Is there a crisis of dissent and disagreement in argument theory?

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Abstract: Is there a crisis of dissent and disagreement in argument theory? This paper explores this question by considering recent evidence from moral and political psychology, including theories such as social intuitionism, which suggest that our epistemic judgements in moral and political matters are persistently influenced by relatively fixed emotional responses and by stable aspects of personality. This suggests that some cases of political dissent appear to be argumentative when in fact they may be some form of *ad hominem* or objection to one's opponent's identity. This poses a challenge to our ordinary intuition (supported in social epistemology) that disagreements are in principle resolvable, and it suggests the need for new strategies for interpreting political disagreement and engaging in dissent.

KEY WORDS: argument theory, disagreement, social epistemology

1. INTRODUCTION

There is nothing new in claiming that there are limits to rational discourse, that rhetoric and persuasion, much less propaganda, can short-circuit reason, that reason is a mask for power, or that all viewpoints are relative to presuppositions. These challenges to reason span the history of Western philosophy from Plato's Gorgias to Wittgenstein's On Certainty and postmodernism. Without dismissing them, I would like to focus on a much more contemporary body of evidence and reflection on rational disagreement which, I believe, poses new and more fundamental challenges to our usual ways of thinking about and theorizing about argumentation, especially in the areas of moral and political discourse. Recent evidence from neuropsychology, moral psychology, and political science undermines key assumptions in argument theory and social epistemology.

It might be helpful to put the argument itself forward succinctly so we can see what might be at stake if this thesis is true. Three of the key Enlightenment assumptions about reason that contemporary research undermines are the idea that reason and our epistemic faculties are universal, that they can transcend personal or subjective identity, and that they are transparent to us. The transparency of reason can mean a variety of things, such as that we have accurate introspective access to our own mental states and processes, that we know when we are engaging in argument, and that we are not fundamentally deceived about the relationship of reasoning to doxastic commitment and behaviour.

But what if these assumptions are not true? What if we have enduring orientations to basic issues affecting moral and political life, orientations that are not just biases, but part of our identity, part of the way we process our social and moral experience? What if introspection does not clearly reveal the role of these orientations and the extent to which they can change? If so, then there may be a point, especially in strong and polemical dissent and political argumentation, in which we think we are having an argument with someone, but we are really making an unreasonable argument *ad hominem*. This would be an instance of what I call "argument illusion" and its prevalence and the difficulty of determining when it takes place together pose a serious challenge, if not crisis, for traditional epistemically oriented theories of argument, especially those which do not distinguish moral and political epistemology from other contexts.

Perhaps "crisis" talk is even more appropriate when we think about the effect of argument illusion on other Enlightenment ideas such as freedom of speech. On classical Millian grounds, for example, we ought to hold very positive attitudes toward polemical political speech, as well as political dissent. For Mill, optimism about extended disagreement and dissent is connected to a faith that free and open discourse will in fact promote the "livelier impression of truth," due to its collision with error. The modern commitment to freedom of speech and intellectual freedom is partly based on the assumption that ours and our opponent's views are ultimately comparable and not products of diverse moral matrices or orientations to basic social dilemmas. If contemporary evidence undermines this assumption, then it should also lead us to wonder about our faith that moral and political disagreement is always in principle resolvable, especially through free and open discussion. From here you should be able to see the edge of the cliff.

2. THE 'SPACE OF REASON' AND 'ARGUMENT ILLUSION'

In order to distinguish contemporary challenges to the power of reason from the more traditional ones, I will need to focus our attention on our

tacit view of reason in argumentation, informed by the Enlightenment, and to review recent empirical evidence which, I think, poses challenges to this view of reason and to contemporary epistemology and argument theory.

Let's use the phrase "space of reason" to refer to views of reason that hold that rational discourse provides a general set of tools which can, in principle, transcend personal bias and prejudice, as well as the contingencies (personal, biographical, and sociological) that produce irrational commitments to beliefs. It does this in part by asserting a strong separation between reason and emotion. The "space of reason" is also a pragmatic orientation that speakers in a culture of free speech typically take toward each other. Speakers create the "space of reason" pragmatically, by signalling a willingness to hear and be open to influence by others' views, by mutual commitment to principles of logic and rules for the evaluation of evidence and inference, and for conducting argumentation. Typical among these rules is the prohibition against illicit appeals and arguments, such as varieties of ad hominem argumentation.

There are many places in Enlightenment thought to anchor this concept historically, but Mill's view of our encounter with truth and falsity in *On Liberty* makes a useful *locus classicus* for the concept because Mill, like many Enlightenment thinkers, saw the potential for reason, operating in a cultural ethos of liberty of thought and discussion, to critique unjust conditions such as the subjugation of women, and to promote other progressive ideals. Quoting another author in *On Liberty*, Mill rails against the "deep slumber of decided opinion" (49). More than others, he had a strong intuition that there could be a virtuous "social epistemology" to intellectual freedom. Mill's view also foregrounds the practical social and political stakes for our discussion. If we cannot enter a "space of reason" in discourse, then at least some of the justifications for protecting liberty of thought and discussion and for building a political theory of democracy based on the "open society" are called into question. I will return to this practical problem at the end of the paper, as we do have resources for addressing it. However, the focus here is on the implications of emerging views of reason for argument theory.

In contemporary social epistemology one finds a more precise version of this concept of a "space of reason" in the idea that there is, in principle, "no rational disagreement," at least among epistemic peers. Social epistemology emerges in the latter half of the 20th century in part as a response to debunking theories of reason from Kuhn, Foucault, Derrida, Lyotard, Latour and others who posed various challenges to the possibility that discourse can ultimately be oriented toward truth. Social epistemology has the virtue of moving beyond the traditional model of an isolated knower to consider how testimony and social practices can be rationally assessed and, more importantly, how doxastic attitudes can be

revised and updated, perhaps in Bayesian fashion, to reduce or eliminate rational disagreement. While the literature of social epistemology also includes deep critiques of the claim that there is "no rational disagreement," it is safe to say that the dominant voices in the field have developed a more sophisticated model than classical epistemology of the possibilities for assessing the epistemic quality of social and group beliefs, as well as social institutions. Thus, social epistemology gives us a well-elaborated view of the space of reason and strong support for the idea that, when discourse among epistemic peers is properly constrained, epistemic relativism can be eliminated. As Feldman put it in 2007 in his "uniqueness thesis:" "This is the idea that a body of evidence justifies at most one proposition out of a competing set of propositions…" (148). If the uniqueness thesis is true, then it follows that epistemic peers facing disagreement (one believing p and the other believing ~p) must be open to revising their commitments to p or ~p. In principle, there is no scenario in which belief revision stops without agreement. The contingent circumstances of actual social disagreement do not count against this claim. They only signify that the process of inquiry has not reached its inevitable conclusion.

There is a counter-literature within social epistemology which claims that there can indeed be reasonable disagreement. Fogelin and others have followed this line in *Informal Logic*, drawing on Wittgenstein's view in On Certainty that raising doubt about some propositions depends upon some propositions not in doubt (Fogelin, 2005). Michael Hoffman, also writing in *Informal Logic*, makes a case for belief relativism based on the cognitive situation and belief system of the interlocutor (Hoffman 2005). In the literature of social epistemology in general, "nonconformists" argue that there are at least some circumstances in which it is rational to continue to believe p despite the fact that one's epistemic peer believes ~p. An excellent treatment along these lines comes from Christian Kock, "Norms of Legitimate Dissensus," who comes closest to my approach by focusing on the unique epistemic challenges of moral and political discourse (2007).

Social epistemology provides a very clear elaboration of the concept of a "space of reason" in which dissent and disagreement is always provisional, always a contingent fact about the short term rather than the long run. But belief in a "space of reason" can also be justified by our practical experience. We are well advised to be open to belief revision whether or not Feldman's uniqueness thesis is true. When you are in the presence of epistemic peers, much less epistemic superiors, and you disagree, you should reconsider your doxastic attitudes toward propositions you claim to be true. Epistemic virtues and vices can be explicated, in part, by how we engage or resist belief revision in the face of conflicting testimony and argumentation. Contemporary scientific

accounts of reason do not undermine this pragmatic understanding, but do suggest that we are often deceived about the role of reasoning in guiding belief commitment and action. They also call into question strong claims in social epistemology, such as the belief that there is no rational disagreement.

Contemporary evidence about reason, dissent, and disagreement should also lead us to doubt other aspects of our experience of argumentation, such as the idea that we always know when we are engaged in argumentation. Nothing might seem more transparent to us than this. Just as I typically know when I am "looking" at something, I know when I am engaged in argumentation. But if we can have perceptual illusions, perhaps there is also "argument illusion." Simple cases of argument illusion might be discovered retrospectively, as when we thought we were experiencing argumentation and later found good evidence that that was not the case. We might overhear an argument in the next room only to look in and see that actors were rehearsing for a play. Just as you may learn that the person who swore at you really had Tourette's syndrome, you may learn something about your interlocutor that leads you to conclude that the "argument" you just thought you had with this person might not deserve the name. Maybe your interlocutor is a certain kind of conspiracy theorist, with a warp in their space of reason. Or maybe you missed the fact that he is suffering from a mental illness that distorts his use of reason. Maybe the illness is subclinical. Maybe the exchange was mediated by keyboards and your interlocutor was a computer program. Finally, consider deliberately deceptive interlocutors, who might just be playing with you. You might think you were having a robust argumentative exchange in these cases only to conclude, on reflection, that it was not really an argument.

Argument illusion occurs when we mistakenly believe that the normal conditions for argumentation are present. It is easy to notice in cases such as these, where there is a significant failure of ideal conditions, especially of sincerity or capacity, but what if these are the easy cases? What if we have enduring differences in how we view the challenges of social life, differences that are consequential for an argumentative exchange, but not really open to revision? Then, at some point in an argumentative discussion, you may have the illusion that you are advocating good reasons for belief change when in fact you are just expressing a real difference in orientation and approach, a difference that is much more like a personality trait than a commitment resulting from reasoning.

3. SOME RESEARCH

New evidence on the nature of reasoning comes to us over the last forty years from many disciplines, especially neuro-psychology, psychology, moral psychology, biology, and behavioural economics. These and other fields are contributing to a broad collection of relatively stable findings, but also competing theories that take a naturalistic approach to understanding reason. We find, for example, considerable evidence from cognitive psychology reminding us of Hume's model of reason and consciousness in which reason is, if not a slave of the passions, deeply entwined with emotional processing. Motivated reasoning is well-understood now and suggests that we are not always aware of the drivers of our argumentative behaviours. We are often acting and arguing to reduce cognitive dissonance. Damasio's famous study of impaired reasoning in patients with emotional dysfunction due to lesions suggests that, at least in cases of pragmatic reasoning about values and life planning, the space of reason metaphor is mistaken (Damasio, 2005). Effective reasoning about pragmatic matters is not corrupted by emotion, but supported by emotional inference processes. Emotional processing and emotional cognition are increasingly seen on a continuum of inferential processes that include self-conscious and reflective reasoning.

Evolutionary and naturalistic accounts of reason have built upon and produced results compatible with Mercier and Sperber's famous essay advocating an "argumentative theory of reason," which suggests that reason is originally a persuasive faculty which facilitates the exchange of reasons rather than a tool of inquiry (Mercier and Sperber, 2011). Our ability to use reason for inquiry might then be seen as a special case of reasoning. Reasoning about social and pragmatic issues may sometimes be improved by the kind of reasoning which abstracts from emotion, but it does not follow that social and pragmatic deliberation can or should isolate itself from engaging social intuitions.

Indeed, social intuitionists, such as Jonathan Haidt, suggest that, at least in matters related to personal and political morality, self-conscious reasoning is often the "tail that wags the dog" after many relatively automatic processes provide us inferences about the matter at hand and establish credibility and affiliation among social agents (Haidt, 2011). While Haidt holds to a different distinction between reason and intuition than the argumentative theory, both theories suggest reason evolved more to be our "inner lawyer" than our personal private detective. For both theories, reason plays a much more *ex post facto* role in our moral and social life than we typically believe.

The other side of Haidt's theoretical project, which he developed in collaboration with many other researchers, is "moral foundations theory" (MFT). MFT is based in empirical surveys using questionnaires that purport to elicit our baseline approaches to five or six fundamental problems of social life for partially social creatures such as we are. These

include at least Care, Fairness, Loyalty, Authority, and Sanctity, but maybe Liberty as well. They map onto both original and current problems of social life such as care of children and the vulnerable, commitments to coalitions, acceptance of hierarchy, etc. For example, an original trigger for the "care" foundation would be neglect of a child, whereas a current trigger, for some, might include animal suffering or care of the environment. The important result of this research for our purposes is that the questionnaires do not contain reference to political views or matters yet they appear to accurately predict political orientation and strength of orientation. In combination with a wide range of other evidence in social psychology and behavioural economics, this empirical research suggests that there is a distinctive pattern to the way we are "triggered" by situations involving fundamental social dilemmas. We are not determined by this pattern, but we are somewhat blind to it in social interactions.

Research on cognitive bias and implicit associations adds a second wave of evidence to challenge the Enlightenment model of a pure "space of reason." Contemporary neuropsychological models of bias suggest that mental life is continually engaged in expressing and overriding automatic inferences that may represent biases. With computer-based research these latencies and responses are measurable. The Implicit Association Test purports to measure these response differences for a wide range of biases such as ethnicity, gender, age, and weight. Research projects such as those surrounding the Implicit Association Test have their critics. We may not have a validated theory about how biases get established or how they relate to biologically instantiated traits. The IAT, however, is just one research program among many which document our "cognitive opacity". Our access to mental processes through introspection is much more limited than we believe, and we often engage in confabulation in accounting for our mental life (Nisbett and Wilson, 1977; Wilson, 2002). As Mercier and Sperber argue in their recent book, we are often deceived about whether the reasons we provide to explain our actions actually guided those actions or were fabricated after the fact (Mercier and Sperber, 2018). If we cannot reliably know about or control the pre-conscious and emotional processes which affect our reasoning, then it is hard to see how the space of reason can transcend these influences.

A third wave of evidence comes from recent work in political science, especially from Hibbing et. al, *Predisposed: Liberals, Conservatives and the Biology of Political Difference*. Like Jonathan Haidt's research connecting political orientation to relatively stable moral foundations such as care, fairness, loyalty, etc., Hibbing and others have shown persuasively that people have relatively stable predispositions that predict their responses to "bedrock social dilemmas" about how "society

works best" (44). These include intuitions about the need for shared social values, treatment of outsiders, authority, leadership, etc. Like Haidt, Hibbing et. al. have been able to predict political orientation from questionnaires involving non-political questions. Their account builds on existing literature about authoritarian personalities, but develops a more sophisticated account of the relationship between the relatively invariable problems of human social life and the variability of both our nature and the actual political positions and opinions we hold over time. When this research is seen in relationship to a larger body of research on the biological aspects of personality, the picture that emerges is clear: "Predispositions…can be thought of as biologically and psychologically instantiated defaults that, absent new information or conscious overriding, govern responses to given stimuli" (24).

4. INTERPRETATION

This research takes us beyond simple reductive or deterministic models of behaviour, but also limits our ability to assess the epistemic predispositions that we do have. Our personalities have biologically instantiated traits, but experience and our interpretations of our experience also shape the character and expression of our social and political orientations. We can become aware of some of our predispositions, but they are also part of the way we see and process our experience. There is no question of purging ourselves from the cognitive-emotive intuitions that help us think about moral and political matters.

We can certainly still learn to see the world the way people different from us do, and sometimes this leads us to change our beliefs or meta-cognitive practices, but there is no basis for a cognitive evaluation of the predispositions that shape our moral matrices or our orientations to "bedrock social dilemmas," except perhaps at the extremes. An extreme liberal concern for harm or an extreme conservative trigger for threat detection can be evaluated as dysfunctional, just as an obsessive-compulsive disorder might be, but, to play on Feldman's uniqueness thesis, there is no unique doxastic attitude that follows from this evaluation. There is no epistemically privileged or justified set of predispositions for approaching bedrock social dilemmas. The predispositions that inform our persistent orientations toward moral and political life are a "population phenomenon." Like height and eye colour, they vary predictably in any population of humans. The idea that our judgements of moral and political matters are pervasively influenced by relatively fixed commitments and biologically instantiated traits undermines the uniqueness thesis.

Two implications and a paradox follow from this evidence: First, there will always be some beliefs about moral and political matters that

cannot be evaluated epistemically since they will be the result of an indeterminate mix of predisposition and cognition. Pragmatically, it means that "argument illusion" is a persistent feature of moral and political argumentation. There is, then, a basis for rational disagreement, but not because the positions at odds are both known to be rational, but because neither can be known to be rational. Second, we can never be sure that we are not committing the fallacy of *ad hominem*. At some point in a political discussion you may indeed find yourself arguing that your interlocutor should not see or process their experience in the way that they do, but your warrant for this claim will be, in some cases, simply that you see the world the way that you do. In other words, you will be implying that your opponent should not be the person that they are.

The space of reason is less transparent and less criterion-based than it formerly appeared. We mistake our biases for reasoned positions, we reason *ad hoc* and often to reduce dissonance, and we are largely unaware of many of the extrinsic and irrelevant things that influence our judgements, like hunger and odours. Even though we know that our views are shaped by a consistent and relatively fixed set of orientations, we experience them as the result of careful reflection and weighing of reasons and evidence. This gives rise to a paradox in our experience of moral and political argumentation. On the one hand, we experience our moral and political commitments as epistemic products, the result of truth seeking behaviour and practice. When we advocate our views argumentatively, we intend others to take our reasoning and evidence as a basis for belief change. On the other hand, the picture of reasoning emerging from contemporary research suggests that every population of humans has a distribution of diverse but largely overlapping perspectives for understanding and making inferences about moral and social life. Personal experience supports the view from research that we largely encounter people with consistent moral and political outlooks. Paradoxically, we experience political discourse and dissent as though this were not true, as though they might change to our orientation, even though we have good evidence (both third person and personal) that dissent is often the product of persistent orientations and automatic inferences retrospectively rationalized.

In spite of this, we are not completely without criteria for assessing the reasonableness of someone's moral matrix. In some cases, maybe with highly partisan brains, you might be able to show, like a good cognitive behavioural therapist, that someone's belief about a political issue is at odds with other beliefs the person holds or is demonstrably dysfunctional. So, for example, a highly partisan conservative may have an extreme trigger for threat detection which leads him to favour an approach to immigration or health care that entails grave harm to innocent people. Assuming he also holds some form of a non-harm

principle, there may be a process of rational persuasion that leads to a moderation of views. Likewise, highly partisan liberals are often dumbfounded when pushed on how to control immigration. Their harm avoidance intuitions often colour their assessment of threats from immigration. Sometimes noticing that we are dumbfounded produces belief change. So political discourse might still play a robust role in helping us think about how to connect our moral matrices to specific and changing social and political policies. But the result of this process is often a refinement of this connection, rather than a change of orientation. As Hibbing, et al. point out, when conservatives in the US stopped being isolationists after Pearl Harbor, they did not stop being conservatives.

The evidence emerging from sciences that have been studying reason and reasoning does not support the claim that all argumentation on moral and political matters involves argument illusion, but rather a weaker sceptical conclusion: We cannot know with certainty when we are arguing against an individual's default modes of processing bedrock social dilemmas, but we can be relatively certain that this will occur in the ordinary course of moral and political discussion. Likewise, we can never be sure that our arguments are legitimate proposals for belief change versus illegitimate demands that our interlocutor become a different sort of person.

I think it follows directly that this poses a crisis for traditional theories of dissent and disagreement about political and moral issues. Such theories suppose that the space of reason is equally transparent and open to argumentative and epistemic processes no matter what the topic is. It may be true that a researchers' personality is irrelevant to the assessment of the effectiveness of a drug in a clinical trial, yet it remains relevant in discussing whether to socialize health care or close the borders.

The hard problem here is that there is no obvious way to account for these biases of orientation epistemically, at least not once we have excluded the extremes. You might try to treat the problem analogously to problems of measurement and estimation. Maybe we can just throw out the extremely partisan views as outliers and then "average" the rest. That probably does work in some cases, but if there really is an existential threat to a socio-political group from an external foe, such averaging might be catastrophic. Further, some political and moral decisions simply do not offer compromise solutions. You either make buildings accessible to the disabled or you do not. You either get the lead out of gas or you do not. It's not clear, for example, how to accommodate social conservative intuitions about abortion or gay marriage and still do justice to liberal (and libertarian conservative) claims about the harms of constraining liberty of action.

Even if we cannot always treat the crisis as a problem of measurement or estimation, there may be other solutions. Knowing about the biological basis of our socio-political orientation may not change the way we look at issues, but it may change the way we look at each other, especially during polemical and heated discussions. We may need to cultivate new sensitivities and discussion virtues to account for the possibility that the *ad hominem* is endemic to moral and political discourse. At the same time, we may need to qualify the otherwise good pragmatic advice from social epistemologists that we ought to always to update our doxastic attitudes in light of contrary testimony from epistemic peers. In some cases, we need to conclude that an apparently argumentative discussion is really an illusion and that the paradox of moral experience is leading us to mistake something about our identity for an epistemic appeal. Like Mill, the social epistemologist might encourage us to keep arguing, but a new kind of argument theory might also tell us when to stop arguing at signs of argument illusion. We might then approach some impasses in social and political life more like negotiations than epistemic inquiries, more like an accommodation than a truth-seeking process.

5. CONCLUSION

In conclusion, new models of reason and reasoning challenge some of the assumptions behind Enlightenment theories of reason, theories which also underlie beliefs about the importance of free speech and democracy as institutions supporting a social epistemology oriented toward truth. Recent challenges to freedom of speech on US campuses tellingly rely on claims about threats to identity and emotional safety which, even if exaggerated or used strategically, may not be easily dismissed in light of this evidence. Likewise, new forms of manipulation of thought through propaganda and social media may derive their effectiveness from facts about our persistent biases and vulnerabilities. Mill and others thought that the right response to dissent and discord in the public square was to rededicate ourselves to liberty of thought and discussion. The idea that the solution to distorted and manipulative speech is more speech is harder to maintain in light of these challenges to Enlightenment optimism about the space of reason.

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