Informal Logic

INFORMAL LOGIC

Some Limits to Arguing Virtuously
Quelques Limites pour se Disputer Virtueusement

Tracy Bowell

Citer cet article

Résumé de l'article

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dans certaines situations. Je considère trois types de cas: 1. des arguments
contre les discours négateurs 2. des arguments avec des gens qui font des
revendications fanatiques 3. des arguments des personnes marginalisées qui
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Enfin, je soutiens que dans le troisième type de cas, s'attendre à ce que les
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Some Limits to Arguing Virtuously

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Abstract: In this paper, I consider whether there are limits to virtuous argumentation in certain situations. I consider three types of cases: 1) arguing against denier discourses, 2) arguing with people who make bigoted claims, and 3) cases in which marginalised people are expected to exercise virtues of argument from a position of limited agency. For each type of case, I look at where limits to arguing responsibly might be drawn. I argue that there are situations in which we might withdraw from engagement for practical reasons and others in which withdrawing or refraining from engagement is a responsible way to deal with a particular position. Finally, I argue that in the third type of case, expecting the marginalised to argue as though on even terms with the positions of the dominant risks perpetrating argumentative harm.

Résumé: Dans cet article, j'examine s'il existe des limites à l'argumentation vertueuse dans certaines situations. Je considère trois types de cas: 1. des arguments contre les discours négateurs 2. des arguments avec des gens qui font des revendications fanatiques 3. des arguments des personnes marginalisées qui sont censées exercer des vertus d'argumentation à partir d'une position de pouvoir limité. Pour chaque type de cas, je regarde les limites de l'argumentation responsable. Je soutiens qu'il existe des situations dans lesquelles nous pourrions nous retirer de l'engagement pour des raisons pratiques et d'autres situations dans lesquelles le retrait ou l'abstention d'un engagement est une manière responsable de traiter une position particulière. Enfin, je soutiens que dans le troisième type de cas, s'attendre à ce que les marginalisés avancent leurs arguments comme s'ils étaient égaux à ceux en positions dominantes risque de nuire leurs arguments.

1. Introduction

I begin by addressing the need for critical thinking in the context of the sorry state of public discourse and the challenges of a general disinclination to engage critically and responsibly. Noting the ways in which many intransigent positions are deeply held, I move on briefly to consider deeply held commitments and their origins. I then go on to discuss the advantages of a virtues-oriented approach to argumentation over a standard approach, arguing that it offers better prospects for effective engagement in contexts where we are attempting to rationally persuade one another to pursue a course of action or that something is the case. Finally, I consider possible limits to this approach in certain contexts through a consideration of various types of cases in which a refusal to engage in an argument may be a responsible strategy.

2. The state of debate

For the purposes of my discussion here, I intend critical thinking to be understood in a broad and non-specialist way as the willingness and ability to try to get things right by appropriately reflecting upon, questioning, and challenging what one is told by seeking evidence for claims and by seeking and giving reasons and justifications for beliefs and for actions. My account of critical thinking, then, is of a piece with those accounts according to which it is understood as a form of meta-cognition. And argumentation—expressing, sharing, and being responsive to reasons—is, on my account, a particular enactment of critical thinking. On the face of it, critical thinking and good argumentation provide an antidote to the current state of socio-political debate, in which there is a great deal of criticism and adversarial exchange but not always a great deal of critical thinking or good arguing. Public discussants play fast and loose with the truth, present opinion as fact, and disregard evidence, and ever more polarised opinions are influenced and formed by rhetorical appeal to emotion and prejudice. The observation (often [mis]attributed to Winston Churchill) that "A lie gets halfway around the world before the truth gets a chance to put its boots on" seems ever more apposite. The burgeoning role of social media in discussions of socio-cultural and political issues and as a

principal source of information exacerbates these challenges for truthful exchange. Coverage via social media platforms makes for many more sources of apparent information, and the sheer quantity of sources causes problems of quality. Reporting, debate, and opinion are produced and available much more rapidly, making it harder to check facts and to rebut falsehoods or seek clarity. Moreover, with very few restrictions on who can contribute material, social media platforms are not expected to uphold the same standards of quality and professionalism as mainstream media outlets, and those who run social media organizations tend to take a hands-off approach to content and quality.[1]

Alongside this expansion of sources and the easily accessible evidence that social media platforms are often unreliable sources, we see a reluctance to think critically about public issues, including social, political, health, and scientific issues. In "Arguments that Backfire" (2005), Daniel Cohen, citing Deborah Tannen (1998), remarks on the conventional wisdom that we live in an Argument Culture. Fifteen years on, it is fair to say that in some ways, that culture is deeply entrenched in public life to the extent that it has become an *argumentative* culture. As Cohen notes, argument occurs in its adversarial and pejorative guises, but much less frequently in the guise of critical engagement. Many people hold intransigently to positions they hold on a wide variety of political, social, and cultural issues, from the mandatory wearing of face coverings to prevent viral infection to the removal of statues commemorating historical figures responsible for or associated with historical racial and social injustice. Positions that were once articulated among friends and acquaintances or, at most, in letters to the editor or on talkback radio, can now circulate among a potentially global audience. And yet, despite this explosion of

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[1] That said, as I write, US President Trump keeps up a barrage of tweeted falsehoods about the outcome of the 2020 US Presidential election. In this moment of civic crisis, Twitter is applying its Civic Integrity Policy, labeling a proportion of those tweets with a warning that their content 'may be disputed about an election or other civic process.' Similarly, Facebook is removing newly formed groups that are spreading misinformation about the outcomes of the election and inciting civic disorder, while major news networks cut away from the President's speech that contained lies about electoral processes and the outcomes of the election.

opinion sharing, it can appear that, as the poet, W. B. Yeats (1970) put it in his poem, *The Second Coming*,

> The best lack all conviction, while the worst
> Are full of passionate intensity (p. 19).

For while there is much stating of one's own opinions and slating of those of others, there is little willingness to hold them to standards of critical scrutiny, particularly with respect to reflecting on one's own positions—to question, seek evidence and justification, or remain open to the possibility of altering one's opinion in light of new evidence. In his 2005 paper, Cohen remarks that a benefit of that reluctance to engage critically has been a tendency to tolerate sectarian differences rather than fight over them, but today we witness serious erosion of that tolerance. So, this looks like a moment to double-down on the value of critical thinking generally and of good argumentation more specifically.

The emotional genealogy of many of our deeply embedded commitments, especially those that are shaped and influenced by fear or resentment and that ignore, misrepresent, or deny relevant evidence, is also cast into sharp relief by the current state of debate and inquiry. Examples are easy to come by: communities with proportionately small migrant populations often demonstrate the strongest anti-immigration attitudes; against the backdrop of what seems to be a growing tendency to distrust expertise and reject authority in the midst of a global pandemic, people protest against evidence-based measures, such as limiting contact with others and avoiding large public events that are aimed at limiting infection rates; vaccination rates are dropping in some countries, and we see measles epidemics in places where the disease had been more or less eradicated. Cases like these demonstrate how (mis)perceptions can trump established facts when they serve to reinforce fears and prejudices or confirm stereotypes or biases.

3. Deeply held commitments

Richard Paul's (1992) account of critical thinking emphasises the importance of what he calls 'strong sense' critical thinking—the

ability to apply critical thinking techniques to one's own deeply held beliefs. Here, I borrow the idea of depth and entrenchment but also emphasise the way in which the commitments to which we are deeply attached and that we often fail to submit to critical scrutiny are complex, having both cognitive and non-cognitive aspects. Commitments such as these both derive from and contribute to our sense of self. Thus, we often feel heavily invested in them, and they are unsurprisingly prone to prejudices, stereotypes, biases, and cognitive illusions that generate fallacies (Hundleby 2016). These egocentric commitments make us more vulnerable to manipulation and propaganda. They are often acquired from and with our communities, both physical and virtual, and reinforced by them. They may sit deeply because they have been acquired and reinforced via our upbringing and by people who have been influential in our lives or because they have been formed on the basis of experiences that seem consistently to reinforce them. Of course, there is emotional and social comfort in holding onto commitments shared by those around us and with whom we regularly interact. They are part of what Wittgenstein calls the "mythology" that provides the narrative environment within which our cognitive and affective development take place (1969, §s95, 97). [2]

By way of example, research into the extent to which students who had taken an introductory critical thinking course had developed the ability to reason critically about their own deeply held commitments found that they tended either to not apply the skills they had acquired, or they applied them inadequately. During interviews, participants were engaged in arguments about the morality of eating meat. Many of the participants were from farming backgrounds involving meat and dairy production. For many of them, meat-eating as a practice had remained unquestioned. During these discussions, participants tended to commit the naturalistic fallacy or to appeal to tradition, with meat-eating frequent-

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[2] Wittgenstein's idea of mythologies that provide a structure within which meanings develop for communities and thus serve to influence what is meaning-*ful* for those communities is not dissimilar to Maria Lugones's (2003) idea of worlds, whereby a world is a 'loved social arrangement' (p. 25) that both describes and constructs the lives lived within it (p. 89). I return briefly to Lugones's work later in this paper.

ly referred to as "something we've always done" (Goldberg, Kingsbury, Bowell and Howard 2015).

Our confidence in beliefs that are deeply held in the ways I have identified here is often unjustified, for it is not earned by holding them up to critical scrutiny. In Paul's terms, we exhibit a lack of strong-sense critical thinking. It is not that the emotional aspects of those commitments are necessarily misplaced or unjustified. Indeed, emotions such as anger, fear, and hope can be deeply pertinent and an entirely reasonable response to socio-political events and discourses that we witness and in which we participate.[3,4] But without the stability provided by rational scrutiny, those emotions remain easily manipulated and leave us prone to forming poorly grounded beliefs. In the absence of a communal critical spirit, emotions such as curiosity, love of truth, and intellectual courage that could motivate critical scrutiny of our own commitments are absent or suppressed by affective reactions of fear, suspicion, scepticism, and mistrust of the other and of authority.

4. The virtues of a virtue-based account of argumentation

It is not principally because of the lack of an ability to recognise a valid inference or to recognise or avoid a fallacy that the critical spirit has been occluded. Standard educational approaches to critical thinking and argumentation have been inadequate in confronting the challenges of the types of deeply held commitments that often prove immune to the tools and techniques of good critical thinking, something that is amplified through the widespread adoption of social media as a means of expressing and forming opinions. For while social media democratises comment and argument, providing a platform for anyone with access to them, the beliefs articulated are often either echoed back or met with insult rather than reasoned critique or agreement. Focused on the habits

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[3] However, theorists such as Michael Gilbert (2004) and Maureen Linker (2015) have recognised and argued for the legitimacy of emotion within reasoning and argument as opposed to a response that occurs instead of reason.

[4] For a discussion of the value of anger in argumentation, see Moira Howes' and Catherine Hundleby's (2018) discussion of the value of anger in argumentation.

and dispositions of good arguers rather than on what constitutes a good argument as a product, virtue-based approaches to good argumentation, such as those advocated by, among others, Cohen (2005) and Aberdein (2010), offer better prospects for an account of full and effective critical engagement with commitments to which we have a deep emotional attachment. At the same time, they also throw some of the flaws in our ways of arguing into sharper relief.

As Cohen and Miller (2016) have shown, virtue argumentation theory does not account for every feature of the exchange of reasons between two or more people in pursuit of cognitive gain. Virtuous argumentation is not, as they point out, necessarily ideal argumentation (p. 459). But, on the face of it, virtue argumentation's re-orientation towards the arguer herself and towards the question of what kind of arguer one should be points to a way of critically engaging with deeply held commitments that is better able to acknowledge and take account of their affective elements and to recognise when a particular commitment is justified and when it represents a rational response to a situation or to a claim. This is reinforced by its emphasis on responsible argument, on being willing to engage, to listen, to modify one's position, and to question the obvious.

Cohen, an early proponent of this approach to explaining good argumentation, identifies the following virtues of the ideal arguer:

1. *Willingness to engage in argumentation*
2. *Willingness to listen to others*
3. *Willingness to modify one's own position*
4. *Willingness to question the obvious* (Cohen 2005, p. 64)

This characterisation of good arguing immediately draws attention to the motivational element of argumentative virtues, an element that is central to virtue theories more generally, marking a crucial difference between virtues and skill. One might possess a skill but be unmotivated to use it. For instance, I possess skills as a cook. I have worked as a cook, but often I lack the motivation to employ those skills, instead preparing meals that require minimal culinary wherewithal or ordering takeout. It is this lack of motivation to

employ the skills they may have developed and refined in critical thinking courses that we see in students who seem unable to employ them in contexts beyond the classroom and coursework. By contrast, the habits of good thinking and argumentation that constitute virtuous argumentation encompass the motivations to inquire and argue at all, to do it well, and to do it in the service of good ends. Virtuous arguers are also motivated to seek a balance between these habits appropriate to the argument's context and their role(s) within it, be that as a proponent of a position, a respondent, an audience member, or a bystander.

An agent-centred approach embeds a recognition that argumentation is a social process consisting of exchanges between people who rarely come to the discussion as purely rational thinkers with their skills finely-honed by intensive conceptual and practical training in the skills of argumentation. A number of argumentative virtues, such as open-mindedness, intellectual humility and empathy, fairness, and being communicative, are other-directed. They require that we treat other agents and the positions they assert in discussion or deliberation in particular ways. Thus, cultivating these traits in ourselves and in others may help to improve the current fractured and fractious state of argumentation about the social, the political, and the cultural. Moreover, this approach also allows for and enables us better to recognise that we come to many discussions with emotional responses, both to what is said and to each other, and with our biases intact. Of course, these are attitudes and reactions that can be counterproductive to arriving at reasoned judgements and understandings of the world and of each other. We need an awareness of the effects of our responses and biases in ourselves and in others and strategies for dealing with them. The passions have a role to play here, but a sense of proportion and the ability to control or channel them to direct our thinking and acting towards the right outcomes is crucial to their having a positive role to play in good inquiry and argumentation.[5] As Aristotle recognised, the emotions are central to virtue. Good habits channel emotions appropriately, keeping them in balance.

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[5] See Howes and Hundleby, *ibid* and Groarke (2010)

So, for instance, a feeling of curiosity coupled with a love of truth can motivate inquiry that is diligent and careful.[6]

A virtue-centred approach also offers a framework enabling us to see what is lacking when we argue or respond to an argument. It can show us what we do well and what we could improve, offering tools that identify what is going wrong in cases of poor argumentation. Probably the most comprehensive and well-known virtue-centred account of argumentation is Andrew Aberdein's (2016). Building on Cohen's virtues of the ideal arguer, he draws on Linda Zagzebski's (1996) responsibilist account of intellectual virtue to expand on and refine the traits more thickly delineated by Cohen, thereby producing a typology of the argumentative virtues that clusters them around Cohen's set of four motivations, as laid out here. (I have truncated Aberdein's typology here. The complete version can be found in [Aberdein 2016, p. 415]):

Willingness to Engage	Willingness to Listen to Others
Intellectual courage Having faith in reason Being communicative	The ability to recognise the salient facts Sensitivity to detail Open-mindedness Fairness Intellectual empathy The ability to recognise reliable authority
Willingness to Modify One's Own Position	**Willingness to Question the Obvious**
Epistemic humility Intellectual integrity	Appropriate respect for public opinion

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[6] Moreover, as Adam Morton (2010) notes, we use the same terms to refer to an emotion and a related virtue; for instance, we may feel empathy towards someone in an intellectual context, and we may exercise the virtue of intellectual empathy when we engage with them intellectually, such as in discussion or deliberation.

Intellectual candour Common sense	Autonomy Intellectual perseverance— diligence, care, and thorough- ness

Cohen reminds us that good argumentation consists of practices that are conducive to cognitive achievements broader than the pursuit of truth (2007, p. 6). Similarly, Zagzebski (2001) argues that traditional epistemology has tended to lose sight of the value of understanding, privileging the traditional account of knowledge as justified true belief. In the same vein, standard accounts of good argument privilege validity and truth over understanding. By those accounts, one might be presented with a good argument, one might even identify it as such—be aware that one should be persuaded by it—yet not understand, or not fully understand, the position argued for. This is particularly pertinent here, because the questions in focus are nested in broader questions about how we can better understand each other, particularly across social, cultural, and political differences, and about the limits on our efforts to do so responsibly. Zagzebski argues that understanding is gained by knowing how to do something well, suggesting that this is unlikely to be achieved by a single mode of reasoning and involves more complex processes, including non-cognitive ones. (2001, p. 241) So a virtue-oriented approach, with its focus on pursuing excellence in the practice of arguing in part by developing habits of appropriately channelling affective responses, would seem to position us well to achieve understanding through good argumentation. Further, if, as Zagzebski suggests, understanding something amounts to knowing it better, to deepening our cognitive grasp of it, then an approach to arguing well that can accommodate understanding among its goals offers a promising route to better understanding the beliefs and commitments of others.

The way in which a virtue-oriented approach offers a valuable framework for seeing what goes wrong and what can be improved in arguing and inquiring about contentious issues can be demonstrated by application to discussions and disagreements about current social, cultural, and political events. Such discussions

contain a swarm of falsehoods and misrepresentations, a good number of which have gained the currency of truth. For instance, both those who argue for and those who argue against measures to contain the spread of the SARS-CoV-2 virus that causes COVID-19, such as curtailing mass gatherings or wearing face coverings in public, may manifest a lack of open-mindedness and an unwillingness to consider alternative positions and to revise their own position when presented with the facts or with a stronger alternative. They manifest a lack of intellectual humility—an unwillingness to be open to being mistaken and to learn from others, particularly those who they perceive as being on the opposing side of so-called "culture wars." They demonstrate an inability to recognise salient evidence, such as scientific evidence about the way in which the virus is transmitted, and, where they are aware of that evidence yet are ignoring or denying it, they may demonstrate a lack of integrity that shades into a moral, as well as an argumentative, failing.[7]

For their part, agents who constitute the audience for these arguments, in this case, any lay person engaged in thinking about issues such as public health measures associated with containing the spread of the SARS-CoV-2 virus, might demonstrate a lack of autonomy by unquestionably accepting arguments without seeking justification for doing so or a lack of inquisitiveness by failing fully to acquaint themselves with the relevant evidence. They might lack the intellectual courage to seek out that evidence or to challenge positions advocated either by those who enjoy more social or political capital or by those whom they want to avoid offending or upsetting. The ability to recognise reliable authority is another element of responsible argumentation frequently absent from reactions to arguments about present hot-button issues. For example, with distrust and scepticism directed at scientists with respect to climate change and at public health experts with respect

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[7] Caution is needed here as there may be strong practical reasons to act in ways that make it appear that one is ignoring the relevant scientific evidence, such as continuing to go to work in a workplace where social distancing is impossible because the immediate economic consequences of not doing so seem to outweigh the risks of becoming affected. This does not seem to be a moral failing, rather a difficult choice made in the face of a dilemma rarely of one's own making.

to vaccinations and COVID-19 preventative measures. The challenge of correctly acknowledging authority and expertise is intensified by the way in which, for many, social media is a principal source of information, site of discussions, and influence on opinions. As we have seen, an overarching motivation to find out how things *actually* are, to want to understand the world and others, and to take the trouble and care to do so has to be triggered if the more finely delineated argumentative virtues are to develop and be enacted.

A recent case in New Zealand illustrates these points. After several months without community transmission of the SARS-CoV-2 virus, new cases emerged. Although the paths of proximal transmission were soon traced, the original source could not be identified. Many, including those who expressed the view in print and digital media, formed the not unreasonable view that it had most likely originated through contact with an infected person who was in one of the country's managed isolation facilities after entering New Zealand from overseas. A week or so into the new outbreak, national media outlets were reporting that a woman who had caught the virus had done so while making an illicit visit to her gang-member partner who was in managed isolation having been deported from Australia after serving a prison sentence. National media picked up the story from social media and published and broadcast it. The story gained traction. Those responsible for managing the mandatory isolation of people returning from overseas categorically denied that any visit had taken place, no evidence was presented to show that the woman in question was associated with anyone in managed isolation at the time, and the story was never corroborated, and yet many people believed it. The family who had contracted the virus had already suffered casual public derision because they had been circulating in their community and made trips out of town while unknowingly infected. The woman concerned was a young Pacific Islander woman from South Auckland, where there is a significant community of Samoan, Tongan, Cook Islander, and Niuean peoples. Pacific and Māori men are over-represented in gang communities. By reflecting and confirming prejudices and biases towards Pacific peoples, the narrative resonated with members of the public looking to

apportion blame for the new outbreak. But then, overcome with guilt, the originator of the narrative revealed himself via a public *mea culpa*. He had constructed what he considered to be a plausible hypothesis. The friends and colleagues with whom he discussed his theory also found it credible, likely because it reinforced any suspicions they may already have had about the way in which the virus was being transmitted and because the apparent credibility of the theory was reinforced by common prejudices towards and stereotypes of Pacific peoples. The narrative's originator posted it on a social media platform from where it had gained attention and approval through responses and "likes" and was picked up by national media despite being a fiction.

We know that the story was fake not through the work of anyone who sought to prove it was false but because its originator, presumably seeing the harm being caused to the woman upon whom it centred, confessed that he had fabricated the story. But in the absence of any proper exercise of the critical spirit, the damage was already done. The truth was still choosing what to wear while the false story had already pulled on its boots and headed out of the door. The fact that the story was afforded sufficient credibility to be picked up by national media outlets highlights the absence of intellectual virtues being exercised in this case. Intellectual courage, autonomy, care, thoroughness, and recognition of reliable authority all needed to come into play for the credibility of the story to be questioned. Moreover, a sense of the way in which the story relied on stereotypes and prejudices about Pacific Peoples and how those stereotypes biased audiences towards taking it to be credible would also have been instrumental in preventing the story from gaining such traction. Our social imaginary is shaped and can be limited by stereotypes and prejudices such as these so that the story was lent credibility by its being easily imaginable for some.[8]

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[8] As Michael Baumtrog (2017) has argued, the imagination also plays a positive role in argumentation by enabling us to identify and understand positions that are different from our own.

5. Limits of responsibility?

Here, I address three types of cases in which we might run up against the limits of obligations to inquire and argue responsibly. In each type of case, we encounter instances of vicious argumentation.[9] I consider whether these are points at which the responsible move could be to withdraw from engagement. This may seem antithetical to the critical spirit, since the tradition of critical inquiry—of questioning, challenging, and seeking evidence and justification—is to at least *attempt* to continue, to the (bitter) end, to assume that reason will win out and that argument itself offers a way of resolving deep differences. On the face of it, on a virtue-based account of good argumentation, a good arguer would engage not only with an arguer who simply lacks the argumentative virtues, but also with the vicious arguer who displays argumentative vice rather than virtue. The types of cases I consider—denier discourses, bigotry, and argument contexts where a power asymmetry is in play—seem, however, to offer examples of situations where there can be justification for withdrawing from critical engagement.

Denier discourses—Holocaust denial, climate change denial, denials that school shootings at Sandy Hook and other locations were genuine, and anti-vaxxer discourses—are often thought of as conspiracy theories. While they tend to involve at least one conspiracy theory, that rarely offers a complete account of what is at play. Denier discourses seem to be instances of vicious argumentation, usually involving one kind of bigotry or another.[10] This can be seen in more detail if we consider the various roles one might play within such discourses as a proponent of a denial theory, as an audience for expressions of a theory, or as an object of a denial discourse. Commonly, the denier herself may display intellectual dishonesty, a lack of intellectual integrity and a refusal to recognise reliable authority. Deniers often perceive themselves as intel-

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[9] Andrew Aberdein (2016) has developed an account of argumentative vices parallel to his account of argumentative virtues.

[10] Of course, there is a rich body of work on conspiracy theories in, *inter alia*, epistemology and psychology. Here my interest is limited to denier discourses qua arguments as to whether or not some generally accepted fact(s) is true.

lectually courageous (and hence, in our terms, virtuous), as truth-seekers taking on, variously, "the experts," "the Establishment," "the Elite," "vested interests," or mainstream media. The denial move itself—denial of some fact(s) or other that has been established on the basis of reliable evidence—constitutes an indifference to the salient facts. Some of the virtues identified by Cohen as characteristic of the ideal arguer are apparently displayed, but they are misplaced, deployed in ways that are inconsistent with the critical spirit. Clearly, the denier demonstrates a willingness to question the obvious. Seeking more evidence might be appropriate given a particular context, but they fail to display a willingness to listen to others or to modify their own position in the face of relevant evidence or positions stronger than their own. They are certainly willing to engage in an argument but not in ways that amount to exercising the overarching virtue of willingness to engage. First, they exhibit a lack of faith in reason. Second, given that they are questioning established facts, their willingness to engage is excessive and not properly in balance with an awareness of when not to engage in argument.

Similarly, those amongst the audience for denier claims who give sufficient credence to those claims such that they are willing to accept them may appear open-minded, but in fact display the vice of gullibility. They show a lack of common sense, being prepared to accept claims that lack the weight of evidence while denying truths supported by sound, verifiable evidence. Added to that is a lack of perseverance, care, and diligence—a responsible inquirer would persevere to find evidence other than hearsay and conspiracy theory for claims that are so clearly the converse of that to which the weight of evidence points. They would recognise that the burden of proof sits with the denier and seek to find ways to meet it.

The anti-vaccination case shows the way in which the non-cognitive aspects of our deeply held convictions can make us susceptible to accepting and acting on denier-type claims. Parents who are fearful about their children's well-being for some possibly well-grounded reason, such as an experience of a bad reaction to a vaccination, are more likely to be open to considering anti-vaccination arguments. Once a fear of vaccination is in play, it

becomes harder to recognise the differences in the strength and quality of the evidence for the value of vaccinations compared with that of the evidence for some kind of wholesale risk of vaccinations that is central to many anti-vaccination claims. At present, denial discourses involving "Plandemic" conspiracy theories about, *inter alia*, the source and the severity of the COVID-19 pandemic resonate with people already feeling distrustful of authority and of expertise in the form of governments, medical experts and bodies such as the World Health Organisation; with people who feel fearful about the economic consequences of public health responses designed to limit the spread of the virus; and with those who feel impatient to get back to their usual ways of life.

Denial discourses often discredit victims and witnesses. This is increasingly common in the case of mass shootings, especially school shootings, where deniers have claimed, *inter alia*, that victims, survivors, and others, such as first-responders and parents of the wounded and murdered, were actors who were part of an event staged to look like a mass murder in order to promote gun control. Those courageous or angry enough to argue against and try to prove these denial claims false display many of the motivations and habits of inquiry associated with the critical spirit.[11] For example, the denial theory that the Sandy Hook school shootings did not take place has been promulgated not only via social media, but also via a book (Fetzer and Palacek 2016). Initially, parents of children at the school, including parents whose children were murdered, ignored these claims to spare themselves further suffering. Some, however, sued for defamation. One of these cases has been found in favour of the complainant, and at least one more case is ongoing.[12] To be found for the complainant, that case required judicial standards of proof. When subjected to the standards of reason rather than to the standards employed by the audiences who accept the claims of denial discourses, the author's claims failed.

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[11] It is reasonable to suppose that a sense of justice is also a significant motivator here.

[12] See https://www.nytimes.com/2019/06/18/nyregion/sandy-hook-victim-court-ruling.html

Cases such as this in which the victims of denier discourses confront the denial argument and show the falsity of denial claims demonstrate the enormous effort, emotional load, and expense that is often required to achieve that end.[13] Such cases do not seem to me to be attempts to engage directly with the denying agent in an effort to change their mind. Rather, they involve engaging with the denial claims and drawing on appropriate evidence to show that they are false or implausible. So, the act of engagement is directed more at audiences for denier claims and enacted by or in solidarity with the victims of those claims with the aim of reasserting the facts of the matter and delivering redress when victims are discredited by denier claims. Engaging with denier discourses in this way is clearly virtuous though, as I have noted, potentially demanding in a way that means that there can be practical limits to our ability to engage with denier discourses, and our critical engagement might be better directed elsewhere.

The second type of case I want to consider is best thought of as straightforward bigotry of various types; for example, the British Prime Minister Boris Johnson's comment, on which he has since doubled down, that Muslim women who wear the burqa resemble letterboxes or his description of gay men as "tank-topped bum boys"[14] or the comments of a neighbour or colleague who proclaims that immigrants are taking all the jobs, that refugees are not really victims of persecution, get all the best housing, should not be entitled to any financial support from the state, and are mainly criminals. Should the responsible enquirer critically engage with these comments? If one's response is simply to call out the racism or homophobia, is one really engaging critically? Certainly, doing so identifies the attitude as something harmful, but what then? First off, the act of calling out does not in itself seem to bear the

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[13] Deborah Lipstadt's 1993 book, *Denying the Holocaust*, is a similar case of demonstrating the falsity of deniers' claims as a way to educate others and achieve redress for those harmed by Holocaust denial. David Irving subsequently sued Lipstadt's publisher, Penguin, for libel and lost the court case primarily on the grounds that her claim that Irving had deliberately misrepresented evidence was true.

[14] https://www.businessinsider.com.au/boris-johnson-record-sexist-homophobic-and-racist-comments-bumboys-piccaninnies-2019-6?r=US&IR=T

overarching hallmarks of being motivated to inquire well—to enact the four types of willingness identified by Cohen as characterising the ideal arguer: a willingness to engage, to listen to others, to modify one's own position, and to question the obvious. While recognising and pointing out that a position or an action is bigoted is a first step to critical engagement, proper engagement requires more. It requires acting in a way that enacts the virtues considered above, in a good measure appropriate to context and to one's (albeit shifting) role in a discussion or debate. There may be an opportunity here to engage virtuously. But rather than engaging directly with the claims themselves, some progress towards an eventual cognitive gain, such as understanding, could be made by engaging with the person making the claims in an attempt to understand their motivation for holding those views rather than taking on the claims directly and likely ending at an impasse or mutual offence. As with the case of engaging with denier discourses to demonstrate the falsity of their claims, this type of meta-engagement can involve a great deal of work and time, and there may be practical limits on our ability to so engage. It may turn out to be more responsible to use those resources in engagement elsewhere. That said, any responsibility to engage on this (meta) level seems to fall more heavily on those who are not the object of claims, such as the racist and homophobic ones mentioned here. That is, there is some degree of responsibility to act as an ally of the marginalised in working with the racist or the homophobe to understand how they come to their views and, eventually, to show them why they are wrong.[15]

   In the case of someone who may be subject to the influence of the bigot but who is not committed to the same attitudes in a deeply entrenched way and who demonstrates a willingness to engage in practices that *aim* to be properly critical, it does seem worthwhile to engage critically with them. Such cases present opportunities to influence attitudes and standpoints for the better and to

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[15] Barrett Emerick (2016) offers a sensitive and insightful discussion of how we ought to interact with the problematic opinions and inner lives of those we love. He makes the point that enacting moral solidarity with someone as they come to change their mind is a slow, patient process that often does not look very much like argumentation (17).

motivate some people to act in ways that address false claims or affect a situation for the better. But is there value in critical engagement when the other party does not engage on the same terms; when they are not motivated to listen, to modify their position, or to question what seems obvious from their standpoint, where they hold deeply entrenched positions that they know cause offence and may lead to harm?[16] Again, in cases such as these, the reason for holding back from critical engagement may be largely a practical question of time and of energy. For what may be needed is meta-reasoning, the goal of which is to show someone *why* they should engage critically. Of course, overall, this is a good towards which we would want to work, but one individual engaging with another may simply not be in a position in a practical sense to take that on at a particular time.

As we have seen, an agent-centred approach to good argumentation focuses on questions of how to argue well. In the types of cases considered thus far, we see different instances of failing to argue well. But we also see a contrast between vicious arguing and poor (unvirtuous) arguing (Campolo 2013, p. 4). The denier, for example, tends to display intellectual dishonesty and a lack of integrity. Often, they refuse to recognise and take account of reliable authority. In their over-willingness to question the facts and in their close-mindedness, they display characteristics of argumentative vice. By contrast, someone who responds to the denier's argument by accepting it may lack sufficiently well-developed virtues of being able to recognise the salient facts, of recognising reliable authority, and of being open-minded, but they are not necessarily displaying argumentative vice.

I have noted that the virtues required for responsible inquiry will shift according to a person's role in a discussion and the context of that discussion.[17] Moreover, there may be aspects of an inquirer's role and of the context of inquiry that should at least

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[16] In some such cases, the position might not even be held that deeply but is being used cynically to serve particular interests. Politicians and propagandists frequently seek to influence their audience in this way using dog-whistle slogans and rhetoric that appeal to prejudices and fears in order to gain support.

[17] Katharina Stevens (2016) discusses the relativity of the argumentative virtues to the role a person is playing in an argument context.

give rise to caution about the type and reasonable extent of their critical engagement. Here I draw from work in feminist epistemology by Gaile Pohlhaus Jr. Pohlhaus (2011) argues that there are cases in which requests to engage can be harmful. In such cases, a request occurs in contexts of power asymmetries such that the marginalised are being asked to engage from a position of vulnerability, specifically where they are asked to attempt to understand the standpoint of the dominant—to see where they might be coming from. Pohlhaus draws on two feminist scholars' discussions of their personal experiences: Patricia Williams' experience of racial profiling when attempting to enter a Benetton store (Williams 1992) and Susan Brison's experience of responses to her attempted murder and sexual assault (Brison 2001). These requests for engagement occur in the context of the scholars telling their stories and their interlocutors expecting them to extend intellectual empathy to the perpetrators or detractors. Pohlhaus comments,

> In such cases it is worth noticing that there is something peculiarly epistemically violent about situations where someone is forced or even asked to understand the world in ways that asymmetrically limit her agency (2011, p. 237).

She notes the way in which extending empathy in such contexts requires double consciousness.[18] The marginalised person is expected to inhabit two worlds—their own marginalised one in which their agency is limited, and that of the racist who has perpetrated harm and trauma against them or of those who would suggest that someone who has been raped is in some way responsible for it.

A series of cases recently made public in Aotearoa/New Zealand demonstrate how the responsibility to not perpetrate argumentative harm may run up against the demands of critical engagement, such that, in particular contexts, it becomes irresponsi-

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[18] This concept originates with William Edward Burghardt Du Bois' work on African American experiences of living with racial oppression in 19th and 20th Century America. See Du Bois (1903). The concept has continued to be developed by African American theorists, including, *inter alia*, Fanon (1967), West (1982), and Zack (1993).

ble to expect or elicit critical engagement on anything other than terms determined by the marginalised party. These cases involve the forced removal of babies from young Māori mothers by Oranga Tamariki, the Ministry for Children. A well-publicised case involved a young woman and her newborn baby, who were in hospital when social workers deceived her *whānau* (extended family) into leaving the ward, revoked her midwife's hospital access, and used police to remove the baby, who was subsequently placed in foster care despite the desire and ability of the child's *whānau* to care for it. The mother, the baby, and her *whānau* were made extremely vulnerable, and their agency was clearly limited.[19]

To be expected to understand the agency's position, as some commentators demanded, to understand that it has a responsibility to protect, and that its employees have a duty to perform, is a form of harm. Responsible inquiry does not include the expectation of a willingness on the part of the marginalised to engage critically on these socially unjust terms, to listen to the voices of dominance and oppression, to modify their stance, or to question the obvious. Further possible examples include rape cases where the victim's attire or the fact that they were intoxicated or had used recreational drugs is cited as an influencing factor, and the victim is asked to engage with and to lend their understanding to the idea that they somehow contributed to their own harm.

In such instances, there is an expectation of open-mindedness, intellectual humility, fairness, faith in reason, and intellectual integrity coupled with a need for excessive amounts of intellectual courage and intellectual autonomy that is asymmetric with the absence of appropriate virtues on the part of the dominant in the discourse, who lack intellectual humility, the ability to recognise the salient facts, and to discount irrelevancies, integrity, fairness, and intellectual empathy. Trust is also relevant here. José Angel Gascon (2016) has argued persuasively for the importance of a willingness to trust as a virtue in argument and deliberation.

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[19] New Zealand's Waitangi Tribunal recently undertook an inquiry into Oranga Tamariki's practices of removing babies from mothers. (The Tribunal's role is to hear claims of alleged breaches of te Tiriti o Waitangi, the treaty under which colonial New Zealand was founded.)

Expecting someone who is marginalised to be willing to suspend their distrust of dominant others and to trust that their testimony and point of view will be properly listened to and taken into account is misplaced when seen against a backdrop of a history of marginalisation, oppression, and a distrust of the voices of the marginalised themselves, as evidenced by the gaslighting of testimony of marginalised people's experiences of oppression. As Kate Phillips argues elsewhere in this volume, expectations that the virtue of patience be exercised in inquiry and deliberation also fall disproportionately on the marginalised. As in the cases considered here and in Pohlhaus's paper, those whose agency is already limited by dominant others and by the social, cultural, and political structures within which they live are often expected to exercise patience while dominant others take time to come to understand their lived experiences.

Further, there comes a point where the virtue of tolerance gives out and continuing to exercise tolerance becomes imprudent because of the harm it does to oneself, to those in a similar position, or those who are part of one's community. In order to care for oneself and one's community, the virtuous course can be to withdraw from critical engagement. The notion of responsible inquiry suggests a communal element, a degree of care for the other that can be enacted by not expecting or demanding engagement when that engagement could be harmful in situations of marginalisation.[20]

These discussions also reveal a further way in which theories about what constitutes responsible (virtuous) argumentation need to be understood in a different light if they are to take proper account of power asymmetries. Standardly, features of individuals are not taken to be relevant to the strength of argument. So, taking a virtue-oriented approach to argumentation, we could explain *ad hominem* and related fallacies of relevance as being born out of a lack of an ability to recognise the salient facts and to discount the irrelevant. But as we see here, facts about individuals' marginal-

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[20] In a recent paper, Felipe Oliviera de Sousa (2020) argues that virtue argumentation theories would be enhanced by a fuller recognition of other-regarding virtues. This seems to me of a piece with a broader acknowledgement of the argumentative virtues being enacted in social and often interactive processes.

ised situations and about relationships of power between individuals and between groups can be salient to considerations of expectations of engagement and of the exercise of virtues in argumentation and deliberation. In fact, it becomes irresponsible not to take these facts into account in situations where power asymmetries are present.[21]

I also suggest that in such situations, the enactment of argumentative vices is structural, whereas the expectation of empathetic critical engagement—demands for understanding—come to bear on individuals. Power asymmetries thus take on an additional dimension whereby the marginalised individual is responding to requests that take place within the asymmetric political, social, cultural, and bureaucratic structures that create and perpetuate those asymmetries.

In developing her argument that these types of demands for engagement are themselves a form of epistemic violence, Pohlhaus draws on Maria Lugones's insight that the worlds of the oppressed are lived out within the structures of the worlds of the dominant (Lugones 2003). Cases such as those discussed here—where the critical engagement of the already maginalised is demanded in contexts located within state systems, such as the courts and child protection agencies that help to reinforce and perpetuate that marginalisation—seem readily to exemplify Lugones's insight, as does the way in which they employ the language and concepts that both emerge from and structure those worlds. Responsible engagement, then, requires acknowledgment and sensitive, self-reflexive navigation of those differences.

6. Conclusion

I will end by returning to the question of whether responsible inquiry requires critical engagement with denier discourses or with racist, sexist, homophobic, transphobic, antisemitic, islamaphobic, or other manifestations of bigotry. Terms of engagement that contribute to a better understanding of why a position is bigoted

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[21] Of course, on taking them into account, it may turn out that in any particular situation they do not give cause to withdraw from or refrain from pursuing critical engagement.

and wrong are useful and contribute to argumentative and ethical goals. Similarly, engagement that contributes to a better understanding of how and why someone might have arrived at a position such as this, a move I have referred to as "meta-engagement," could contribute to those goals by helping us to better understand the arguer themselves. But terms of engagement that presume an over-extension of virtues such as open-mindedness, tolerance, inquisitiveness and fairness that would have us debate racist claims as though there really were two sides at stake or have us engage with a denier as though the burden of proof sat with us rather than with them—as though we could "agree to disagree"—risk argumentative harm. While such debates may share superficial similarities with critical thinking, they make no genuine contribution to achieving the ends associated with the critical spirit. [22]

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