hen the other is personal, aggressive, and rude, an arguer is pressured to respond in kind" (Hample 2012, 138). He explains that this cycle may be less effective for people with certain social identities, such as women, and people with certain character traits, such as low argumentativeness or low verbal aggression.

Communicated anger, regarding some secondary concern, may drag impersonal and only logically opposed positions into emotional territory. Anger can be expressed without a clear object, in which case it can confuse the intended meaning and further escalate the disagreement. The expression of anger suggests an attribution of blame – just as blame motivates anger, so does anger motivate blame (Lerner, Goldberg and Tetlock 1998). While the anger itself may be clear, the direction for the blame and the implication of audience may not be so clear. Whether that anger regards a wrong to oneself or to others, its presence can distract arguers from their primary goals. It can build a disagreement into a fight and may detract from the need to consider the quality of reasons. Whether the fight emerges as physical or remains verbal and becomes a quarrel, the disagreement can become too personal and comprehensively oppositional or even eristic. As Walton argues, "[b]ias and other categories of critical evaluation of argumentation mean little in the quarrel. Argumentation in the quarrel is, by its nature, always strongly biased towards one's own side, and against the point of view of the other side" (Walton 1991, 6). The personal quality of anger puts others off and prevents them from listening, a definite epistemic problem. Anger can indicate single-mindedness in the arguer and engender the same single-mindedness in the audience. It can create a slippery slope into mutual dogmatic antagonism.

Any emotion can be strategically expressed, and it can sometimes swamp other emotional dynamics (Hample 2012). Because so many aspects of anger can be unpleasant and even painful, anger thus can be employed as a weapon. People don't wish to be the object of others' anger and so may walk away from arguments that involve it.

The expression of anger can make the other person fearful, and so it may constitute an argument *ad baculum*, and feigned anger can be used to manipulate audiences. The desire to harm or injure typifies the quarrel dialogue in Walton's account:

> The quarrel is typically precipitated by a trivial incident that "sparks" an escalation of emotions, with both parties adopting a stubborn or "childish" attitude… The real purpose of the quarrel is a cathartic release of deeply held emotions so that previously unarticulated feelings can be brought to the surface – feelings that would not be appropriate to bring out for discussion in the course of a normal, polite, public conversation. (Walton 1992, 21)[3]

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[3] What counts as politeness may affect the need for such a style of argument dialogue. While the contrast of emotional expression with politeness may be more culturally bound and

The purpose of emotional release proves problematic when other types of dialogue become diverted into quarrel and people end up in a battle instead of in an exercise of mutual persuasion or inquiry into the facts of a matter. Walton (2007) suggests that a shift from critical discussion to quarrel will never be acceptable because a quarrel cannot efficiently achieve the goals of critical discussion. We might demur that shifting to quarrel can be acceptable (imagine someone responding, "all right then, let's have it out!"). Yet such a shift will certainly pose problems in changing the priorities of the argument and anger can certainly spur that movement toward quarrel.

These effects of anger seem to indicate overwhelming problems for argumentation. However, the strong connection between anger and argument suggests that the relationship cannot be wholly dysfunctional. Anger can inspire argumentation, inviting others to make inferences and gain understanding, and it can anchor and feed how processes of expression, investigation, and learning operate in argumentation. In any dialogical context of argument including the quarrel, we suggest, anger can alert us to the presence of hidden premises and motivate us to make reasons explicit. Anger can provide us with content knowledge of other people's beliefs and also with information about their level of commitment to these beliefs, the relationships among the person's beliefs and values, and the depth of disagreement among arguers.

People may express anger through gestures, timing, and other non-explicit means or make anger a direct subject for argumentation. Consider, "I don't want to go see that movie about climate change as it will make me angry." This straightforward appeal to undesirable consequences constitute a practical consideration and a move in negotiation that employs an acceptable form of *ad baculum*.

Such emotional knowledge about a person can be valuable for showing their reasons to others and making an inference 'inviting.' Gilbert argues that "[e]motions expressed during argument provide information that can play a crucial role in determining the acceptability of a premiss. Someone exhibiting anger or sadness when uttering a premiss indicates the degree to which the premiss is important, the role it plays in the argument, or a reaction to a received message" (Gilbert 2004, 252). The expressed passion itself – in addition to the content that can be teased out of it – serves the persuasive functions of argument. Walton recognizes this too: "Detachment from emotions is not always a good thing in argumentation. In many instances, in order to make a convincing case, it is important to show a passionate conviction" (Walton 1992, 268). Gilbert's view retains a strength over Walton's view on this matter, however, in recognizing that displays of passionate conviction can convey epistemically relevant content.

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gendered than Walton recognizes, we consider it important that he acknowledges both the role of emotion in starting 'the quarrel' and the role of 'the quarrel' in helping people process emotion.

For arguers who desire to persuade in argumentation, expressing anger can help their audiences to recognize the inference intended by the arguer and the coherence of the arguer's claim with their deeper orientation to values and facts about the world that provide the basis for the inference. Expressing anger can help previously ignored, suppressed, or unseen information become salient. Anger can encourage inference by providing information about premises, biases, goals, discussants, and depth of disagreement that might otherwise remain implicit or be prematurely dismissed.

The information about the arguer that anger conveys includes that person's moral sensibilities, values, and judgements. All these help us to trace the arguer's inferences and understand the background considerations that warrant those inferences. Arguers can learn about their own and each other's reasoning even when they fail to persuade each other, fail to negotiate an exchange, or fail to find out the truth of the central matter. The sorts of things we can learn from anger in argumentation include the revelation of social biases operating as hidden premises and implicit assumptions. Anger's communication about values and expectations can provide an opportunity to make injustice explicit.

Whether express or implicit, insofar as anger can function as a psychological defense mechanism, it can serve as a sign of other mental states and psychological needs. For example, anger can protect reasoners from painful emotions such as shame, guilt, rejection, and hurt, as a 'cover-up' emotion or defensive reaction. It can also prevent people from experiencing feelings of vulnerability, which people may want to avoid given that they can be painful and frightening (Pascual-Leone et al. 2013; Seltzer 2013) Anger may quite literally provide a measure of pain relief: norepinephrine, one of the key hormones released in anger, has analgesic effects. The righteousness of anger may thus help us to avoid painful feelings as well as taking genuine responsibility for our feelings, actions, and reactions. Anger may also serve as "a socially acceptable mask for many of the more difficult underlying emotions we feel" (Brown 2012, 34).

These findings suggest that the most epistemically interesting propositional or factual content in anger belongs actually to the emotions *underlying* the anger. Arguers can therefore learn a great deal about the implicit content of an argument through consideration of emotions associated with angry responses, such as hurt, shame, embarrassment, grief, or fear. The informational content belonging specifically to anger may in some cases be secondary and involve ideas about wrongdoing or defensive or offensive reactions focused on redress. Because anger draws attention away from any underlying emotions that may be in play, it can hide content having moral, psychological and epistemological significance that argumentation helps to reveal. Arguers, however, may need to exercise caution before digging into that deeper argumentative content if anger is serving a protective function.

246

Discovering what anger conceals and identifying the defensive and offensive maneuvers involved comes from recognizing anger as expression or communication. Whether anger seems to be a protective 'cover-up' emotion or a defensive communicative reaction, it connects a complex array of interpersonal factors, not to mention beliefs and assumptions about how others should behave and what they should think. The display of anger can show conviction, frustration, determination, and moral orientation in a way that exceeds the content of specific factual claims and provides a holistic picture of the person expressing the anger. Anger often expresses more than cognitive states and propositional content.

Walton and Gilbert more than any other argumentation scholars stress the value of unearthing the background beliefs and goals of arguers and accept the role of emotion in this regard. Walton suggests that "the critical function of argumentation can act as a corrective or balance to the steering function of emotions" (Walton 1995, 257). This process appears less antagonistic and more constructively complementary when Walton describes the rules and procedures of discussion shaping feelings into a form that allows them to be articulated to oneself and to others in a way that grounds the maieutic effect (Walton 1995, 258). Walton suggests specifically that argumentation allows hidden grievances to be "expressed explicitly in order to make possible the smooth continuance of a personal relationship" (Walton 1995, 109). Sharing emotions on his pragmatic account therefore seems to serve what Gilbert describes as "face goals" at the same time as serving the "task goals" of expressing feelings and articulating grievances. Anger can foster certain moral virtues in the context of a dispute, including face goals such as the cementing of friendship and community, at least in the context of long-term relationships where grievances need resolution (Walton 1992, 202).

Even in the case of quarrels, anger may have epistemic potential. Walton (1998) only recognizes that the quarrel serves to "air" disagreements and "bring them to the surface." Expression and articulation presented this way provide at most a neutralizing or cathartic effect rather than a positive contribution to reasoning because quarrels operate primarily in what Gilbert calls the emotional mode. Yet Walton hints at some of the epistemological benefits we have in mind when he discusses how quarrels serve the face goals of building interpersonal relationships.

> By allowing powerful feelings to be expressed through the articulation of deeply held grievances, the quarrel can improve mutual understanding and cement the bonds of a personal relationship. A quarrel can split two people apart, but if it has a good cathartic effect, it can function as a substitute for physical fighting and draw people closer together in the course of a meaningful relationship. (Walton 1992, 22)

The mention of understanding here suggests that epistemological benefits can be part of a quarrel's mechanisms. Quarrels can help us realize what other people

247

consider important (Walton 1995), which may benefit from how anger can make strong arguments persuasive and motivate attentive listening, as we saw above from psychology.

Quarrels can also help people understand themselves better because as arguers they strain to articulate values, concerns, and commitments. Walton points out that "[h]eeding your emotions in argumentation can, in general, be a good guide to keeping in harmony with your deepest, fundamental commitments, which define your personal stance or considered judgement as an individual" (Walton 1992, 257).

Understanding another person's motivations and one's own as they unfold in arguments or other discourse has value in itself, we suggest. The expression of anger provides a moral response to another person or situation, giving information about the arguer as a person experiencing offense, and about the object of the anger. The target of the anger may not be the audience, but other people, institutions, and situations, and the expression may serve to bond people who share the anger or sense of injustice. As Lorde observes, "[p]art of my anger is always libation for my fallen sisters" (Lorde 1984, 129). In such a case, the anger carries information about the world and wrongs experienced there.

Part of the strategic value of anger in argument lies in providing a global perspective on oneself that can help the other person understand where the priorities lie that shape the arguer's viewpoint. Understanding others has epistemic value in itself, but there is more to be said about the value of taking others seriously. It can require believing what people say, acknowledging the validity of their experience, and thus cultivating their epistemic and argumentative agency (Bondy 2010; Fricker 2007; Dotson 2011; Townley 2009; 2011). The epistemic dimensions of this process also occasionally arouse anger, such as when epistemic norms are violated in the course of argument or when reasoners believe that epistemic goals are subverted through falsity or insufficient evidence. Taking others seriously and having empathy need not require agreeing with others' judgements or accepting the blame attributed. Sometimes disagreement, even angry disagreement, can be a sign that arguers are engaging other's views fully, showing epistemic and moral respect – and indeed, in some cultural contexts, failing to show anger can signal disrespect and dismissal of the issues at hand (Schiffrin 1984).

While we suggest that anger can point to certain truths about beliefs, goals, and values, Gilbert argues (2004, 250) that the evaluation of the emotional message in an argument does not involve its truth but whether it is genuine or counterfeit. He allows there are strong parallels between emotional and propositional content. In both cases, argumentative assessment includes: (1) is it being sent correctly? (2) is it being received correctly? (3) is it true (genuine)? and, (4) is the inference of suppressed premises or unexpressed emotions justified? (Gilbert 2004, 251) These criteria for assessing the relevance of emotional considerations run parallel to those for assessing the relevance of

premises or claims: emotions may be exaggerated or emphasized appropriately or inappropriately, just like facts; and are equally subject to assessment via argumentation (Gilbert 2004, 252-256). Sara Ahmed also advises that anger not be treated as a "site of truth" (Ahmed 2010). Emotions may be feigned or stressed appropriately or inappropriately, just like facts (Gilbert 2004, 252-256). We would add that they can also be misunderstood, perhaps more than most argumentative content.

Gilbert and Ahmed need to account, however, for how emotions cohere or clash with what gets articulated in the logical mode of truths and falsehoods. Gilbert recognizes that the emotional and logical mode can conflict and that such opposition can be assessed using certain inferential principles (Gilbert 2001). Should the audience identify dissonance between the information signaled by emotions and the explicit content of an argument, he argues they may assume that an implicit emotional factor played a significant role. The audience may assess that an arguer's logically articulated commitments do not reflect their true perspective, and so the emotional information trumps prior considerations. "In that case, one must turn to non-logical techniques relying upon the tools human communicators normally use when interacting" (Gilbert 2001, 240). The emotional information thus can prove more veridical than the logical. Should there appear no conflict, then reasoners can integrate emotional information as truths into the contents of our understanding – not an easy task, but an epistemologically valuable one.

The epistemological value of anger in argumentation depends therefore on the operation of critical doubt and that is radically different from the skeptical doubt that the expression of anger can also prompt. Critical doubt propels the progress of reason in argumentation and can help us to recognize anger's epistemological potential, prompting us to ask questions about the significance of anger and its role in the arguer's reasoning. Yet critical doubt involves passion too: empathy for the angry person. To recommend such empathy, however, does not extend sympathy to misogynists or other people 'punching down' in policing oppressive hierarchies. That response would reinforce the ignorance on which the arrogant perception depends (Lugones 1987; Manne 2018). So, Manne advises that here the "liberal impulse is therefore misplaced… unless we want to get stuck feeding the need monster forever" (Manne 2018, 290). The anger that protects privilege involves entitlement, and that does not interface with critical doubt in the way necessary for significant epistemological value.

Conclusion

The complexity of anger includes different forms dependent both on how it arises and on various directions it takes towards a person or other object. Attending to this complexity is important, for while there are reasons to be skeptical about the ability of anger to contribute epistemically to argumentation, some of these reasons are rooted in an overly simplistic and monolithic view of

249

anger. We contend that certain forms of anger, such as recognition respect, political, and institutional anger, have goals beyond revenge and are able to contribute more to argumentation epistemically than is generally appreciated. On this view, anger can improve argument analysis, enhance critical doubt, and emphasize the salience of premises by signaling their relative importance. Anger can motivate arguers to travel empathetically between different positions and the various subjectivities and worldviews that accompany them. Anger can bring into awareness the goals of argument for different arguers and thereby promote increased understanding and conflict resolution. Anger can also signal the presence of implicit premises and contextual factors and motivate us to identify and address them.

For these reasons, it is important to regard anger as a source of potential epistemic value in argumentation and commit to the work of using anger to excavate knowledge and insight. While anger can be painful, awkward, and challenging to work with, there are ways to manage anger skillfully so that its maieutic benefits are realized, and its more harmful aspects are minimized. When reasoners direct anger not toward others in the conversation or even to their ideas, but rather toward a shared concern, anger can even inspire the collaborative building of arguments and relationships. Given the possibilities that this new approach to anger in argumentation presents, epistemologists and argumentation researchers have much to explore regarding how anger operates in specific forms of argumentation and different dialogical contexts.

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253

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256

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260

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261

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262