

*Confidence in Argument*¹

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I Ad Hominems: **Conflicting Reactions**

When someone presents an argument on a charged topic and it is (credibly) alleged that the arguer has a strong personal interest and investment in the conclusion, the allegation, directed to the reception or evaluation of the argument, typically gives rise to two seemingly conflicting reactions:

- I. The allegation is an unwarranted diversion (a species of *argumentum ad hominem* or *genetic fallacy*).² The prejudices or biases of the arguer are irrelevant to the *cogency* of the argument. ('Cogency' is used broadly to refer both to correct support relations, validity, in the case of deductive arguments, and to the soundness, warrant, and relevance of the premises.) In particular, it is a distraction from the crucial judgment of whether the argument is cogent to press the question of whether the arguer truly holds his conclusion on the grounds that he offers, or whether he believes it on

1 I am grateful for the comments of Catherine Elgin, Iakovos Vasiliou, and this journal's referees.

2 More precisely, this would be an abusive, rather than a circumstantial or tu quoque, form. For comprehensive discussion see D. Walton, *Ad Hominem Arguments* (Tuscaloosa: University of Alabama Press 1998).

some illicit or suspect basis (prejudice, ideology, self-interest, wishful thinking, bias).

- II. Since the arguer has a forceful stake or interest in the conclusion, which gives rise to strong biases that are likely to have distorted his reasoning, and this stake or interest is not apparent from the argument presented, the (credible) allegation disinclines us to take it seriously. The disinclination seems rational since these biases operate in a forceful, but non-conscious way, and if so, the arguer can be sincere in presenting his argument as cogent, when it isn't.

In this paper, I want to develop and *reconcile* the underlying insights in both reactions, which are, in many cases, (epistemically) legitimate. The grounds of the reconciliation help to explain and justify our confidence in argumentation as a source of intellectual progress. (I use 'argumentation' to refer to the practice of producing and challenging reasons for conclusions, and 'argument' for those products, sometimes extending it to include that an argument is asserted by someone and that it can develop over time.³ I restrict my attention to arguments whose main purpose is epistemic — to establish the truth of their conclusions.)⁴

The reconciliation starts with a sketch of the main features of argumentation. By rendering these features salient, I attempt to undermine the challenge of the *argument-skeptic*, whose position has affinities with claims to dominance of reaction II. The argument-skeptic charges that the arguments we construct are merely the cover of *rationalization* (and confabulation). The kind of common observation that animates the argument-skeptic is of, say, a community where an important environment vs. development issue is at stake, and, despite shared data, reports, and long time study, opinions correlate closely with (narrow) self-interest: wealthy homeowners, blue-collar workers, local business people. Individuals of each group offer credible and neutral (or objective) sounding arguments for their conclusions. The reasoning is nevertheless suspicious since converging on each group's antecedent (and opposed)

3 For discussion within a 'veristic' understanding see A.I. Goldman, *Knowledge in a Social World* (Oxford: Oxford University Press 1999), 131.

4 For the sake of brevity, I do not explicitly treat of crucial epistemic aims like presenting arguments to others with the aim of trying to improve those argument, and I ignore complexities introduced by criteria for good or bad arguments that go beyond cogency, e.g., begging the question.

interests and beliefs. The skeptic holds that the disparity is quite typical and realistically ineliminable by means of further argument.⁵

Eventually, I will claim that the skeptic's challenge only has force under conditions that are highly constrained practically. But the challenge loses force under conditions less constrained, even if infrequent and contrived. Correlatively, reactions (I) and (II) can be reconciled as appropriate to different (epistemic) questions or judgments, though reaction (II) loses force as conditions for argumentation are more ideal. Reconciliation of (I) and (II) parallels a reconciliation of the ancient quarrel between philosophy and rhetoric over the value of devices of (rational) persuasion.

In the final section I address the phenomena of *persistent disagreement*, which casts doubt on my reconciliation, as well as animating the argument-skeptic's worries. However, the usual ways of conceiving disagreement, as evidence against the force of argument, overlook a source for the persistence that is dissonant with the argument-skeptic's understanding.

II Argumentation and its Background

1. Argumentation: Analytical, directed, social, explicit

Argumentation is purposeful in a number of ways: it aims at truth, knowledge, or rational persuasion. In these sections, however, I emphasize aims (and workings) less lofty, almost banalities. Argumentation calls on *analytical* thinking and it is *directed* to defending a claim.

This analytic mode (or attitude) represents a self-consciousness about argument-evaluation which, however, would impede ordinary conversational exchange. Shifting to the analytic mode involves greater study, reading, and research, and the attempt to ferret out assumptions, reconstruct inferences, and critically examine claims. To engage in argumentation is thus to avowedly break from the economical devices of everyday (conversational) reasoning, in which assumptions and presuppositions are readily conceded to facilitate inferences.

In holding that argumentation is directed to specific beliefs or opinions, I intend to exclude, at this stage, beliefs that are the product of widely shared assumptions. Specifically, ordinary argumentation is

5 For some support, see E. Pronin, C. Puccio, and L. Ross, 'Understanding Misunderstanding: Social Psychological Perspectives,' in *Heuristics and Biases* T. Gilovich, D. Griffin, and D. Kahneman, eds. (Cambridge: Cambridge University Press 2002) 636-65.

rarely directed to beliefs that form our 'folk' theories of the world and ourselves.⁶ What renders these assumptions so difficult to unmask is that participants take them for granted.

However, I read the skeptic's claim as holding that even if you select out a belief, opinion, or assumption for which reasons are to be elicited and evaluated (and so which also call for analytical thinking), rationalization will render the activity impotent to expose the distorted reasoning. The next facets of argumentation to be treated speak to this criticism, and they also provide ammunition to challenge the skeptic, if he retreats from this starting point (of a belief or opinion already selected out.)

Another near banality about argumentation is that it is a *social* activity — one argues with another. One engages in 'reason-giving' in response to challenges directed at one's argument. In arguing with others, understanding of opposed positions and pertinent beliefs increase, at least to the extent of recognizing the reasons for why others takes themselves to hold a belief. Areas of agreement are exposed and common grounds adduced, providing guidance for further inquiry and increasing the basis to test claims and conclusions. Information is shared, horizons are widened. These implications of the social aspect of argumentation are the more forceful in light of argumentation's analytical mode and its drive toward explicitness treated next.

To work, argumentation requires a visible argument, and it proceeds by way of *explicitization*.⁷ Minimally, it involves moving one's argument from its inchoate form in the mind to articulate statements. For complex arguments, comprehension almost certainly calls for written formulation, which is characterized by greater explicitness, since addressed to a more impersonal audience (than in conversation). In articulate forms, the social activity of argumentation can become *public*, with unrestricted access. Explicitization is the means corresponding to *justifying* one's beliefs to others, central to democratic deliberation.⁸

In argumentation, participants attempt to render explicit implicit assumptions, inferences, qualifications, and so on. Explicitization presents more targets for challenge, and it invites critical reflection by its focus on, and its bringing salience to, the underlying assumptions

6 See H. Gardner, *The Unschooled Mind* (New York: Basic Books 1991), Chs. 8-9.

7 For a foundational discussion of explicitness, without though application to argumentation, see R. Brandom, *Making it Explicit* (Cambridge: Harvard University Press 1994).

8 Among many writings on this subject, see, for example, J. Fishkin, *Voice of the People: Public Opinion and Democracy* (New Haven: Yale University Press 1997).

needed for the argument to succeed. Explicitization reduces latitude for confabulated reasons, since more assumptions are visible with which one's further reasons must be compatible.

Another aspect of explicitization is distinguishing — specifically, breaking apart the reasons into separate premises. So the argument is easier to assess (since what is now visible are simpler inferential steps). Explicitization brings forth the basic structures or generalizations that constitute the underlying warrants for inferences.⁹ It facilitates reconstruction of the argument with variables, which encourages testing in disparate domains, through diverse substitutions for the variables. With explicitization, one turns presuppositions, such as that the research one cites is unbiased (a fair sample, representative) into claims and commitments, and so of a nature to attract scrutiny.

Earlier, I observed that argumentation is directed at specific claims or assumptions, and I admitted a weakness in argumentation to challenge widespread beliefs, taken for granted. (The admission is also an acknowledgment that the skeptic's case is stronger where there is a predominant bias, rather than the operation of many biases, which can off-set and expose one another.)¹⁰ But explicitization eases this restriction. For explicitization and argumentation are precisely mechanisms to bring assumptions to the fore, including assumptions taken for granted by all. Upon analysis, either we can be surprised when a hidden assumption just 'pops out' or a conclusion is found to contain crucial terms, not yet in the premises, necessitating an assumption to supply the bridge. (On all sides of the abortion issue, to refer to a familiar example to this audience, Judith Thomson showed that there was a prevalent assumption, though unrecognized as such, that the morality of abortion pivots upon the right to life. As a consequence, even those who reject her conclusion are now required to defend, rather than to take for granted, that assumption, or to find an alternative way to defend their opposed conclusions. The example also shows why the restriction is eased, not lifted: The mechanics of argumentation alone cannot be depended on to expose key assumptions.)

The power that explicitization lends to argumentation is due to the dominance of implicitness in conversation, where argumentation is rooted. (The dominance is also a clue to severe limits on the possibility

9 On warrants in argument, see S. Toulmin, *The Uses of Argument* (Cambridge University Press 1958), ch. 3; see also D. Hitchcock, 'Does the Traditional Treatment of Enthymemes Rest on a Mistake?' *Argumentation* 12 (1998) 83-97.

10 H. Kornblith, 'Distrusting Reason' in *Midwest Studies in Philosophy: New Directions in Philosophy* 23 (Oxford: Blackwell 1999) 181-96, at 193.

for explicitization, addressed later.) Conversation demands brevity and cooperation, which favour keeping implicit as much of one's assumptions as feasible, especially those mutually shared. The pervasiveness of *implicatures* attests to how heavily discourse is skewed toward implicitness.¹¹ Ordinary argument and reasoning is dominated by enthymemes and insinuated conclusions.¹² A simple way to appreciate the extent of the gap is to compare any conversational, or even casually written, argument to its reconstruction in fully explicit, written form (e.g., Socrates's argument in the *Crito* [for why he should not escape] and its reconstruction in commentaries.)¹³

2. Argumentation's Background

Confidence in argument depends not only on its workings, just set out, but on our position (and inclination) to make the most of these workings. Three closely related features of our position are: our (common) corpus of beliefs; our habits, skills or practices as believers and reasoners; and our motivation to argue or to reason well.

Well known (a priori) arguments by Davidson, Dennett, and others conclude that our corpus of beliefs must be predominantly true. Despite continuing controversy, the sting of this conclusion is largely removed once it is appreciated how small a fraction of our beliefs are at all tendentious. For argumentation, a similar, though weaker, conclusion holds.

A huge number of anyone's beliefs derive from perception, testimony, and memory well within their respective domains of optimal functioning e.g., (a) There is a collie (I see it); (b) Marcia is in Brazil (Joe told me); (c) My office is on the third floor (I remember it). And even these dull examples sparkle compared to the even broader class of ultra obvious beliefs like that ants do not drive Fords; that there is an earth; that Mt. Olympus is taller than my neighbor's cat. Relative to this huge corpus,

11 The central notion of relevance in the pragmatics of D. Sperber and D. Wilson, *Relevance* (Cambridge: Harvard University Press 1986) depends upon a least effort principle.

12 J. Adler, 'Fallacies and Alternative Interpretations,' *Australasian Journal of Philosophy* 74 (1994) 271-82; L. Wright, 'Argument and Deliberation: A Plea for Understanding,' *The Journal of Philosophy* 92 (1995) 565-85; J. Adler, *Belief's Own Ethics* (Cambridge: The MIT Press 2002), ch. 3, sections 5-9

13 For example, G.X. Santas, *Socrates* (London: Routledge 1979), 10-29.

beliefs that are at all tendentious and which could credibly be sustained by rationalization, are a tiny subset.¹⁴

Reasons are not needed to affirm any of these background beliefs. They are necessary only to defend a claim or in response to a challenge to an assertion. So our reason-giving will be a narrow subset of our reason-having. Still, the same wide discrepancy applies. The cases in which there is even a slim prospect of rationalization could only be a tiny subset of our reason-giving (itself, recall, only a minuscule portion of our reason-having). Sally tells Harry that their colleague Bill is home sick. Harry asks Sally how she knows, and she responds that Bill phoned to tell her. Sally has given her reason, and, in all but rarified conditions, there is small chance of distortion.

The Davidson-Dennett claim extends to reasons for beliefs, not just the beliefs themselves, not least because reasons are beliefs. But the extension also shores up their *a priori* arguments, which are basically third-personal (the stance of interpreting others' words and actions). These arguments do not speak to the believer's own point of view. Clearly from the first-person point of view, the analogue of the Davidson-Dennett claim is just that individuals hold these beliefs because they are evident or obvious.

It is a small step to similar claims about the rudiments of reasoning, since much of these predominant beliefs are derived from reasoning, most obviously the implicit ones (e.g. ants do not drive Fords; it will not snow tomorrow [it's July and I am vacationing in San Juan]). Reasons, and the inferences from them, are just too pervasive in our everyday judgments and deliberations for us not to be reliably responsive to them. So both as an extension of the Davidson-Dennett *a priori* rationale, as well as on empirical — especially evolutionary — grounds, reasoning competence will extend to simple deductive, inductive, and probabilistic inferences.¹⁵

The arguments for a vast background of true and warranted beliefs, as well as for our basic reasoning competence assume, in the now standard metaphor, that belief aims at truth or knowledge. So truth is intrinsically valuable to belief, and that intrinsic value contributes to the great pleasure found in good argument. But truth is also, and more

14 See, for example, D. Davidson, 'On the Very Idea of a Conceptual Scheme' and 'Thought and Talk' *Inquiries into Truth and Interpretation* (Oxford: Oxford University Press 1984), 183-98; 155-70, respectively; and D.C. Dennett, 'True Believers' in *The Intentional Stance* (Cambridge: The MIT Press 1987), 13-35.

15 See J. Barkow, L. Cosmides, and J. Tooby, eds., *The Adapted Mind: Evolutionary Psychology and the Generation of Culture* (Oxford: Oxford University Press 1992).

evidently, extrinsically valuable. Arguments, beliefs, and reasons inform or guide our actions. We want our actions to succeed, which they are most likely to do only if the beliefs that they are based on are correct. Since the bulk of our everyday actions do succeed (e.g. we manage to get to the supermarket as we planned), we require habits of truth acquisition and reason-responsiveness that are reliable (or approximately so). Acquiring these habits is a way to satisfy our deep-seated interest (motivation) in the correctness of our arguments, beliefs, and reasons. So here we have our final two features: basic reasoning competence, fundamental to evaluating inferential steps in argument, and a pervasive interest (motive) to reason (and argue) well.

Our position in argumentation extends to cases more substantial than the dominant ones that lend credence to the Davidson-Dennett perspective that I share. The habits and skills we require in the rudimentary cases are in the service of acquiring further true beliefs, and so, even if the application is most reliable in the simple cases, the claims made apply to believing and the mechanisms of belief-fixation themselves generally (independent of content).

III The Argument Skeptic

1. Clarifications and Concessions

In criticizing the argument-skeptic from the perspective of the workings of argumentation and by appeal to examples of its success, I read him as not a radical skeptic. If the argument-skeptic adopts the techniques or maneuvers of the radical skeptic, his threat widens, but loses depth (for doubting argumentation). His threat is greatest when he roots his doubts about the power of argument in specific infirmities or weaknesses of argumentation.

Corresponding to his posing a serious threat, my critique assumes restrictions on the skeptic's resources. First, the argument-skeptic cannot rely on an unbound use of the notion of 'possibility' (or the Quine-Duhem thesis) to reconstrue seemingly conflicting data. That an arguer *could* fend off an objection without appearing blatantly unreasonable will not constitute a defense, unless the 'could' is an empirically grounded (epistemic) possibility. Second, we each know of numerous arguments that persuade because of their cogency. They succeed even when their import is sharply contrary to prior opinion, as well as to self-interest, as with the following: I have a strong interest that my nearby train station should not be shut down to make way for much better service on another line, since then I will have a longer commute. No doubt I read the original evidence in a biased way to support my

opinion. Subsequently, reports of the relevant studies were presented, and they showed that the overall benefits are decidedly greater by closing the station. My opposition, like others, withered, however reluctantly. The response makes perfect sense in light of the resources and background of argumentation set out above. Third, there are limits to the power of rationalization, self-deception, and related phenomena. They are susceptible to exposure. We know this from our own case and observations of others, as well as from the research that the skeptic himself adduces, as I discuss below. Fourth, the argument-skeptic is pressing weaknesses or infirmities endemic to argument, given our nature and social world. Opposition to the skeptic need not extend to overcoming, or to even addressing, all sources of distorted argument. The opponents should refuse the burden of offering argumentation as a form of psychotherapy or behavioral-modification. To claim that argumentation well engaged is compelling is not to claim that all or most will be compelled. At the level of individual belief, with its myriad influences, the implication of the former claim can be at most that argumentation functioning well restricts avenues for bias or distortion.

A recent article by Hilary Kornblith¹⁶ defends the kind of serious argument-skeptic that I think should accept these restrictions. Kornblith's skeptic holds that much argumentation or 'reason-giving' amounts to rationalization. The charge more fully spelled out is, I take it, that the person who offers reasons for his belief, does not actually believe it because of those reasons, *and* that, as a consequence, his argument is impugned. The argument non-skeptic (or 'optimist', for short) accepts that there are many such cases. He maintains, however, that the latter conjunct does not follow, and that the former conjunct is of less importance than the skeptic accords it, particularly when the belief is subject to argumentation at its realistic best, not as it is commonly engaged.

There is often no plausibility to the claim that one's interest in a belief and bias in its favor will lead to self-protective argument, as with the above case of the relocation of the train station, since we retain a strong interest in truth. So the connection assumed in thesis (II), stated in the opening, between 'strong biases' and 'likely to have distorted his reasoning' is not easy to meet.

Similarly, that an arguer is motivated to offer reasons to defend a position that he does not believe (for those reasons) need not be rationalization nor need it imply that the argument fails. I believe that a car

16 Kornblith, 'Distrusting Reason'.

accident was not my fault, and, let us suppose, I believe it out of self-deception. However, in defending this belief in court, I call upon a reliable and independent witness who corroborates my account. But that's a damn good argument. (At the least, for rationalization to be serviceable to the skeptic, the counterfactual must be satisfied that in the absence — or failure — of the reasons presented, the rationalizer would continue to hold the belief e.g., the witness is exposed as unreliable, but I maintain my belief.) In fact, one reason to be suspicious of the rationalization charge is that it is not easy to specify how it actually bears negatively on the argument.

2. *The Psychological evidence*

Perhaps I should seek clarification of the skeptic's charge in an example. Kornblith's only example is of Andrew, whose position on the morality of the death penalty, influences him — via wishful thinking — to a correlative, but unwarranted, judgment of its deterrent effect. Appealing to data from cognitive psychology, Kornblith observes that because of Andrew's intelligence, argumentation is fertile territory for him to extend his rationalization.¹⁷ Andrew selectively cites favorable evidence, while dismissing, for a variety of confabulated reasons, data that are unfavorable. But all the while Andrew is a sincere truth-seeker because the biases in question operate subtly and largely non-consciously.¹⁸

The example furthers argument-skepticism only if it is illustrative of a widespread failing that is not correctable with argumentation. Mostly I will be concerned with the latter claim — that Andrew's motive to rationalize overwhelms the resources of argumentation. I confront it directly in the next section. Here I reflect on the psychological studies that Kornblith points us toward. Granted that these studies reveal weaknesses or defects (and biases) in reasoning, they offer little evidence for the issue at hand (of distorted argumentation) in part because these

17 Actually, Kornblith does not rely on an argument/argumentation distinction. He is focused on argument as an individual effort, whereas argumentation, as noted already, is paradigmatically with another.

18 Although Andrew's greater intelligence may render distortion easier for him, Kornblith is on weak empirical grounds to assume that it will dispose him more to distortion, rather than merely equip him. Stanovich finds that those of greater intellectual ability as determined by, primarily, IQ tests or SAT scores are more likely to judge the quality of arguments independently of prior beliefs and that these judgments are associated with such intellectual virtues as open-mindedness. See K.E. Stanovich, *Who is Rational?* (Mahwah, NJ: L. Erlbaum 1999), 162-9.

studies are thin on studying extended discursive reasoning, or continuous reasoning (with new information), more generally.¹⁹

For an exception, consider Deanna Kuhn's findings of a paucity of subjects who weigh alternative hypotheses in the evaluation of arguments, and of a correlative inability to distinguish between evidence and explanation.²⁰ Subsequent studies reveal that these latter findings are limited in their skeptical import. In a further study, she and her colleagues found that when alternative hypotheses are made *salient* subjects' over reliance on a specific hypothesis diminishes.²¹ Further, Brem and Rips²² located subjects' difficulty with the distinction between explanation and evidence in pragmatic influences that are forceful only when evidence is sparse.

Kornblith's skeptic seeks convergence between the cognitive psychological literature and a blend of feminist, Marxist, psychoanalytic and related positions. However, aside from the latter position leaving room for 'unmasking', the two approaches are somewhat antagonistic. The latter focus on self-protective ('hot') motivations that illicitly influence belief and judgment. But it is central to the cognitive psychologists that the failures in reasoning that they study require no assumptions about self-defensive motivation (the non-conscious workings are not due to, say, repression).

Now I do not deny that these approaches are compatible, and that we can take our 'cold' (error-prone) heuristics and biases as ways to further 'hot' motivation.²³ The issue remains, though, as to how they are to be integrated to further the skeptic's case. Those who commit fallacies due to 'cold' erroneous assumptions are not (thereby) motivated (by self-interest or as self-defense) to exploit loopholes to evade criticism.

19 For criticism of the studies on this basis, even granted findings of 'belief-conservatism,' see R.M. Hogarth, 'Beyond Discrete Biases: Functional and Dysfunctional Aspects of Judgmental Heuristics' in H.R. Arkes, and K.R. Hammond, eds., *Judgment and Decision Making* (Cambridge: Cambridge University Press 1986) 680-704.

20 See D. Kuhn, *The Skills of Argument* (Cambridge: Cambridge University Press 1991).

21 D. Kuhn, R. Flaton, and M. Weinstock, 'How Well Do Jurors Reason? Competence Dimensions of Individual Variation in a Juror Reasoning Task' *Psychological Science* 5 (1994) 289-396

22 S.K. Brem and L.J. Rips, 'Explanation and Evidence in Informal Argument' *Cognitive Science* 24 (2000) 573-604

23 On ('cold') non-conscious defenses of self, and their cultural variation, see S.J. Heine, D.R. Lehman, H.R. Markus, and S. Kitayama, 'Is There a Universal Need for Positive Self-Regard?' *Psychological Review* 106 (1999) 766-94.

Psychologists who have commented on the issue take the view that we are capable of, and often use, a different mode of reasoning — not as holistic or affective or automatic or association-dependent as the reasoning displayed in the studies.²⁴ This is an analytic mode, which, as noted above, is the mode of argumentation.

Recent studies show that a significant minority are not prone to the erroneous reasoning. These individual differences are indicative of the robustness of the analytic mode and that the fallacies displayed are not virtual human inevitabilities.²⁵ For the large majority who do exhibit the weaknesses that the skeptic stresses, remedial programs have been undertaken, particularly on statistical inference, which have achieved some success.

In a number of studies, explicit arguments are generally introduced post-experimentally to determine the limits of subjects' failings, and to demonstrate that the failings are within the scope of subjects' competence (rather than a problem of education or comprehension). After poor showings on a study of subjects' understanding of the law of large numbers, they are given two arguments—one leading to their favored answer and one leading to the statistically correct response. The results were that

With very few exceptions, the respondents immediately accepted the argument and admitted that their initial response had been a mistake.²⁶

The use of explicit argument in this way is related to other features of the studies that cast further doubt on any direct support for the skeptic's position. In studies where subjects' show poor understanding of the role

24 See S.A. Sloman, 'Two Systems of Reasoning,' in *Heuristics and Biases*, 379-96; J. Evans, J. and D. Over, *Rationality and Reasoning* (Hove, UK: Psychology Press 1996); and K. Stanovich, *Who is Rational?* chs. 5-6.

25 See Stanovich, *Who is Rational?* chs. 2 and 5.

26 D. Kahneman and A. Tversky, 'On the Study of Statistical Intuitions' in D. Kahneman, P. Slovic, and A. Tversky, eds., *Judgment Under Uncertainty: Heuristics and Biases* (Cambridge: Cambridge University Press 1982) 493-508, at 495. Stanovich provides many examples in the interest of establishing the 'understanding/acceptance' principle that as standard normative axioms are better understood, the more they would be accepted. (61-3). See also Pronin, Puccio, and Ross, 'Understanding Misunderstanding,' which, though broadly supportive of the skeptic, show how various simple interventions undermine biasing and polarization (e.g., 652-3). For earlier results along the same lines, applied to 'hindsight biases,' see H.R. Arkes, D. Faust., T.J. Guilmette, and K. Hart, 'Eliminating the Hindsight Bias,' *Journal of Applied Psychology* 73 (1988) 305-7.

of chance in accounting for seemingly puzzling phenomena, these findings alter when focus is brought, in advance, to a role for chance or when problems are posed in alternative (more 'extensional') formats.

The contrary or conflicting evidence that I cite (and allude to) indicate that the data are equivocal for the skeptic's ends, even on the interpretation that the skeptic requires, whereby those studies show serious defects in, and illicit influences on, reasoning. (This interpretation has been disputed in an extended debate.)²⁷ But on that very interpretation, the skeptic fails to read the data in its full complexity and richness for his specific purpose of showing the impotence of argument. On that, the jury is out with the skeptic's case in doubt.

3. Argumentation's Workings: Projecting beyond the basic cases

I turn to the specifics of argumentation set out above in relation to the skeptic's charge. Of these, I have already expressed the relevance of the analytical and directed nature of argumentation to respond to the charge. For organizational purposes, let us distinguish two of the charges of the skeptic, implicit in (II) above. On the assumption that X has a strong interest in, or bias toward, his belief that *p*, the skeptic concludes that it is likely that:

1. X maintains his distorted argument for *p* with new information, even under (sincere) argumentation.
2. The appropriate or best way to evaluate X's argument for *p* is wholly/mainly by appeal to X's motives/interests, rather than only/mainly/at all by its content (form), even under argumentation.

My response to the skeptic here will focus on (1). In part III, I shift toward (2), which can fail even if (1) generally holds. Even if you have little doubt that the veneer of reason in defenses of 'intelligent design' are forms of rationalization (and worse) for creationism, it does not follow that the way to challenge the defense is through exposing the rationalizing motive, rather than by addressing the substance of the evidence offered. In particular, to expose rationalization almost certainly will involve showing that the reasons offered are badly skewed. But if the skewing

27 A number of philosophers and psychologists have forcefully argued for a non-skeptical reading of this data, most notably L.J. Cohen, 'Can Human Irrationality be Experimentally Demonstrated?' *Behavioral and Brain Sciences* 4 (1981) 317-70.

is bad, it is, presumably, so judged by contrast with what are recognized as potential good grounds. To articulate the latter, however, presupposes straightforward evaluation (of cogency).²⁸

My response is divided into two parts: first, the mechanics of argumentation as limiting the possibilities for successful rationalization (and related forms of distortion); second, the burdens and risks of rationalization under argumentation, including the violation of the arguer's (rationalizer's) own commitments.

Since argumentation is social — ideally, public — to engage in it is to impose a questioner or critic on oneself. Since the interlocuter is not under the arguer's control, if he does not share the same biases as the arguer, he is thereby an obstacle to bending argument to favor the arguer's own position, as with avoiding sources like to produce contrary reasons or evidence.

A standard move of rationalization is selective citation of relevant studies. Kornblith observes that selection biases can undermine the value of the reasons offered, and he continues

many arguments involve subtle appeals to plausibility. There can be little doubt that the rationalizer's sense of plausibility is affected in important ways by the motivation he has for rationalizing, and this does not aid in the project of coming to believe truths. Thus, if an agent suspects that he himself is rationalizing, he has reasons to worry about his overall evaluation of plausibility....

More than this, the extent to which inchoate judgments of plausibility come into play in evaluating arguments should be a source of concern even apart from concerns about rationalization. Our sense of plausibility is a fragile reed. There can be little doubt that it is socially conditioned. Being surrounded by people who take a particular view seriously, or, alternatively, simply dismiss a view as unworthy of serious consideration, is likely to have some effect on one's own assessment of plausibility. If those around one are well attuned to the truth, this may be a fine thing. But in less optimal circumstances, where one's epistemic community is badly misguided, one's own sense of plausibility may be distorted as a result.... ('Distrusting Reason,' 185)

Kornblith does not elaborate on how he understands 'plausibility' judgments. But I assume that he has in mind casual assessments of the reasonableness of claims and inferences based on fit with one's own beliefs.

However, as an argument becomes more explicit, and there is a correlative, relaxing of time pressures and encouragement toward analytical thinking, reliance on plausibility assessments diminish. As will be

28 Compare here to Kornblith's 'Distrusting Reason' (194) reference to T. Nagel, *Other Minds: Critical Essays 1969-1994* (Oxford: Oxford University Press 1995), 212-13.

crucial for our reconciliation of (I) and (II) below, the content of the argument itself provides more of a basis for assessment. Assume that Andrew judges capital punishment morally and legally unproblematic. Correspondingly, he has a biased recollection of a study attesting to the deterrent effects of capital punishment in one locality. You do not know the study, nor can you check on it. You are heavily dependent upon assessments of plausibility and the arguer's word. But now with argumentation, you, as interlocutor, press Andrew with the obvious request to fill in crucial details: a scientific journal or a popular one?; a political magazine with a slant or a neutral one?; did the authors actually conclude that the findings are generalizable (to other localities) or not? With answers to these questions, there is less dependence on plausibility assessments. You do not have to speculate on whether the alleged study, or the arguer, is trustworthy, once you learn that it was published in, for example, *Science*. Given our extensive epistemic (informational) dependence on others, especially on newspaper reporters and scientists, as well as the very variable quality of information on the internet, our dependence on testimony must be highly sensitive to the reliability of different sources.

Of course, explicitization can be a device not only for adding biased information, but for 'jamming' one's thoughts with too much information.²⁹ Similarly, the term 'groupthink' is attached to infirmities of social reasoning, which have been investigated in studies of important political debacles e.g. the Bay of Pigs fiasco.³⁰ Interlocutors may be heavily self-selected, even if unintentionally, by virtue of those with whom one associates.

Still, what is at issue is not, recall, the (realistic) possibility, or even prevalence, of these obstacles. The claim that defies credibility is that these influences cannot be seriously weakened by argumentation. The first ten chapters of Nisbett and Ross's *Human Inference: Strategies and Shortcomings of Social Judgment*,³¹ surely a bible of the argument-skeptic, sets out much of our foibles in everyday reasoning and judgment. But Chapter 11 takes off from a quotation by a colleague responding to these ten chapters: 'If we're so dumb, how come we made it to the moon?' Nisbett and Ross's response is taken up by Dawes:

29 See K. Bach, 'An Analysis of Self-Deception,' *Philosophy and Phenomenological Research* 41 (1981) 351-70.

30 See I.L. Janis, *Groupthink*, 2nd ed. (Boston: Houghton Mifflin 1982).

31 R. Nisbett and L. Ross, *Human Inference: Strategies and Shortcomings of Social Judgment* (Englewood Cliff, NJ: Prentice Hall 1980)

The advances in physical science and engineering that led to our ability to land on the moon resulted from many different people working on many separate aspects of the problem.... What these people had in common was an ability to critique each other's work and proposals.³²

(Unsurprisingly, Dawes goes on to observe that, in these respects, the social nature of politics does not work nearly as well as science.) The skeptic has the duty, which I will continue to argue he cannot discharge, to offer his analogue of Nisbett and Ross's Ch. 11.

The skeptic needs to explain the overwhelming successes of argumentation in not just the plain cases, noted above, but in many, more substantial ones. Consider arguments in political morality so victorious that they are now predominantly just about taken for granted: favoring liberty and opposed to slavery; or for democracy and equality against meritocracy, aristocracy, plutocracy, and dictatorship; for basic rights like free speech; or against criminal punishment for homosexual acts or mental disturbance. Even those whose actions mock these conclusions, pay them homage in public pronouncements, if only by way of lip service. It is not credible that those who offered (believed) and accepted these arguments did so mainly at the behest of their interests or external (e.g. political) pressures, even if the actual widespread acceptance (and subsequent actions) required alteration in economic and political circumstances.

Other, less decisive, examples should also be recalled for the alteration or moderation in view which they affected. The revisions occurred despite the implications of those arguments, contrary to the interests of many of those moved, who had latitude for evasion. Notable examples (at least among philosophers) are the arguments, mainly by Peter Singer, both for better treatment of non-human animals and for extensive duties to those suffering extremes of famine and poverty. In both cases, especially the former, it is acceptance of the arguments themselves that seem to best explain why many followed the recommendations. For the practical import of those recommendations lacked political clout. They were almost certainly contrary to the self-interest of those persuaded to become vegetarians or to greatly increase donations to 'charity,' respectively.

At one point, Kornblith formulates the divide between skeptics and non-skeptics as follows:

32 R. Dawes, *Everyday Irrationality* (Colorado: Westview Press 2001), 140

In the end, the difference between the person who places his full confidence in rational argument and the person who is skeptical of it may come down, in part, to a disagreement about the frequency with which rationalization occurs and the extent to which our sense of plausibility can be distorted.... What divides these two views, to the extent that each is rationally held, is a disagreement about human psychology. (Kornblith, 'Distrusting Reason,' 185)

Earlier, I denied that the difference is one over psychology, and, more pertinently, that frequency differences favor the skeptic. The class of beliefs for which we have reasons is vastly larger than the sub-class of beliefs for which we will actually (and easily) give reasons. Yet, the beliefs in these respective classes are overwhelmingly warranted and are themselves a vastly larger class than the reason-giving cases that could be at all capable of suspicion. The skeptic is wrong about the frequency of rationalizations if he means to cover the whole gamut of our reason-having or giving. The skeptic appears to have confused salience with frequency.³³

What made sense of this background of success was the nature of argumentation, our basic competencies in reasoning, our vast corpus of warranted beliefs, and our far-reaching self-interest in good reasoning and correct beliefs. (Recall that these claims are defended compatible with acceptance of flaws in probabilistic, statistical, and deductive reasoning, and our susceptibility to illicit influences on judgment.) This explanation for the background of success also imposes heavy burdens and risks on devious argumentation, especially if sincere.

Over time, forthright argument is simply much easier than the distortions that the skeptic requires. Devious argument is very demanding, since it requires the rationalizer to break with his normal habits. It is requisite for (self-protective) distortion of an argument that one *anticipate* the course of argumentation. But arguers have only limited, and greatly

33 See discussions of the 'availability' heuristic in Nisbett and Ross 1980; D. Kahneman, P. Slovic, and A. Tversky; and Gilovich, Griffin, and Kahneman. Kornblith (192-3) recognizes that the plausibility of the skeptic's thesis, depends on whether 'there is a single major source of distortion and rationalization that is very widespread.' What Kornblith does not observe is just how extraordinarily narrow a range of issues this would impact, even if we grant the problematic assumption that class interests, etc. will distort reasoning.

Similarly, for the slightly different cases of reason-having as to an agent's action. You see Jim enter the ice cream store, and you take it that the reason he entered is to purchase ice cream. You do not ask 'why' because the reason is so obvious. These cases are the overwhelmingly dominant ones compared to cases in which you are mistaken (Jim went in to use the lavatory) or puzzled ('Why did Jim go in to the ice cream store, when he is on a diet?')

varying, control of interlocutors and their findings, as well as of what assumptions are uncovered. Sympathetic interlocutors will find it easier to enter routine challenges to elicit assumptions, to demand reasons for undefended claims, and to request specification of sources, than to determine the vulnerable parts of the argument in order to carefully circumnavigate their way around.

Even when we concede a forceful motive to rationalize, it does not follow that the resulting argument will be distorted.³⁴ In a fairly open or public forum, the attempt to contour an argument to one's aims or desires is likely to generate a product glaring for its failings or quickly subject to exposure, since not responsive to the merits of the case. The offering of reasons and claims amount to commitments of the arguer that he must defend regardless of whether the presentation is pretense. The rationalizer is pressured toward good argument which, after all, is the best way to satisfy the motive to rationalize. As a conceptual matter, nothing better immunizes the belief from objections. One's argument either directly answers objections or at least, it justifies confidence that such objections can be answered.

The labor-intensity required for on-going, self-protective distortions of an argument, as contrasted to simple, honest, unself-conscious critical engagement is worth stressing. For the basic explanatory principle of cognitive science, and so of the psychological studies that the argument-skeptic leans upon, is the need to *economize*.

An obvious difficulty with rationalization in argumentation is that it violates broadly shared norms of good argument.³⁵ Our own experience confirms that there are characteristics that we as observers or interlocutors recognize as marks of rationalization — stubbornness, dogmatism, evasion. Assuming that we are fairly capable of detecting blunt deviance, the (non-crafty) rationalizer's verbal behavior threatens his reputation. (The crafty rationalizer incurs the burdens of maneuvering already noted.)

The threat of exposure is similar to that for the speaker who is untruthful. Beyond their difficulties in securing cooperation with others, at least in small groups, the need to protect the initial untruthfulness

34 J. Elster, in *Sour Grapes* (Cambridge: Cambridge University Press 1983) holds that 'There is no reason to suppose that beliefs shaped by interests tend to serve those interests.' He continues: 'On quite general grounds, distorted beliefs cannot be expected, any more than illusionary beliefs, to be very helpful in goal achievement' (156).

35 A. Gibbard, *Wise Choices, Apt Feelings* (Cambridge: Harvard University Press 1990), 78.

(distortions) over time requires adding assumptions and claims, which increases one's burden and the likelihood of exposure.

Undoubtedly, we sometimes stand to gain from biased arguments, as furthering our interests and self-image. In the political realm, we seek to promote our interests through influencing others. But these powerful motives and aims if realized in extended, distorted argumentation, threaten to corrupt the arguer's own truth-responsiveness. Even more strongly, they threaten to disrupt democratic deliberation, which cannot rely nearly as much as individuals can, on mental segregation, a background practice of truth-responsiveness, and a common set of interests to advance.

The above critique of the skeptic leaves open many empirical questions. If the conditions of argumentation are met, is there a drop in distorted argument? How do we set up controlled conditions to study argumentation? What would be the criteria for a favorable outcome? Behavioral criteria (e.g. expanding consensus) are problematic, since one can be moved by an argument without acting accordingly, as the Singer example illustrates. Moreover, the optimist claims progress in argumentation, not resolution, so that in the short run anyhow, if greater complexity in the issues is exposed, progress is likely to lead away from consensus.³⁶ Perhaps recent efforts toward constructing model groups of democratic deliberation would serve experimental purposes. With a sufficient number of groups, a testable measure of effectiveness could be a decrease in predictability based on narrow interests or circumstances of participants.³⁷ But this is speculation, serving mainly as a reminder of open empirical issues between the skeptic and the optimist.

36 Consensus plays a different role in democratic deliberation than in cognitive inquiries (aimed at truth). In democratic deliberation a shared decision is crucial, so that compromise is available and typical, and democratic deliberation usually takes place under pressure to reach a decision by a deadline. Neither holds, or not nearly to the same extent, in cognitive inquiries, which is our focus.

37 A comprehensive article on the subject finds mixed results: T. Mendelberg, 'The Deliberative Citizen: Theory and Evidence' *Research in Micropolis Volume 6*, M.D. Carpin, L. Huddy, and R.Y. Shapiro, eds. (Elsevier Press, forthcoming) or http://www.deliberative-democracy.net/randpmeeting/mendelberg_del_citizen.pdf. But the issues are under intense study, and recent results are encouraging (see especially Fishkin on the 'deliberative opinion poll'), as I learned from helpful e-mail correspondence with Peter Levine (*The Institute for Philosophy and Public Policy*). The positive results indicate definite changes in opinion under controlled conditions of deliberation. However, the research does not extend to whether the predictability of people's opinion from their background decreases with deliberation.

IV Reconciliation and Rhetoric

1. Reconciling (I) and (II)

If, as I charge, the skeptic confronts the challenge to explain the successes of argument, surely I confront the challenge to explain (widespread) failures — the data that I accept of sustained distorted, weak or rationalized arguments. There are basically two paths to do so, one of which I have just foreclosed. The first is to deny the data — to explain it away as occasional or due to happenstance and interference. The second, which I adopt, is to show that these failings take place under conditions not conducive to argumentation, as set out above. But this path is problematic, since my case against the (non-radical) skeptic requires that optimal conditions for argumentation are realistic. I will defend this path in these next two sections, offering the rudiments of my reconciliation of (I) and (II) to start.

In their proper place, and suitably reformulated, (I) and (II) are not just compatible, but complementary. However, they are easily confused, giving rise to the sense of conflict. The reconciliation of (I) and (II) depends on a claim about ordinary argumentation and one about the epistemics of argument evaluation. The claim about ordinary argumentation is that it is typically under practical pressures, relieved by brevity and implicitness. As these pressures are eased, reaction (II) weakens in significance. The second — epistemic — facet of our reconciliation is that (I) is correct about what is purely relevant to argument-cogency. (II), though, is correct about a variety of epistemic questions only indirectly related to argument-cogency.

For illustrative purposes, consider an ‘even-argument’:

Even Jones believes that our town is spending too much on education. [Jones is known to be a strong school supporter, but she is in no special position of authority.] So, [it’s likely that] the budget, which mandates a significant increase in spending, should not be passed.

The speaker is arguing against the large increase in the school budget. To the questions ‘Should I [a resident of the town] reject out of hand the opposition to the new school budget?’ ‘Should I examine the arguments in opposition?’ ‘Is the opposition to the new school budget at all credible?’ and ‘How should I vote on the issue in the straw-poll?’ Jones’s believing, contrary-to-expectation, strongly supports correlative answers. However, to the questions ‘Can I know, on the basis of the presented arguments, that the spending is too high?’ or ‘Is the presentation in favor of the raise successful?’ Jones’s opinion is much less relevant.

What happens if you learn that the current level of your town's spending is markedly lowest among comparable school districts in the area? This seems the kind of evidence that could yield knowledge (or strong reasons) that the town is not over spending. It seems not just to weaken, but to expose as irrelevant (to 'screen-off'), the 'even'-premise. That premise cannot play an essential role in an argument that establishes (or refutes) that the board's conclusion is wrong. Nevertheless, that premise serves valuable epistemic purposes in argumentation. If the 'even' claim is accepted as intended, the audience is no longer disposed to dismiss opposition to the budget (as reactionary). But, so far, none of the details that would constitute the necessary premises to establish that conclusion have been offered. Reaction (I) concerns argument-support (or weakening), within which the even-premise is irrelevant, whereas reaction (II) concerns reliance on the argument under practically constrained conditions, within which the even-premise is (epistemically) relevant.³⁸

Once an argument is presented explicitly, our comprehension of it is less dependent on tacit assumptions. Correspondingly, knowledge of the arguer (and the relation of his belief to his reasons, specifically) diminishes in significance. Mr. Joe Camel argues that secondary-smoke does not increase the risk of heart disease, and he cites a recent study. At this stage, reaction (II) is valuable to judging whether his claims are credible. Subsequently, details of the study are brought forth (such as where it was originally reported). As these studies and details come forth, dependence on the testimony coming from Joe Camel diminishes in probative value. Ultimately, it becomes an evaluative distraction, even granting his ill-motives in the presentation. When the argument is explicit (and comprehended when explicit), there is no gap in reasoning for which reference to the arguer—and so reaction (II) — is needed to fill.³⁹

The enduring grip of (II) can be explained-away as due to the unhelpfulness in much on-line reasoning of applying the distinction between it and reaction (I). The (pressured) question before us is whether we should act on the conclusion. Given that purpose, it is not crucial whether we do not accept the conclusion because the reasons fail to establish it or whether we refuse to take it very seriously — refuse, that is, to admit the argument presented for examination. Either route yields the same result,

38 This difference is overlooked in Goldman's discussion, 152-3.

39 This is not to deny room for dispute. The actual conclusions of the study will be expressed much more circumspectly (e.g. a positive correlation was found...). Still, to the extent that the source is cited, the value of information about the arguer (for the assessment of the argument's cogency) diminishes.

so far as action (e.g. voting on the budget) goes. (Compare to receiving a letter of recommendation for a job candidate: There are dual judgments to be made—the strength of support for the candidate and the quality [reliability] of recommender. Still, the ultimate judgment melds these together, since it is the singular one of how your rating for this candidate should alter, based on the letter.) Given the constraints and the narrow goal, we do not rely only on the premises before us, but upon a wide range of clues about the arguer, the context, the issues, and our own biases. So the distinct assessments (of what is rational to believe and to do, and whether the argument is cogent) are melded together into a single judgment of the acceptability of the argument (as cogent), and so much that is not strictly constitutive of argument-support is (mis)construed as argumentatively relevant.⁴⁰

2. Ideal, but Realistic, Argumentation

The reconciliation of (I) and (II) depended upon contrasts between ordinary and ideal argumentation. The contrasts tacitly presuppose communities that are pluralistic and open. I do not depend on the less realizable idealization of Habermas' 'ideal speech community' (e.g. equal treatment for all participants in an argumentative exchange.)⁴¹ The means of argumentation are all available to us, as evidenced by our familiarity with them, even outside professional forums. These means not only do not require an 'ideal speech community' or related idealizations (a 'veil of ignorance'), they do not call for full explicitization, whatever that would be, or formalization (regimentation). If the ideal is not realistic, my appeal is a cheat.

It is easy enough to show by examples that the idealization called for is (minimally) realistic and often realized. All one needs to do is contrast virtually any ordinary social conversational argumentation with that which takes places in intellectual magazines (e.g. the *New York Review of Books*) or professional journals or 'Socratic questioning' (as, for example, in law schools or parliamentary inquiries). More familiar settings, as already suggested, are community groups, made up of mem-

40 For development of the underlying claims see Adler *Belief's Own Ethics*, Ch. 10.

41 For a fairly up to date statement see J. Habermas's collection *On the Pragmatics of Communication* (Cambridge: The MIT Press 1998). For a different approach to specifying ideal conditions for argumentation see F.H. van Eemeren and R. Grootendorst, *Speech Acts in Argumentative Discussions* (Dordrecht, The Netherlands: Foris Publications 1983).

bers diverse economically and politically, with a shared concern for the welfare of the community. They are called upon to study an important local issue, culminating in an official recommendation e.g., raising taxes for schools; building a center for teen-agers or the elderly. In these forums, practical constraints are relaxed, argument is much more explicit and informed by factual details. Correlatively, the value of **ad hominem**s or 'genetic' charges would be otiose where, as corroboration, they are comparatively rare.

In defending the realistic-ideal claim, the argument-optimist of the kind I defend has some bullets to bite. I conceded to the skeptic that we often do rationalize (or confabulate), at least on forefront matters, and that psychological studies support the subtle workings of various mental biasing that would undermine argument. I will even suppose that much of ordinary argumentation is superficial and distorted, at least about matters that are charged. The objectionable incongruity is now apparent: Briefly, how is it that healthy argumentation is easy, and easier than distortive argumentative, and yet it is uncommon?

Commitment to argumentation requires critical questioning and a concession of time and resources that are not readily granted. Explicitness strains against our habits and sociability, as well as the helpful economies that ensue from keeping assumptions implicit. In social settings, it is difficult to have sustained questioning, not just because of time, but because too many want to contribute their opinions. Whereas sociality biases us toward the like-minded, (democratic) openness or publicity removes restrictions to favorable audiences. So the latter is a kind of engagement commonly avoided or aborted early, unless professionally or institutionally mandated. Sustained questioning and critical challenges are generally impolite, unsociable, or burdensome; those disposed to it are regarded as argumentative and contrary. Everyday argumentation is frequently taken personally and treated as competitive with the risk of 'losing face.' Group agreement or consensus yields reassuring feelings of rightness and solidarity. Yet it facilitates the spread of false information, the lack of vigorous debate, and polarization. The antidote is dissent, even if only by one and even if only by playing 'devil's advocate,' provided that he is not known to be playing. Still, it is evident that our desire to be in harmony with others disinclines us from playing this crucial role.⁴²

42 See C.R. Sunstein, *Why Societies Need Dissent* (Cambridge: Harvard University Press 2003), chs. 2, 6, and 7.

Socratic inquiry is the model for sustained critical questioning. But Socrates' approach is found unsociable and irritating, not only for the probing to which he subjects his victims, but also for the initial way that Socrates maneuvers his victims to commit themselves to exacting argumentation. This commitment is normally resisted, absent the coercive force of institutional arrangements, incentives, and duties.

Social discourse is dominated by demands to maintain audience interest, which calls for brevity, and so to keeping implicit as much as feasible, short of anticipated misunderstanding. The cognitive economies that place these demands on us apply especially to memory. A major value of explicitness is just to force arguers to enter commitments or claims (to, say, specific sources of information as reliable). But the value to critical thought of amassing these commitments, as is clear from the Socratic elenchus, is that they can be evaluated together. This is just not feasible for much conversational argument, and, even when set down in writing, it is a strain on memory and time to bring together, on any one occasion, temporally disparate writings.

In sum, the conditions of optimal argumentation (fairly independent interlocutors, explicitness, an analytic mode etc.) are realistic. They are occasionally realized, and with palpable benefits. Nevertheless, they are resisted and difficult to meet for complex, not easily verified, issues in normal social settings so that, accordingly, their satisfaction is rare.

3. Dual Aims and the (Unnecessary) Quarrel between Philosophy and Rhetoric

The reconciliation of (I) and (II) relied on another banality: In presenting, or putting forward, arguments, arguers have *dual aims*. The (sincere) arguer aims both to present a cogent argument and to (rationally) persuade an audience.

We inherit two traditions that respond to this banality in needlessly opposed ways. The response to which we, as philosophers, are sympathetic takes the former aim as deservedly dominating the latter. Whatever ingredients in the presentation of an argument are intended to serve persuasive purposes, but which do not contribute to the cogency of the argument, are mere rhetoric to be dismissed.

However, not all rhetorical devices are illicit, even on strictly epistemic grounds (e.g., some devices to achieve brevity of expression). The philosophers' response fails to be true to the data of how we express, and rationally engage with, real arguments, as contrasted to the contrivances of logic textbooks or to the end products of analytic reconstructions.

The opposed response holds that we cannot, without distortion, extract from any embodied, real argument a logical core, distinct from its (rationally) persuasive devices. Premises or reasons or presentations of

them that rationally persuade audience members are thereby relevant to argument support.

This opposed response — this defense of the legitimacy of rhetoric — depends upon a distinction that it then betrays: between rational persuasion and argument support.

It will be helpful in developing these complementary criticisms of the philosophical and rhetorical traditions, respectively, to have working examples present. The ‘even argument’ above is one, especially if it is recalled that even-arguments are often first-personal (‘Even I, an avowed conservative [liberal], favor...’). But it will also be useful to have available a starkly rhetorical argument such as Antony’s famous funeral oration for Caesar in Act III, Scene 2 of Shakespeare’s *Julius Caesar* (‘I come to bury Caesar, not to praise him’).

For the holder of the dual aims view, the cogency of an argument is rarely sufficient for rational persuasion in everyday argumentation. When an arguer presents an argument, rational persuasion is only possible if the audience is willing to take seriously the argument. When the argument is complex, there are three standard practical barriers. First, audiences need to restrict the arguments it seriously engages with for purposes of conserving time, energy, and resources. Second, and also for largely practical reasons, the audience must accept some premises of the arguer’s, which they are unable to verify. A typical kind of premise so accepted reports findings from widely accepted reliable sources, whose reliability itself is not at issue. (Some premises can be admitted conditionally. But they cannot all be. Aside from complexity, it would not serve current purposes, which are typically to reach a definite — detached — conclusion.) Third, the audience has prior biases against (or for) the arguer or his thesis.

In order to overcome these barriers, the arguer must convince the audience of his thoughtfulness, impartiality, and trustworthiness.⁴³ In ordinary testimony, as with argumentation for informative purposes (e.g. ‘Why should I place the knife to the left of the spoon?’), there is a (minimal) default acceptance of the arguer’s trustworthiness. However, this is not so in just those circumstances (of controversial topics or opinions) where the skeptic’s position is most viable. In the ‘even argument,’ the arguer supports the trustworthiness of his argument by noting that his conclusion is approved of by someone of an opposed political persuasion. Similarly, Antony must bring his audience around to his side enough to give his argument a hearing, since it is noticeably prejudiced

43 For reflection on this theme in Aristotle, see E. Garver, *Aristotle’s Rhetoric: An Act of Character* (Chicago: University of Chicago Press 1994), chs. 5 and 7.

in favor of Brutus. Ultimately, he succeeds at both ('Methinks there is much reason in his sayings').

But there is a 'both': that Antony comes 'to bury Caesar, not to praise him' and the (ironic) focus he brings to Brutus and to his co-conspirators as honorable men are reasons for why the audience alters their initially dismissive attitude toward Antony's anticipated conclusion and eventually in having confidence in him and his argument. But it does not follow that this confidence (or what secures it) is at all germane to the cogency of the core content of Antony's argument to the implied conclusion that 'Caesar has had great wrong.'

Given the arguer's dual aims, it is a mistake of the philosophical tradition to take these various forms of indirection by Antony as merely rhetorical devices, since not strictly relevant to the cogency of the argument. The mistake is apparent in the audience's responses, which we are to take as shifting favorably toward Antony. How is it that an audience member could perfectly well cite (what they are persuaded to view as) Antony's neutral stance, as a ground to take seriously his argument? Similarly, for the even-argument, the contrary-to-expectation opinion is a reason that a listener can well offer to explain (justify) his confidence in the speaker's argument.

But it is a mistake of the rhetorical tradition to affirm that these reasons of confidence in the speaker or his argument (thereby) carry over to the argument itself.⁴⁴ Once the argument is admitted for entertaining, and the audience commits itself to evaluate it fairly (and they have resources for doing so), these reasons have exhausted their transitory value. It is no part of justifying the conclusion that Caesar has been wronged (and that he was not ambitious or not ambitious enough to deserve his fate) that Antony speaks from a position of neutrality or fairness.⁴⁵ The supposed

44 Garver goes too far this way, as does A. Brinton, 'A Rhetorical View of the *ad hominem*,' *Australasian Journal of Philosophy* 63 (1985) 50-63.

45 The Dual Aims view nicely accommodates Cora Diamond's condemnation of the tradition that takes argument as the only form of legitimate persuasion or conviction. (C. Diamond, 'Anything but Argument?' in her *The Realistic Spirit* (Cambridge: MA: The MIT Press 1991) 291-308.) What about, she insists, the power of literature or appeals to the heart or emotions? The Dual Aims view can accommodate such power and appeals as fitting with the first of the two aims — of altering the agent's degree of confidence in the argument presented or of the arguer presenting it. The Dual Aims view can also allow that this alteration is rational or reason-based, a claim about which Diamond is curiously silent. Nevertheless, unless such alterations can be ultimately cashed out as explicit reasons — capable of serving as premises — they cannot play a role in argument-support, a claim that Diamond does not deny, if only because she does not address it.

neutrality justifies admission of Antony's list of benefits that Caesar brought to Rome as representative, but then the list must stand on its own to justify (or not) that Caesar has been wronged.

The inference from an assertion serving to rationally alter the degree of belief or confidence (of an audience) in the worth of an argument to this assertion as relevant to argument cogency or support is fallacious. The fallacy involves the seductive, but illicit, thought that if it is more subjectively likely, given *r* (than in its absence), that *A*'s argument is [not] cogent then *r* is positively [negatively] relevant to the cogency of *A*'s argument. That Joe Camel's conclusion (smoking increases the risk of lung cancer) is sharply contrary to his ideological orientation and investment — substitute for *r* — raises, and rationally so, I assume, our previously low expectation of the worth of his argument. Nevertheless, it [*r*] does not bear on the cogency of his argument, which turns mainly on the weight and veracity of the evidence from the relevant empirical studies he cites.

V Persistent Disagreement

I have not directly addressed argumentation that exhibits *persistent (reasonable) disagreement*, cases of which fuel the skeptic's challenge and generate a problem for my proposed reconciliation. When disagreements are persistent, we should expect that eventually (and so, in some key cases, by now) they reach realistically ideal conditions, or close to it, for argumentation. But if so, according to our argument, reaction (II) should weaken, as reaction (I) comes to dominate, along with a visible rise in consensus. These consequences seem not to hold.

Well known discussions in meta-ethics cite persistent disagreement as a ground for ethical relativism and non-cognitivism. Recently, Peter van Inwagen⁴⁶ argued that cases of persistent disagreement show that we are entitled to hold beliefs based on sources other than those that yield standard epistemic or cognitive reasons:

How ... can I maintain that the evidence and arguments I can adduce in support of my beliefs actually justify these beliefs? If this evidence and these arguments are capable of that, then why aren't they capable of convincing these other people that these beliefs are correct?...I am inclined to think that 'the evidence and arguments I

46 P. van Inwagen, 'It is Wrong, Everywhere, Always, and for Anyone, to Believe Anything upon Insufficient Evidence' in his *The Possibility of Resurrection and Other Essays in Christian Apologetics* (Boulder, CO: Westview Press 1998) 29-44.

can adduce in support of my beliefs' do not constitute the totality of my justification for these beliefs.⁴⁷

The focus of my response is on a tacit assumption in van Inwagen's reasoning:

if cognitive reasons (evidence) were sufficient to settle the truth of some issue, then they would have surfaced by now [that is the point in speaking of the disagreement as persistent — all the relevant information is on the table] *and* those who do follow reason would be moved by it. So, with due reflection, reasonable persons would cease to disagree on the issue.

Both conjuncts in the consequent are questionable, though my efforts are primarily devoted to the second, as more relevant to denying argument-optimism. But let us briefly address the first.

Even in such a paradigm case of persistent disagreement as abortion, conceptual discoveries continue to be made.⁴⁸ But also, other standard examples of persistent disagreement, like the Mid-East conflict, have rich implications (of proposed resolutions) for the future that are extremely uncertain and which are subject to numerous influences that cannot be well anticipated. (Since disagreement generally requires a conflict among *full* beliefs-for Jones to be pretty sure that *p* and for Smith to be pretty sure of some contrary is not a conflict — the uncertainty problem is evaded, not resolved, by retreat to degrees of belief.) Consequently, the relevant cases of persistent disagreement are the narrower class of cases where there has been little progress or anticipation of progress. The positions are at loggerheads, and participants are reluctant to take the dissent of their intellectual peers as reason to lessen confidence in their own relevant beliefs. If so, conditions for ideal argumentation are unlikely to be met. Participants are mutually suspicious and, correlatively, reluctant to grant assumptions. Cases of persistent disagreement do not then pose a clean threat to the argument-optimist.

But we should not even concede that the breakdown in argument is the result of ultimate or foundational or core differences, rather than differences whose bases are difficult either to adduce or to defend on shared grounds. In the latter case, at the social (or public) level, the aim of persuasion keeps the roots of persistent disagreement at bay or

47 van Inwagen, 34

48 van Inwagen's initial example is free will. However, it is highly disputable that we have a comprehensive grasp of all the relevant facts (and distinctions), as continued discussion, since his article, has shown.

off-stage. For, given the goal of persuasion, arguers will restrict their appeal to beliefs (as premises) that are sharply denied by other participants, and for which no further neutral or shared grounding is available. Within democratic deliberation, participants must restrict appeals to authority when 'they close off any possibility of publicly assessing or interpreting the content of the claims put forward by the authority.'⁴⁹ 'Digging in one's heels' at this juncture is typically the tip of systems of beliefs and values that are largely implicit and, as discussed below, deferred. (Think about how tongue-tied one can be in on-line argument by extremely far-out denials of evident truths and their manifest support e.g., unanticipated confrontation with Holocaust deniers.)

These cases are limited in the possibility of explicitization. The limits are not only cognitive, but ethical. Demands for explicitness in many areas of ordinary social life, including argument, are signs of *distrust*, as with demands for contracts or overt promises, rather than a giving of one's word or a shaking of hands. But if so, the conditions assumed for the argument from persistent disagreement to go through — that all the facts are on the table and comprehended — weakens further.

These qualifications imply that the prevalence of persistent disagreement casts something of an illusory shadow over argumentation, whatever its significance for meta-ethics. As van Inwagen presses the issue, it is a problem for the epistemics of individual belief, not argumentation.⁵⁰ Still, I question the lingering implication that sincere arguers should be fully responsive to the course of argumentation.

The second conjunct that I attributed to van Inwagen's reasoning is that 'those who do follow reason would be moved by it.' This conjunct implies that if reason commands, it ought to follow its own judgments. So, if the facts (evidence) are exhausted, as is expected with longstanding

49 A. Gutmann and D. Thompson, 'Moral Conflict and Political Consensus' *Ethics* 101 (1990) 64-88, at 70. They also note that citizens will search for common ground.

50 Similarly for the way G.A. Cohen poses an analogous problem:

It should give us pause that we would not have beliefs that are central to our lives-beliefs-for example, about important matters of politics and religion-if we had not been brought up as we in fact were. It is an accident of birth and upbringing that we have *them*, rather than beliefs sharply rival to them, and (here's the rub) we shall frequently have to admit, if we are reflective and honest, that *we consequently do not believe as we do because our grounds for our beliefs are superior to those which others have for their rival beliefs.* (G.A. Cohen, *If You're an Egalitarian, How Come You're So Rich?* [Cambridge: Harvard University Press 2000], 9)

As Cohen presents the problem it 'should give us pause' as individual believers, rather than as a challenge to the value of argumentation. The theme is developed in his 'Paradoxes of Conviction' (unpublished).

disagreement, then either the facts are insufficient to settle the matter, supporting non-cognitivism, or the parties are not fully governed by reason, supporting skepticism, or, as van Inwagen concludes, non-epistemic reasons are entitled to justify belief.

The heart of my response to the problem of persistent disagreement is that it ignores another alternative, which draws on the reconciliation of (I) and (II), as well as the critique of argument-skepticism. The ignored alternative is that an arguer can have grounds to resist the force of argument that are not grounds (premises; inferences) of the argument. Specifically, arguers can (and do, in the relevant cases) have reasons to resist their own judgments of the argument's persuasive force. However, expressing it this way misrepresents the actual experience, which will not appear (first-personally) as resistance.

Imagine that a Cartesian '*malicious demon*' takes the form of a malicious super-lawyer. In an area of persistent disagreement, he presents masterful, though fallacious, arguments bound to persuade most everyone, even if only temporarily, to an existing position or a compromise one. Here we give to the theorist, who invokes persistent disagreement for skeptical ends, what he seems to want. Yet it is evident that the consequences of the resulting consensus would be epistemically terrible, even if the participants are correctly persuaded. (Politically, the consequences would be disastrous e.g. the super-lawyer defends pacifism to leaders of some nations, but not to their antagonists.)

Assuming, as we are, that the issue is genuinely worthy of dispute, unlike, say, the wrongness of slavery, the danger at the social level is that the resulting homogeneity of opinions is an unfertile environment for serious argumentation. Diversity of views and approaches are crucial benefits of the *division of epistemic labor*.⁵¹ Social projects of inquiry, especially ones that grow out of religious and political traditions, would not be sustainable. For one commits oneself to a social inquiry only conditionally on others doing so. But I cannot take others' commitment to a common project seriously, if I anticipate, as I normally would, that they will frequently meet contrary arguments or putative undermining evidence or criticism that they find persuasive. Members will only maintain their allegiance if they expect other members to be more resistant to the counter-arguments that each is regularly expected to

51 On the division of epistemic labor, and the role of impure motives in sustaining it, see P. Kitcher, 'The Division of Cognitive Labor,' *The Journal of Philosophy* 87 (1990) 5-22; on the facts, depth, and naturalness of plurality in cultures like our own, see J. Rawls, *Political Liberalism* (New York: Columbia University Press 1993), Lecture II sections 1-3; Lecture IV sections 1-4.

meet than those who hear those arguments from a neutral or contrary point of view, though, of course, that is not how members so view their resistance first-personally.

The obvious danger at the individual level is unwarranted persuasion or conviction, and on this my tepid philosophical thought experiment only exaggerates an everyday vulnerability. (One way of posing this worry motivates van Inwagen: How can one maintain one's position when confronting others, much smarter, more thoughtful, and better informed, who reach contrary conclusions?) Those who adhere to a controversial and complex position are expected to regularly cross paths with others who can successfully dissuade. If dissuaders are listened to openly, as reason normally recommends, strongly held positions and traditions are constantly at risk, thereby threatening the commitments that they incur.⁵²

A reasoned resistance to on-line judgments of persuasion can, realistically, take the following form, despite its Moore's Paradox-like sound: I am persuaded by your argument, but I do not believe your conclusion. One important source to justify the resistance to one's own judgment of the quality of another's argument, without explicit backing, is the practice of deferring to others. Deference to leading thinkers of respected political traditions like liberalism or conservatism, can often provide backing for the opinions of individuals, who share these political outlooks. Yet, by the very nature of argumentation deferred backing is problematic. It is not in the form of articulate reasons, as the publicity of argumentation demands. Further, these sources are unlikely to be neutral from the perspective of opposed arguments. To those of contrary opinions, resistance on these bases appears dogmatic, obstreperous or unfair.

The phenomena of persistent disagreement is equivocal as data to further argument-skepticism (or even non-cognitivism), not only in scope then, since the assumption that no progress has been made, or can be expected to be made, holds of many fewer cases than it appears. But even among those cases for which the appearance is accurate, not all rational or reasoned sources for resisting the force of an argument can serve as reasons or premises in that argument.

But these sources do generate reasons at the meta-level (about our fallibility as believers) to take steps to minimize or to overcome the

52 Along these lines, I would challenge the 'Principle of Epistemic Impartiality' defended in David Christensen's 'Diachronic Coherence versus Epistemic Impartiality' *The Philosophical Review* 109 (2000) 349-71. Its plausibility resides, I believe, in imposing the false, even as ideal, standard of perfect reasoners.

dangers of false or hasty persuasion. The dangers are particularly strong in areas of persistent disagreement, since it would undermine not only major sources for veracity of individual beliefs, but personal commitments to social inquiries and respected traditions. These reasons to resist will permeate the patterns of assessments of arguers, who maintain the relevant commitments. They will take the form of subtle judgments of what sources are reliable or not, of what questions or claims require further study, of the weighting of relevance of various data, of what arguments or objections are worth hearing.

But now an evident objection can no longer be restrained. The resistance that I have been defending has many of the marks we associate with dogmatism, partiality, and distortion of argument, particularly if engaged by the individual alone. I admit that it is risk. My purpose, recall, is to defend the realistic possibility of reasoned resistance to persuasion and to adherence to a position past the point where decisive new facts are anticipated. For this purpose I need not engage with the question of how strong are the reasons to resist, and what are the criteria for when one is resisting the genuine force of argument, rather than succumbing to seductive, but illicit, persuasion.⁵³

What this defense of the resistance certainly is guilty of is muddying the waters in regard to the opposition between the argument-skeptic and the optimist. For now some of the various forms of subtle biasing, which the skeptic urges as evidence for the power of rationalization over reasoned argument, are reconstrued as epistemically legitimate, no longer fertile territory for the skeptic. No apologies: the waters are just muddy.

A final word against those who would uphold a standard of purity of reason against the more complex story that I defend. It is high praise to speak of a philosopher who is willing to follow where the argument leads, particularly to radical conclusions. But our problem is not following where the argument leads, but following where one judges the argument leads. The discussion forces us to reflect on the usual ways in which we take ourselves (without notice) to detach from our own point of view to enter objective claims: From my point of view (that I do not perceive as a point of view), the conclusion is established, whereas from your point of view, it is merely what I take to be established.

53 I have touched earlier on the value of argumentation itself for this purpose: explicitization and the social nature of argument proceed fairly independently of the arguer's own judgments, and so provide constraints on his own biases.

Ordinary folks who constantly followed their own judgments of persuasion would, I conjecture, court either a 'Milquetoast' lack of strong convictions⁵⁴ or vacillation between convictions, or else, be candidates for the opposed extreme of fanaticism. The fanatic refuses to take an opinion of his that is naturally associated with horrid actions, or a complete submersion of one's life to acting on behalf of that opinion, as a ground to question the opinion or to distance himself from it. Rather, he prides himself on the ultra-consistency of his commitment (to follow out the consequences of his beliefs), and rejects as emotionalism or sentimentality those who treat these consequences as a ground for self-critical reexamination of the relevant opinion or moderation in commitment to it. But the fanatic does not find in these strikingly aberrant implications any grounds to examine, or to moderate his reliance upon, his own (first-order) judgments or beliefs. The fanatic refuses to take seriously his ordinary and compelling meta-reasons or meta-beliefs, prominently of his own fallibility, for resisting his own on-line reasoning.⁵⁵

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54 See David Lewis, 'Mill and Milquetoast,' *Australasian Journal of Philosophy* 67 (1989) 152-71.

55 Jay Newman, *Fanatics and Hypocrites* (Buffalo: Prometheus Books 1986) views fanaticism as an 'excessive' strength of belief, which, though valuable, fails to draw on the distinction between first-order and second-order reasons (beliefs). See Adler *Belief's Own Ethics*, ch. 11.

