Character, Dog Whistles, and the Limits of Charity

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Both the principle of charity and responsibility condition are thought to be central elements of argument reconstruction and productive discourse. These conditions are problematic in arguments that contain various forms of deception. In this paper, I will focus on multivocal appeals (popularly known as dog whistles,) which are meant to be heard by only certain audience members. I will argue that arguments containing dog whistles require more nuanced tools to reconstruct the argument.

KEYWORDS: [Argument Reconstruction, Dog Whistles, Principle of Charity, Virtue Argumentation]

1. INTRODUCTION

Many philosophers tend to prefer logical models of argumentation[1] because we hope to distinguish good argument from manipulation and bullshit (Frankfurt, 2005). The reliance on truth conditions in logical models, rather than more relativistic criteria such as acceptability or consensus from rhetorical models, appear to give us the tools to make such distinctions. More broadly, argumentation theorists interested in distinguishing argument from related bad practices tend to build in idealizing conditions such as assumptions that argumentative agents are rational, cooperative, and aim to uncover what is reasonable to believe or true. Idealized conditions are present across argumentative traditions—not just the logical tradition.

Sometimes idealizations come in the form of principles of rational engagement. One such principle, some form of which is popular across argumentative traditions, is the principle of charity. From the logical tradition, Richard Feldman says that the "fundamental principle

[1] And also epistemic models that focus on reasonable or justified belief. For an overview of the distinction see: (Lumer, 2005).

of argument analysis is the 'principle of charity,'" because reconstructing arguments such that they are valid while giving the most charitable interpretation of the premises, implicit premises, and conclusions "leads us to consider the best available arguments and thus to gain the most insight into the issue we are studying" (Feldman, p. 115). In the dialectical tradition, Frans van Eemeren and Rob Grootendorst give us the responsibility condition stipulating that we ought to take the speaker as committed to her stated, externalized claims even if she is lying (Jørgensen, 2007). In the rhetorical tradition, Christopher Tindale claims that argumentation is invitational and that it fundamentally aims at understanding between arguer and audience. This, too, suggests a kind of charitable engagement. Idealizations and abstract principles raise questions about argument and argument evaluation in non-ideal conditions—in particular in common cases of deception. To define deception and ill-intent out of argumentative theories is to exclude a great deal of what appears to be common argumentative practice.

In this paper I will focus on a particularly complicated kind of deception—the linguistic phenomenon that Bethany Albertson calls the "multivocal appeal," also sometimes referred to as "code words" or "dog whistles," so called because they target "those predisposed to respond favorably to the message and [go] over the heads of those who might be turned off by it"(Albertson, 2015, p. 4). If dog whistles are meant to convey problematic content, while the same words in the same order are sometimes mere innocent assertions, how and when should charitable readings of arguments that use them be deployed?

I will argue that dog whistles add weight to theoretical perspectives like Tindale's rhetorical argumentation, which insist on the central role of audience in understanding and evaluating argumentation. In addition, beyond merely giving us further reason to appreciate the necessity of including the situated nature of speaker and audience in argument evaluation, I will argue that dog whistles show virtue argumentation is an excellent complement to rhetorical argumentation and provides the tools for audiences and arguers to effectively discern limitations of the principle of charity in reconstructing and evaluating arguments. Dog whistles show us that charity is not limitless, and taking aspects of the rhetorical perspective such as the focus on audience, as well as the centrality of character in virtue argumentation as necessary starting points for argument analysis we can construct a strong argumentative framework to meaningfully navigate these limitations.

2. DOG WHISTLES

While code words, multivocal appeals, or dog whistles have been studied in politics (Albertson, 2015; Haney-López, 2014) and political psychology (White, 2007) for some time, analysis of this phenomenon in philosophy of language is relatively new. Jason Stanley gives an initial analysis of code words in his 2015 *How Propaganda Works* primarily as a means of explaining a particularly problematic mechanism for eroding democratic norms. Stanley's linguistic analysis of code words depends on distinguishing between at-issue and not-at-issue content. At-issue content refers to content that the speaker is proposing be added to shared common ground, while not-at-issue content is presupposed and not explicitly up for question or debate. Another way to say this is that it would take more work to question not-at-issue content. In the case of code words, Stanley argues that frequent connection between particular words and ideas over time creates not-at-issue-content connected to particular concepts. For example, he says:

> When the news media connects images of urban Blacks repeatedly with mentions of the term "welfare," the term "welfare" comes to have the not-at-issue content that Blacks are lazy (Stanley, 2015).

According to Stanley, code words are a particularly effective tool to erode rational and democratic norms because they give speakers the means to deploy veiled, targeted attacks on particular groups within a society as a means of domination and control, while maintaining some form of plausible deniability that the attack is intentional. Some evidence for Stanley's argument, particularly concerning the erosion of norms, comes from empirical work, such as White (2007), that demonstrates racial attacks are much more likely to be effective when they are disguised by terms like "inner-city" rather than referring directly to negative stereotypes about African Americans.

Several authors have objected to Stanley's linguistic analysis of code words arguing that the non-cancelability of not-at-issue content would undermine the purpose and effectiveness of dog whistles (Henderson & McCready, 2018; Khoo, 2017). For instance, if someone says: "John stopped riding his bike," it would not make sense for that person to immediately follow that utterance by saying, "John never rode his bike." Non-cancelability is what explains this confusion—the second utterance would cancel the not-at-issue, that John used to ride his bike, present in the first claim but doing so doesn't make sense. With standard examples of dog whistles, however, the deniability is exactly the point—that is, dog-whistled content *must* be able to be cancelled, and in fact it looks like it can. Taking Stanley's example about welfare

again, if one were to object by saying, "your words are intended to further oppress poor black people," the speaker could respond without creating any confusion by saying: "I've said nothing at all about poor black people – how dare you madam!" And so it seems that dog whistles don't get their power through encoding actual semantic content, but through some other mechanism.

An alternative analysis by Justin Khoo claims that code words function through the activation of inferences based on background knowledge of stereotypes. According to Khoo, statements like: "The food stamp program will primarily benefit inner-city Americans," get their racial content from hearers, who may already believe things like "The inner city is mostly populated by poor African Americans," thus licensing inferences such as: "The food stamp program will primarily benefit poor African Americans" (Khoo, 2017, p. 47). According to Khoo, in these cases speakers may or may not be intending for hearers to make these inferences, but the racist content of such speech relies on activating pre-existing belief that lead to the relevant inference.

Henderson and Mcready provide an argument similar to Khoo's, but add that dog whistles also signal speaker personae, suggesting that speaker intent *is* an important element of dog whistles (Henderson & McCready, 2018). So, it continues to be a matter of dispute the extent to which dog whistles involve speaker intention. For Khoo dog whistles are not tied to speaker intent but rather how hearers receive and interpret certain claims based on background information, and according to Khoo this is practically relevant because to most effective way to combat the problematic effects of dog whistles is not call out *speakers* but rather to call out the problematic *inferences* which are likely to be drawn because doing so would avoid the question of speaker deniability by focusing instead on possible interpretations. While there is some appeal to this strategy, speaker character is still relevant to the level of suspicion that might be warranted in encountering particular speakers, even if the best strategy for stripping dog whistles of their power is to call out potential inferences.

On Khoo's account of dog whistles it seems that a variety of inferences can be licensed from a particular utterance dependent on the listener's background knowledge and which stereotypical beliefs are triggered by particular phrases. More broadly, we might say that on Khoo's account it is the interplay of the utterance and the audience that gives it meaning and it would be mistaken to suggest that one discrete argument is generated out of such an exchange. This suggests that a necessary framework for reconstructing and evaluating arguments should begin from theoretical work like Tindale's rhetorical argumentation, which insists on the central role of audience in understanding and evaluating argument. I will address audience in the

next section. Furthermore, dog whistles provide a strong rationale for resisting the application of universal principles in argument evaluation, such as the principle of charity or universal applications of its negative counterpart—the ad hominem fallacy. Negotiating appropriate limitations on the application of principles goes beyond merely assessing the role of the audience in how speakers construct their arguments and I will argue in the final section that virtue argumentation provides the tools to understand these limitations.

3. ARGUMENT AND AUDIENCE

To understand the importance of audience in argument analysis, a bit of history may be useful. A deep division has developed between logical (and epistemological) models of argumentation that aim at reason or truth and rhetorical models that aim at persuasion and effectiveness. Logical models are common in contemporary philosophy, as we can see from examples like Feldman's *Reason and Argument* where he defines rational argument as a direct contrast to rhetoric. More generally, a variety of post-enlightenment models of argumentation value reason and truth in a manner that is taken to be odds with rhetorical models that insist on important roles for identity, context and the situated nature of argumentation and arguments.

Christopher Tindale has provided a strong argument, especially for those of us who come from the logical tradition, to take seriously the possibility that the rhetorical dimension of argumentation is foundational to logical or dialectical dimensions. For Tindale argumentation is collaborative and invitational and it is the process prior to the product. Audiences are a *central* element of argumentation and their presence ensures that they are co-authors in arguments as the primary arguer must take audience needs into account and shape her reasoning such that the audience can engage. As a result, on this view, both arguer and audience are altered by their interaction. While rhetorical argumentation focuses on audience and social context, many contemporary philosophers would challenge the notion that *who we are* does or should affect the *argument*. Dog whistles give us reason to believe that that's not true.

In order to better under the importance of audience in evaluating arguments and the challenges dog whistles present, let's consider the following excerpt from Donald Trump's first speech to the UN general assembly:

> We appreciate the efforts of United Nations agencies that are providing vital humanitarian assistance in areas liberated from ISIS, and we especially thank Jordan, Turkey and

> Lebanon for their role in hosting refugees from the Syrian conflict.
>
> The United States is a compassionate nation and has spent billions and billions of dollars in helping to support this effort. We seek an approach to refugee resettlement that is designed to help these horribly treated people, and which enables their eventual return to their home countries, to be part of the rebuilding process.
>
> For the cost of resettling one refugee in the United States, we can assist more than 10 in their home region. Out of the goodness of our hearts, we offer financial assistance to hosting countries in the region, and we support recent agreements of the G20 nations that will seek to host refugees as close to their home countries as possible. This is the safe, responsible, and humanitarian approach ("Remarks by President Trump to the 72nd Session of the United Nations General Assembly," 2017).

How ought we to understand this excerpt and reconstruct the argument? Using the principle of charity would suggest that we ought to reconstruct a valid argument and take Trump at his word that he is compassionate and wants the United States to do the best that it can, for humanitarian reasons, to help refugees of the Syrian war. We might get an argument that looks something like this:

1. We ought to deal with Syrian refugees in the safest, most responsible, and most humanitarian way possible.
2. The safest way to deal with Syrian refugees is to resettle them as close to their home as possible and to help them return to their homes.
3. The most responsible way to deal with Syrian refugees is to do so in the most cost effective as possible.
4. The most cost-effective way to deal with Syrian refuges is to resettle them as close to home as possible and to help them return to their homes.
5. The most humanitarian way to deal with Syrian refugees is to resettle them as close to home as possible and to help them return to their homes.
6. The safest, most responsible, and most humanitarian way to deal with Syrian refugees is to resettle them as close to home as possible and to help them return to their homes.

So,

7. We ought to resettle Syrian refugees as close to their home as possible and help them return to their homes.

Furthermore, charitably we might suggest that "safe" refers to the refugees themselves given the apparent humanitarian focus of this argument. It appears, especially if taken charitably, to be an argument

about how to best deal with refugees for the refugees themselves, as opposed to an argument about how other countries can avoid what is sometimes perceived as the troublesome influx of refugees. And yet, for anyone who has any knowledge of Trump's previous public remarks or knowledge about his policy proposals (such as a call for a complete ban on Muslims in the United States), would likely object that a charitable analysis, especially one that reads his claims about safety as referring to the refugees *themselves*, looks unjustified. Here we see at least one dog whistle—the surrounding argument as stated suggests a humanitarian claim while simultaneously signaling fear and distrust of Middle Eastern refugees, Muslims in particular. Furthermore, we can see it is packaged up as a message that is palatable to his intended audience—the UN General Assembly. Tindale's work on rhetorical argumentation predicts precisely this—that the construction of this argument and apparent conciliation about Syrian refugees is developed out of interest in communicating with the General Assembly. A charitable reconstruction of Trump's argument would be a mistake both because it misses both the role of audience in shaping these specific remarks, but also because some knowledge of his character as an argumentative (and moral) agent is what allows us to understand the principle of charity does not apply here. A person trying to understand how to treat refugees humanely, or really how to treat refugees at all, who starts with the remarks on a racist fear monger is inevitably making a mistake. To see why, we should return to Stanley's broader point about the ways that propaganda distorts rational and democratic norms.

While Stanley's account of the *mechanisms* that give code words their power may have been mistaken, his account of their *function* remains compelling. According to Stanley, the function of such speech within debate is to silence particular groups while maintaining the guise of rational debate (Stanley, 2015). This is accomplished, in part, by how the debate is framed. He says: "The function of these expressions is to mask the demagogic nature of the contribution, by creating flawed ideological beliefs to the effect that the perspectives of a designated group are not worthy of reasonable consideration" (Stanley, 2015, p. 129). This seems to be at work in Trump's speech if instead of taking the charitable interpretation that when invoking "safety" it refers to the safety of the refugees, or what safety would *mean* from a refugee's perspective, we instead take it to mean safety *from* refugees, which obviously leaves refugees out. This suggests the acceptance of a frame in which the refugees are effectively silenced. In the next section I will argue that virtue argumentation provides the most effective tools for discriminating between genuine and malicious content such that we appreciate the variety of ways that arguments can be reconstructed as well as relevant limitations of the principle of charity.

4. VIRTUE

Virtue argumentation, like its predecessors virtue ethics and virtue epistemology, focuses on the cultivation of character traits rather than the articulation and application of universal principles. In virtue ethics, seemingly intractable disputes between theories that articulate universal principles of right action based on central concepts such as duties or consequences, led to a resurgence in ancient accounts that asked first who we should *be* rather than what we should *do*. For instance, a principle that says one should not lie seems like perfectly good advice in many cases, but also becomes bad advice in cases where the lie is the obviously correct choice. This ranges from relatively benign choices like telling your friend he looks good when he needs it to more unlikely examples such as a murderer asking if you are harboring their intended victim in your home when, in fact, you are.

It is no surprise then, that when looking away from purely theoretical, abstracted argumentation siloed from the practical realm, and instead looking at the interplay of our ideals and our practice, we would also look to virtue in the realm of argumentation.

Part of taking practice seriously includes significant attention to argumentative agents. In a recent introduction to an issue of *Topoi* dedicated to virtue argumentation, Andrew Aberdein and Daniel Cohen say: "A distinctive feature of the aretaic turn in the study of argumentation is its focus on agents: arguers, rather than (just) arguments" (Aberdein & Cohen, 2016, p. 340). Virtue argumentation is still quite new, and while there are many details to be figured out, the centrality of argumentative agents is fundamental to virtue argumentation. This gives us the room to evaluate argumentative character traits in thinking through how to reconstruct arguments rather than relying on broad principles, such as the principle of charity, alone. Virtue argumentation importantly connects the argument(s) with the arguer, and Trump often demonstrates argumentative vices such as unwillingness to change position, unwillingness to listen to others,[2] and other more obvious vices such as mendaciousness, which should make a careful interlocutor approach engagement in argumentation with Trump more cautiously. This means that the virtuous argumentative agent has more nuanced tools for argument reconstruction particularly in cases where the virtuous arguer has evidence of their interlocutor's character. This doesn't suggest that all arguers should be approached with suspicion—for instance the blanket application of a hermeneutic of

[2] These vices come from the taxonomy of argumentative vices developed in (Andrew Aberdein, 2016)

suspicion would be equally misguided because one might not yet have reason to be suspicious.

Given the agent-centric nature of virtue argumentation, it's no surprise that many objections to virtue argumentation have focused on the ad hominem fallacy, which is generally thought to be committed when one objects to an *arguer* rather than an *argument*. While a number of authors have pushed back against the idea that *every* instance of addressing the arguer's character is problematic,(Aberdein, 2014; Battaly, 2010; Boudry, Paglieri, & Pigliucci, 2015) the idea persists that the arguer and the argument are fully separable. For instance, Tracy Bowell and Justine Kingsbury have argued that we cannot give a complete account of argumentation using virtue theory because virtue theory alone cannot give an account of good argument. Bowell and Kingsbury say that "[w]hen we put forward an argument, we seek to rationally persuade others to accept our conclusion" (Bowell & Kingsbury, 2013, 23). While they accept some of the restrictions on ad hominem that have previously been argued for, for instance the legitimate criticism of a speaker who presents herself as an authority in a domain that she has no expertise, Bowell and Kingsbury admit that such appeals can cast doubt on *conclusions* but argue that they cannot undermine arguments themselves because an argument is valid or inductively forceful independent of the arguer. Thus, virtue argumentation cannot account for the good argument in a satisfying way.

In a response to this objection, Aberdein (2014) distinguishes several different possible forms of *ad hominem*. According to Aberdein, Bowell and Kingsbury have argued that *ad hominem* can legitimately be used as a rebuttal, but cannot undercut an argument as is required by the virtue theorist. The distinction, according to Aberdein, is that a rebutting ad hominem refutes the conclusion, while an undercutting ad hominem requires that, on the basis of character, the speaker has not shown that the conclusion follows from the premises. Crucially, Aberdein points out that while his critics object that a valid argument cannot become invalid because of their character, natural language arguments are rarely presented in standard form. It is true that the *form* of the argument cannot be undercut by character, but how we reconstruct the argument *can*. It is the ascription of form of the argument and the meaning of its terms we are considering when reconstructing arguments, and that is where charity is relevant, as Aberdein makes clear.

Here again, the Trump example becomes relevant. Rather than working to make Trump's natural language argument valid, we could instead start with a rough account of his apparent argument: "The best way to manage Syrian refugees is in the safest, most responsible, and

most humanitarian way possible, so we ought to help them resettle close to Syria and return." Obviously, there is much left that could be filled in on this account, but before we do so we ought to start with considerations taken from rhetoric and virtue argumentation to see how we should go about reconstructing the argument. First, we might ask who is part of the conversation: most directly it is the members of the UN General Assembly, but such events are televised, printed, etc. and also connect to a variety of political or educational audiences. At the same time, we can think about the speaker and what we know about his character such as the extent to which he's genuinely willing to engage in debate, consider issues, change his mind, seek out relevant evidence (such as the perspective of Syrian refugees themselves) to understand if we ought to go further in developing a charitable account of the argument. Given some obvious concerns – no refugee voices being directly represented in this argument and the speaker having an empirically verifiable racist history that is relevant to his argumentative situation, coupled with his documented propensity to lie and mislead, it is clearly a waste of time and a possible danger to charitably reconstruct this argument.

Given the vices we can reasonably attribute to Trump discussed above, it's much more plausible to accept the dog-whistled version of the argument than the charitable one. In addition, we'll benefit by avoiding the problematic frames that Stanley outlined. It's tempting to think that Trump's moral failings undercut his arguments, but on a virtue argumentation it's Trump's *argumentational* vice that does the undercutting. His argumentative vices such as unwillingness to listen to others or change his position, certainly seems to be influenced by moral failings – his lack of regard for truth or open-mindedness seems driven by racism and cruelty, which suggests certain moral failings may be tightly connected to argumentative vices such as unwillingness to change one's mind or consider relevant perspectives.

5. CONCLUSION

I have focused in this paper on how to analyze natural language arguments that use dog whistles—a particularly complicated form of deception. I argued that in order to address such deception when reconstructing arguments, we ought to eschew the application of broad principles and instead use rhetorical knowledge and virtue argumentation to reconstruct arguments more effectively. For instance, if someone who sees clear dog whistles in a speech like Trump's encounters someone else who believes that Trump is a true humanitarian, those two interlocutors have the opportunity to engage in arguments of their own about what evidence they have for the speaker's

character and how to proceed with reconstruction. By deliberating about the relevant characters of arguers and opening up a space to identify possible deceptions without going all the way to blanket suspicion, arguers have more pluralistic means to reconstruct arguments and also a framework that still provides normative guidance and constraints in how to effectively reconstruct arguments.

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