What is Peculiar about Moral Dissent? Commentary on Freeman's "Strength of Reasons for Moral Dissent"

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1. INTRODUCTION

James Freeman's "Strength of Reasons for Moral Dissent" examines how to evaluate the strength of moral reasons in cases of contrasting disagreement. The very short answer is that it has to do with the number of plausible rebuttals of a given moral claim. The fewer the plausible rebuttals, the stronger the reason for the claim. There is more to the argument than this, of course. There are claims about moral sense, the necessity (for this argument) of moral realism, and the justification of higher order moral principles. My interest in this comment is not primarily with any of that, but rather with what moral dissent means in the first place. Nonetheless, I think moral dissent permeates the entire structure and I am curious to get a fix on just what Prof. Freeman takes moral dissent to be here, because it can be read in significantly different ways. In what follows, I'll sketch a couple of possibilities. I will conclude with a few observations on the overall adversarial approach to the question of dissent.

2. TWO SENSES OF MORAL DISSENT

As defined in the very first lines of the paper, "moral dissent expresses a judgment that performing an act or engaging in some practice, especially a practice prevalent in society, is wrong or should be opposed as a matter of duty." What follows upon this is a discussion of moral dissent in reference to the backing of warrants in moral arguments. There are two kinds of backing: moral sense/intuition and moral principle. Critically, warrants are defeasible, and so moral dissent regards defeaters or rebuttals for warrants. The strength of moral dissent is relative to the number of rebuttals—the fewer the rebuttals, the stronger the reason to dissent. I hope that account of the basic argument is accurate. The definition of moral dissent and the ensuing discussion raise a number of questions. It is not initially easy to see what is meant by moral dissent in the first place, for it might be taken in a couple of distinct ways. Each of these raise their own set of questions for argumentation theory.

To ferret out the different senses of moral dissent, let's consider what it would require. In the first place, moral dissent seems to require at minimum that some particular claim or practice or argument is already on the table. To hold that some practice is wrong certainly seems to imply either that someone thinks that same practice is right; for there to be dissent, there needs to be some kind of assent. This, I take it, is what it meant by saying that moral dissent is dissent from some practice prevalent in society. Let's call this the dialectical problem.

There are two ways we can take the dialectical problem of moral dissent. One way puts the emphasis on the *prevalence* of the view being dissented to; the other on the fact that there is disagreement about moral questions. Let's take the latter first.

That there is disagreement about moral questions is not very surprising. It is certainly true, however, that disagreement about moral questions is more fraught than disagreement about, say, empirical questions. One reason it is more fraught is because there are often immediate practical consequences to moral disagreements. Another reason is that the practical consequences of moral disagreements bear strongly on one's identity. The importance, however, of moral questions and hence moral dissent does not seem to be the focus here.

Let me illustrate this point with the example from the *Crito*. In the *Crito*, Socrates' fellows are trying to convince him to escape from jail, arguing, among other things, that this is actually what the Athenians are expecting him to do (44c). For these reasons, staying in jail would be a kind of suicide (45c). Besides, I just want to add, Socrates had already asserted in the *Apology* that should they order him to stop accosting people in the *Agora* and imploring them to lead the ethical life, he would violate that law (so his social contract obedience argument falls rather flat) (38a). In his turn, Socrates meets these arguments with his own analysis of his duty to remain in Athens on account of his social contract (as well as the rather more practical worry that the Athenians would think less of him should he flee (53d)). Though perhaps this is merely a rhetorical matter, Socrates frames his argument as the prevailing moral standard, not, as one might have expected, as the dissent from a prevailing standard. To return to the question of dissent in the paper, who then, in this circumstance, is the dissenter? They each dissent from each other, leveraging the same kinds of arguments. It seems to me that we merely have a case of moral disagreement. Two (let's be simple) arguments have been made. *Which one is the better*? For these reasons, it strikes me that the key question does not regard dissent in this sense.

An alternative reading of moral dissent focuses on what it means to dissent from a prevailing view. This poses some rather interesting kinds of issues—some of which, I think, are present in the paper. As we know, the moral dissenter often has a very steep hill to climb, for often it

is the case that few appreciate the motivation to dissent, not to mention the reasons, in the first place. To borrow a recurrent example from the paper, early abolitionists faced this kind of problem, as few had publicly questioned the slave trade or the institution of chattel slavery. I want to give two examples, as I think they underscore the significance of the point.

I happened just to have read about John Newton (1725–1807), the British author, Christian minister, and composer of the well-known Christian hymn "Amazing Grace." It turned out that in in his early life, he was a foul-mouthed sailor who worked in the West African slave trade, participating, by his own account, in some of its most abhorrent manifestations (e.g., torture, rape, murder). One day in 1748, he found himself on a ship in distress of the coast of Donegal, Ireland. With the storm ranging, and hoping to make a deal with God to save his life, he repented—having been once lost, he was now found—and, from that moment forward, he pledged never to use foul language! Eager to settle down on land and get married, he left the job on the slave ship in six years later, after, by his own account, spending many voyages on deck communing with God while the hold was filled with slaves housed in the most appalling conditions. Only 30 years later did he come to realize that slavery was wrong. I'm going to take for granted, based on the telling in Elizabeth Anderson's Lindlay Lecture (2014), that John Newton was not ignorant of the deontically relevant facts of the situation. Well, to be clear, he was ignorant of their deontic relevance, not of their being facts. Nor was he an outlier among his peers. The facts of the slave trade were well known to millions of people who participated in it directly or indirectly. Yet, sadly, only very slowly to many begin to realize that the facts of slavery were deontically relevant to its being wrong. I should also add that they were not unaware of the nature of deontic relevance. Huckleberry Finn, many will recall, travelled down the Mississippi with an escaped slave, Jim. Huck was keenly aware of the (so he thought) deontically relevant fact that he had run off with someone's property, Jim. This was deontically relevant, but in the wrong way.

I think these cases of failed moral dissent illustrate the peculiar dialectical burdens it faces if we are to take it seriously as a prevailing or entrenched view. To continue on the theme, consider the very slow advance of abolitionism in American political life even after the secession of the South. There are also extraordinary rhetorical burdens of making an abolitionist case. Again to return to Anderson, this is why she argues that moral dissenters must be prepared to make particular kinds of arguments. Interestingly, some of these arguments are going to have to be quite weak, or perhaps even fallacious, given the hold of the prevailing moral consensus. The adherence of people to the prevalent view is just too strong.

3. CONCLUSION

I would like to conclude with a quick and tangentially related observation about evaluating arguments in terms of their overcoming rebuttals. It certainly makes sense, given the fact that this is a paper about dissent, that rebuttals play a starring role. Nonetheless, in light of some of what I have taken (though perhaps mistakenly) to be some ambiguities about the meaning dissent here in the first place, it makes sense to ask about the general adversarial model at work here.

As Cohen (2014) has noted, there is perhaps something odd about argumentation theory such that an arguer is considered negligent if they do not answer all of the available (or maybe all in extreme cases) objections to their view. At the same time, they are not considered negligent for failing to marshal all of the positive evidence for their view. In other words, it is sufficient to overcome rebuttals but one does not have a corresponding duty to find every principle or reason in favor of their view. Something along these lines would seem to apply here. Again, given the caveat that we are talking about a situation of contrast, it is worth asking whether defeating rebuttals is a sufficient measure of the strength of a moral claim. It could, after all, be the case that neither argument is any good. To put this another way, it might be the case that surviving rebuttals is not a particularly good way of evaluating the strength of moral claims in the first place. If the anecdotes about Newton recounted above suggest anything, it is that even the best, most enlightened moral principles may fundamentally fail us.

REFERENCES

Anderson, E. (2014). Social movements, experiments in Living, and moral progress: case studies from Britain's abolition of slavery. Lindley Lecture, University of Kansas.

Cohen, D. (2014) Missed Opportunities in Argument Evaluation. In F.H. van Eemeren and B. Garssen (eds.), *Reflections on Theoretical Issues in Argumentation Theory*, Argumentation Library 28, DOI 10.1007/978-3-319-21103-9_9.

Grube, G.M.A. (2002). *Plato: Five Dialogues*. 2nd Edition. Indianapolis: Hackett Publishing.