

Argumentative Injustice

PATRICK BONDY

*Department of Philosophy
McMaster University
1280 Main St. W.
Hamilton, ON
L8S 4L8
Email: bondypr@mcmaster.ca*

Abstract: The aim of this paper is to adapt Miranda Fricker's concept of testimonial injustice to cases of what I call "argumentative injustice": those cases where an arguer's social identity brings listeners to place too much or little credibility in an argument. My recommendation is to adopt a stance of "metadistrust"—we ought to distrust our inclinations to trust or distrust members of stereotyped groups.

Resumé: Le but de cet article est d'adapter le concept de témoignage injuste de Miranda Fricker à des cas que j'appelle "injustice argumentative": des cas où l'identité sociale d'un raisonneur amène ses auditeurs à accorder soit trop ou soit peu de crédibilité à ses arguments. Ma recommandation est d'adopter une position de «méta-méfiance»—nous devons nous méfier de nos inclinations à la confiance ou à la méfiance envers les membres de groupes stéréotypés.

Keywords: argument, emotion, emotional skewers, manifest rationality, metadistrust, prejudice, testimonial injustice

1. Introduction

The purpose of this paper is to begin to develop an account of what I am calling argumentative injustice. Argumentative injustice is an analogue of Miranda Fricker's (2007) concept of testimonial injustice, where an individual's testimony is given less credibility than it ought, due to a negative identity prejudice attaching to the speaker, in the mind of the hearer. What I am interested in is the phenomenon of attaching reduced or excessive credibility to the premises of an argument, or to the strength with which an argument's premises support its conclusion, due to an identity prejudice attaching to the arguer, in the minds of the audience.

First of all, it is widely accepted that the evaluation of arguments ought generally to be carried out without reference to the person who presents the argument, except in cases where a premise, or an inference from accepted premises, is put forward on the basis of the arguer's say-so, because the force of the reasons offered ought to be all that determines the outcome of arguments.

However, when identity prejudices cause reduced or excessive credibility judgments, reasons can fail to have the rational force that they ought. If elements in an argument do rely on an arguer's credibility, identity prejudices can skew the correct evaluation of those aspects of the argument; if no elements in an argument rely on the arguer's credibility, identity prejudices can still skew the evaluation, by introducing judgments of credibility where they are irrelevant. Examples of argumentative injustice are easy enough to come by: think of court cases where the accused is a member of some stigmatized group, and nobody believes him because of that.¹ Consider also the practice of anonymous refereeing: the purpose of this practice is precisely to keep referees from basing their evaluations of the arguments at hand on what they know (or think they know) of an author.²

After developing the concept of argumentative injustice in the next section, I go on to propose a way to deal with it, which is for arguers to adopt a stance of "metadistrust," a distrust of their own inclinations to trust or doubt people. I imagine that this policy can be incorporated into most theories of argument, and I argue that it has a natural place within Ralph Johnson's (2000) theoretical framework, where argumentation is understood as an exercise in manifest rationality. Briefly, my proposal fits naturally in that theoretical framework, because argumentative injustice undermines the orientation toward rationality of an argumentative exchange—the force of reasons is no longer determining the outcome of the exchange—and the policy I advocate brings the exchange back toward rationality again.

I begin this paper by unpacking the concept of argumentative injustice, highlighting some similarities to and differences from Fricker's concept of testimonial injustice. After that, I explain what I mean by "metadistrust" and how the policy is supposed to help us deal with cases of argumentative injustice. I go on to argue that argumentative injustice and the policy I propose to deal with it have a natural place in the conception of argumentation as an exercise in manifest rationality, and I conclude by clarifying and distancing my position from some possible ways to misinterpret what I am up to in this paper.

2. The Concept of Argumentative injustice

Perhaps the easiest way to make it plain just what I mean by "argumentative injustice" is by contrasting it with Fricker's concept

¹ Fricker uses this kind of case as an example of *testimonial* injustice, and she is right to do so, but it can also be a case of *argumentative* injustice when the testimony is given as a premise in court-room deliberation.

² I owe this example to an anonymous referee.

of testimonial injustice. Testimonial injustice is a type of epistemic injustice, where “epistemic injustice” is understood as harm done to an individual specifically in her capacity as a knower (Fricker 2007, p. 1). Testimonial injustice involves the unwarranted denial of an individual’s credibility, which lowers a person’s status in the community of knowers, preventing her from communicating knowledge that she has; it can deny her the particular piece of knowledge at hand, by causing her to doubt her own credibility; and repeated testimonial injustices can undermine an individual’s confidence in her own ability to report truths, thereby damaging her capacity to generate knowledge in situations where she otherwise would. In these ways, individuals can be harmed just insofar as they are epistemic agents.

The central case of testimonial injustice is where there is a systematic, identity-prejudicial credibility deficit (Fricker 2007, p.28). It is always a credibility *deficit*, for Fricker, and never an excess, because, although there certainly can be identity-prejudicial credibility excesses, a credibility excess tends in general to work in *favour* of the individual to whom the excess is granted, rather than harming her (except in the very long run, if the credibility excess is systematic, because it could cause her to be overconfident and to make rash judgments). It would therefore be a stretch to call that an injustice to her.

The credibility deficit involved in a central case of testimonial injustice is also understood to be identity-prejudicial—that is, it occurs as a result of a prejudice against a person because of her identity as a member of a social group. Essential, now, is that the prejudice is the result of *false* social stereotypes. We all employ social stereotypes very frequently, and we are not always at fault in doing so; we must employ them in order to engage in effective real-time interaction with people, and to decide whether or not to believe what we are told. For example, that insurance salespeople are often not to be trusted very far, that news reporters usually are reliable with respect to particular facts about what is reported, and that doctors are to be trusted in matters of health, are all useful social stereotypes that most people in our society employ.

The employment of social stereotypes is a useful heuristic, as long as the stereotypes embody true generalizations. False stereotypes become misleading, and they do not serve their proper function. But even the employment of false stereotypes is not by itself enough to generate testimonial *injustice*; the stereotypes must also be adhered to in some epistemically culpable way. If the perpetrator has not done anything that she can be blamed for, it is hardly appropriate to call her action an injustice; it is, rather, an innocent mistake. But when a stereotype is adhered to in the face of contrary evidence (or at least, in the absence of confirming evidence), then the stereotype is prejudicial. These are the

stereotypes that generate identity prejudice.

Like testimonial injustice, argumentative injustice is the result of epistemically culpable stereotypes. But, first of all, argumentative injustices harm individuals in their capacity as *arguers*, rather than as *knowers*. Of course, much of what we know comes to us through arguments, so our capacity as arguers often has a bearing on our capacity as knowers. What I am up to here is giving an account of the direct harm caused to us just insofar as we are arguers, but we should bear in mind that one can be harmed in one's capacity as a knower by virtue of being harmed in one's capacity as an arguer.

If we take up the view of arguments as manifest rationality, as I propose to do here, then harm to people in their capacity as arguers is harm to them in their capacity as people capable of employing and criticizing reasons in order to persuade each other of truths. Granting too little credibility to an argument harms those involved in the argumentative exchange, qua arguers, in at least three ways. First of all, it undermines the rationality of the endeavour, so that the force of reasons does not determine the outcome, and the arguers are deprived of what they are striving for, which is a rational outcome. Second, it can distort an arguer's status in the community of arguers, if the prejudice is such that people take him to be unable to argue well. He would thereby be prevented from being engaged in argument by others. And third, if repeated enough, credibility deficits can damage the ability of the person to whom the prejudice attaches to engage productively in arguments, by undermining the way that he thinks of himself as an arguer—if people treat him as an inferior arguer, he may come to believe it, and if he thinks of himself as an inferior arguer, he is likely to simply not offer arguments when it is appropriate to do so.³

A further difference between testimonial and argumentative injustice is that, whereas “testimonial injustice” is a term reserved only for cases of credibility *deficit*, argumentative injustice occurs equally in cases of credibility *excess*. Fricker's reason for withholding the application of “testimonial injustice” from credibility excess is that such excesses do no harm to the individual in question in her capacity as a knower (except perhaps in the very long run), so it is not an injustice to *her*; and furthermore, she is not being allotted more than her fair share of a good (credibility is not a

³ The last two points, by the way, tend to reinforce each other: if a person views himself as an inferior arguer, there is a good chance that he will not produce arguments at all, or that if he does, he will not put in a good effort. The initial prejudice will then be confirmed in people's minds. That confirmed prejudice can then further lower a person's self-perception as an arguer. (See Nancy Daukas's (2006) discussion of the feedback loop involved in stereotype-based practices of epistemic exclusion.)

good that can run short if some people receive more than their fair share), so there is no injustice done to others either (2007, pp. 19–20). However, credibility excesses *can* harm an individual in her capacity as an *arguer*, in each of the three ways that credibility deficits can harm her: (1) They can derail the rationality of an argumentative exchange—granting too much credibility to an argument prevents the force of the better reasons from determining the outcome of the exchange. (2) They can distort a person’s self-perception as an arguer, by making her think that she is a better arguer than others, preventing her from seeking to engage others in arguments (or else, when she does engage them in arguments, not granting *their* arguments the credibility that they deserve). And finally, 3) they can also distort other people’s perception of her as an arguer, by placing her on a pedestal in their eyes, and preventing them from seeking to engage her in arguments. In these ways, credibility excesses can harm an individual *qua* arguer.

Another important feature to notice about argumentative injustice is that it can apply both to the credibility attaching to the premises of an argument, as well as to the strength with which the premises support their conclusion. The easiest way to put the point is in terms of the inference-warrant involved in an argument (see Toulmin 2003): when an arguer puts forward a claim and a set of reasons in support of that claim, there is always either an implicit or explicit appeal to an inference-warrant, a claim to the effect that from the sorts of reasons offered, conclusions of the kind at hand may be drawn. Warrants may be challenged, in which case some backing must be offered in support of the warrant. An audience might refuse to accept a warrant when it ought to do so, though, and it might also accept a warrant when it ought not to do so – and if that refusal or acceptance is due to an epistemically culpable stereotype, then it is a case of argumentative injustice. For example, if I attend a lecture given by a brilliant professor, and it appears to me as though he has drawn an unwarranted conclusion from the data adduced in support of it, I might be tempted to simply take his word that the conclusion really does follow.

To sum up what we have so far: argumentative injustice is much like testimonial injustice, except that it occurs in the context of arguments, rather than testimony, and it can occur when an arguer is given too much credibility, as well as when she is given too little. Now, Fricker makes it clear that her concern is not limited only to cases of testimonial exchange. She writes, for example, that “Prejudicial credibility deficit can, after all, occur when a speaker simply expresses a personal opinion to a hearer, or airs a value judgment, or tries out a new idea or hypothesis on a given audience” (2007, p. 60). The concept of argumentative injustice is distinct from that of testimonial injustice, but they are related concepts, and the concerns that motivate an interest in the

development of the concept of testimonial injustice also motivate the development of the concept of argumentative injustice.

At this point, it is worth remarking on the relation between argument and testimony. Testimony can of course occur in arguments, as when a witness gives testimony that a jury then takes into its deliberations. Arguments can also occur in testimony, as when a witness gives reasons for some of her claims as part of a body of testimony that she is providing. But not all testimony occurs as part of an argument: when someone gives a eulogy at a funeral, she will typically give testimony regarding the deceased's qualities, but that need not be part of an argument; typically, eulogies are intended to display a person's character, and to give comfort to those who are grieving. Neither does all argument contain testimony: Socrates, for example, typically argues based only on concessions made by his interlocutors. So some, but not all, arguments contain testimony, just as some, but not all, testimony contains arguments.

A helpful way to think about the relation between argument and testimony is by analogy with the distinction that Goldman (1999, pp. 23-25) makes between the strong and weak senses of "knowledge." In the weak sense, a subject *S* knows that *p* when *S* believes that *p*, and *p* is true. In the strong sense, *S* must, in addition to believing a true proposition *p*, also be justified in believing *p*. Arguments, like "knowledge" in the strong sense, are essentially bound up with providing reasons for a claim, and they are good when the reasons offered provide adequate support for the conclusion.⁴ Testimony, like "knowledge" in the weak sense, is good or bad depending mainly on whether the claim (or set of claims) at hand is true or not. There is no essential reference to an adequate rational foundation for the testimony in order for it to be good. That difference between argument and testimony is the reason why credibility excesses are a problem for arguments in a way that they are not a problem for testimony: credibility excesses undermine the rationality of an argumentative exchange, by undermining the force of the better reasons. The force of the better reasons is not an issue in the case of testimony (unless, of course, it is testimony that involves argument), though, because testimony need not involve the giving of reasons at all, so credibility excesses do not cause the problems for testimony that they do for arguments, where the force of reasons is exactly what ought to hold sway.

Returning our attention to the features of argumentative injustice, a final point to note is that it can operate without the awareness of the one who is committing it, since prejudices are

⁴ However, unlike "knowledge" in either sense of the term, the conclusion of an argument need not be true in order for the argument to be good. Just about everyone agrees that there can be good arguments for false propositions.

stubborn, and often subtle. Even people who *want* to be non-prejudiced may have prejudicial reactions to certain social groups (see Miller 2006, p. 25). Now, the real-time evaluation of premises and premise-conclusion support is generally made quickly, and it is often, in the first instance, guided by our gut reactions. Since prejudices can operate in us without our knowledge, or sometimes with our knowledge but without our consent, and they generally cause emotional reactions, the snap judgments of credibility that we have to make that are prompted by a feeling of satisfaction or dissatisfaction are susceptible to distortion by our prejudices.

None of that is to say that I am defending the legitimacy of *appeals* to emotion in arguments here. Such appeals may or may not be legitimate, but they typically occur as premises in arguments, and that is not the kind of role that emotions are playing in the treatment I am giving. Rather, what I have in mind is analogous to Paul Thagard's take on the role of emotion in abductive inference. His view is that we evaluate the relative plausibility of competing explanatory hypotheses by gauging the feeling of happiness that comes over us when we consider each hypothesis, which can be a reliable indicator of multiple constraint-satisfaction by neural networks in our brains, indicating the coherence of the hypothesis with what else we know and with the data to be explained (Thagard 2006, pp. 254-256). A problem that Thagard points out, though, is that the feelings that we have in reaction to the explanatory hypotheses can be subject to "emotional skewers," factors that cause emotional reactions when they are not warranted (such as the desire to come up with a novel theory and acquire fame, for instance, which can skew researchers' evaluations of their theories in light of the available data).

The analogue of Thagard's view in the context of this paper is that emotional reactions to premises and their alleged support for their conclusions often serve as indicators of when to accept or to challenge arguments. Where there is a feeling of dissatisfaction, we will be inclined to challenge the argument, and we will try to think of reasons why the argument is unsatisfactory; when there is a feeling of satisfaction (or perhaps a mere absence of dissatisfaction), we will not—and identity-prejudice can act as an emotional skewer that we must be on guard against.

Of course, we do not always rely on these emotional reactions to gauge arguments; when we are aware of empirical research that confirms an argument's premises, or when we can see that an argument's premises are inconsistent, for example, then that is what our judgments about the argument will rest on. But when we are not immediately aware of such reasons, our emotional reactions become a factor, and they can be skewed.

It is also important to bear in mind that emotional reactions can often persist in the face of reasons not to trust them—for years I

was afraid of flying despite the fact that I knew that air travel is safer than travelling by car, for example. For this reason, it is especially important to be on guard against our false prejudices and the emotional reactions that they promote.

There are policies that arguers who are likely to be victims of argumentative injustice can adopt to increase the likelihood that their arguments will be granted the amount of credibility that they deserve. If an arguer fears that her arguments will be given too little credibility, she can preface her argument with a quick reference to her credentials;⁵ if she fears that people will refuse to criticize her arguments due to an inflated estimation of her credibility, she can conclude her arguments with a reminder that she is fallible, and an appeal to the audience to engage the arguments critically.

I am concerned primarily with what the audience can do to reduce the incidence of argumentative injustice, though, because it is primarily the audience that is responsible for committing the injustices. The first thing for us to do, as sincere audiences who want to avoid causing argumentative injustice, is to attempt to identify the identity prejudices that we have. If we are going to be able to deal with them, first we have to know what they are. Now, I know of no systematic way to go about the task of identifying the prejudices that each of us have, but formal education seems to be a good first line of defense against our epistemically culpable prejudices. The inclusion of a section in informal logic and critical thinking courses on prejudice is therefore advisable for the purpose of creating better audiences. Granted, education is not foolproof as a way to identify our prejudices: many people do not receive critical thinking education, and even for those who do, education is not always effective. Still, many students do receive a critical thinking education, especially given the recent trend of promoting critical thinking education in universities. A section of our critical thinking courses on the identification of prejudices within each of us might go a long way toward making better audiences. That will help people to maintain a self-critical outlook, which is especially

important when dealing with people who are members of social groups to whom identity prejudices tend to apply.

3. Metadistrust

⁵ That might admittedly not be enough to counteract the more subtle ways that unjustified discrimination manifests itself; the promotion of a general awareness of the ways that we subtly discriminate against people will also be necessary for dealing with that (although, in a particular argumentative situation, people's background awareness is already a given, and there might be no way for an arguer to completely counter the injustice).

Once aware of our prejudices, the task is then to deal with them—knowing that we have certain prejudices is a good first step, but that knowledge is not enough to counteract them. The solution I am proposing is to adopt a policy of “metadistrust.” I want to stay away from a direct kind of affirmative-action policy of attaching “bonus points” in the evaluation of arguments put forward by individuals against whom we have negative identity-prejudices (in the same way that hiring committees at some institutions add bonus points in the consideration of applications for jobs from members of disadvantaged social groups). That strategy cannot work, for one thing, because it relies on a conception of argumentative injustice as always involving a credibility *deficit*: adding “bonus points” in the evaluation of an argument only makes sense when we have unjustly *reduced* the credibility that we place in an argument. Argumentative injustice is broader than that, though, as it encompasses credibility excesses as well. Now, we might try modifying the policy, so that when arguing with people against whom we have a negative identity prejudice, we would inflate our evaluation of their arguments, and when arguing with people in favour of whom we have a positive identity prejudice, we would decrease the credibility that we place in their arguments.

But even that modified policy is not a good solution. The notion of adding and subtracting points in the evaluation of the goodness of an argument rests on an implausible view of how we actually engage with arguments. I am not aware of any theory of argument appraisal involving the adding and subtracting of points in order to determine whether an argument is a good one.⁶ Not only is the notion of quantifying reasons in that way conceptually awkward, but it also requires that we know how badly our evaluation of a given argument has been skewed, so that we can inflate or decrease our appraisal of it appropriately. But if we know how badly our evaluation of an argument is skewed, then we know the initial worth of the argument, and giving a skewed evaluation of the argument would be merely acting in bad faith, which is best corrected by candour and honesty with oneself. So the only kind of

case where a “bonus points” policy would be applicable is one in which it is unhelpful.

I am also not convinced that the kind of affirmative-action policy that Louise Antony briefly suggests, in the context of judgments of the credibility of anomalous claims put forward by

⁶ We do sometimes draw up “pro and con” lists when we weigh courses of action, but only in order to have a clear picture of the important things to consider, rather than for the purpose of doing a tally of the considerations on each side. One very important “pro” can outweigh many “cons,” and vice-versa.

people from stereotyped groups, is appropriate. The idea is that men (or people from privileged groups) should “adopt the *working hypothesis* that when a woman, or any member of a stereotyped group, says something anomalous, they should assume that it’s *they* who don’t understand, not that it is the woman who is nuts” (1995, p. 89, author’s emphasis).

Now, it is not immediately obvious whether Antony intends the policy to be that people from privileged groups ought to adopt only a *working hypothesis* that they are mistaken when confronted with anomalous claims put forward by people from disadvantaged social groups, or whether they ought to *assume* that they are mistaken. If she is suggesting the former, then the policy is to tentatively work from the hypothesis that they are mistaken, and to be very open to changing their minds in light of further evidence. That kind of policy is similar to (although still a bit stronger than) what I propose in this paper for dealing with argumentative injustice.

If, on the other hand, she is suggesting that people from privileged groups ought to *assume* that they are mistaken in cases involving anomalous claims from members of disadvantaged groups, then the policy is far too strong. An assumption is something that is taken to be true, until it is shown to be false (or at least implausible). Transporting that kind of policy into the context of argumentative injustice, we would have something like the following: when an argument put forward by a member of a negatively stereotyped group comes across to us as weak, or when a member of a positively stereotyped group comes across to us as strong, we should assume that our evaluation of the argument is at fault.

That kind of policy places too much trust in members of negatively stereotyped groups, and too little trust in members of positively stereotyped groups. What we want is not to *reverse* the effect of argumentative injustice; as Fricker puts it (in the context of her discussion of testimonial injustice): “the virtuous hearer *neutralizes the impact of prejudice in her credibility judgments*” (2007, p. 92, author’s emphasis). *Neutralizing*, not *reversing*, injustice is the goal. Reading Antony’s policy as involving an *assumption*, it reverses rather than neutralizes the injustice, and an injustice will still remain after the initial injustice is reversed.

The policy that I propose here is cast in terms of “metadistrust,” or self-doubt regarding our credibility judgments, both in order to stay clear of the implausible kinds of affirmative-action policy, and because that way, the goal of neutralizing credibility deficits and excesses is most clearly incorporated into the policy. I propose to adapt the policy that Karen Jones puts forward for the purpose of dealing with astonishing claims, to the purpose of dealing with argumentative injustice. Jones proposes

that we “Let the presumption against believing an apparently astonishing report or believing an apparently untrustworthy witness be rebutted when it is reasonable to distrust one’s own distrust or judgments of implausibility” (Jones 2002, p.162). That does not mean that we ought to *trust* people from negatively stereotyped groups; it means only that we ought to distrust our initial credibility judgments. Sometimes trust will be warranted; sometimes suspension of belief will be warranted; and sometimes further inquiry will be required. Sometimes, in the end, distrust will turn out to be what the situation warrants.

The picture of argumentation that I am working with is that our real-time engagement with arguments relies in part on our emotional responses. By and large, that emotional aspect of how we engage with arguments is a useful heuristic tool, so that we do not have to search for reasons for and against every claim that is made in order to determine whether it is reasonable to believe or not. In cases where a negative emotional reaction comes up, that is a reason (defeasible, of course) not to accept some part of the argument. But when we are engaged in arguments with people against or in favour of whom we have a prejudice, that heuristic can easily malfunction, and those emotional reactions can be misleading. In such cases, we ought to adopt a policy of metadistrust—we ought not to trust our own credibility judgments or our tendencies to trust or to distrust.

I propose to adapt Jones’s policy of metadistrust to the context of argumentative injustice, as follows:

1. *In cases of negative identity-prejudice*: when we have a negative emotional response, we ought not to trust it, but to search for reasons against the aspect of the argument that raises our suspicions. If we can find such reasons, then we have grounds to challenge the argument. If we can find no such reasons, then we ought to accept the argument, despite the emotional reaction.
2. *In cases of positive identity prejudice*: when we have a positive emotional response, we ought not to trust it, but to search for reasons in favour of the aspect of the argument that we found satisfying. If we can find such reasons, then the argument may be accepted. If we can find no such reasons, then we ought to require further reasons in support.

In other words, the first part of this policy is to place the burden of proof on the audience to come up with good reasons to doubt what an arguer says, when it has an identity-prejudice against him. The second part of the policy is to keep the burden of proof firmly on the arguer, when the audience has an identity-prejudice in his favour, and to demand reasons in support of the aspects of the

argument for which the audience cannot find good reasons on its own. So, in effect, when there is likely to be a false, epistemically culpable identity prejudice present, the policy reverses the normal course that we would pursue when we have a gut response to an argument. If that means that our real-time interaction with arguments in such cases is slowed, that is an acceptable price to pay for a more rational engagement with arguments.

4. Argumentative Injustice and Manifest Rationality

I have framed the problem of argumentative injustice as a distortion of the correct functioning of emotional responses, as indicators of when to accept or reject premises or premise-conclusion links in arguments. Formulated that way, it seems to me that most current theories of argument can take it into account without much difficulty. Since I characterize the kind of failure that occurs in argumentative injustice as that of a tool failing to perform the function that it has in the service of our rational engagement with arguments, though, it seems to fit most naturally with a theory of argument such as Johnson's (2000), where argumentation is characterized as an exercise in manifest rationality. Johnson views arguments as intellectual products, put forward by arguers in order to rationally persuade an audience (*ibid.*, p. 24). He also takes arguments to be essentially social and dynamic in character, so that there is always an Other, a critic, whom the arguer is trying to persuade, and whose criticism is sought and responded to, in order to make a more rational product, and to increase the likelihood of arriving at a true conclusion (*ibid.*, pp. 156-157). The distinguishing characteristic of argumentation, on this view, is that it is manifestly rational: it must be a rational product, and it must also appear to be rational, both to the participants in the exchange and to those interested in the issue (*ibid.*, 2000, p. 144).

In a case of argumentative injustice, what is happening is that the rationality of the enterprise is undermined: the force of reasons is no longer determining the outcome. The view that emotional reactions to arguments are useful heuristics that help us identify when an argument is acceptable is consistent with a view of arguments as thoroughly rational products; in fact, emotional reactions are useful tools that help arguments get off the ground. Rationality requires that some elements in an argument go undefended, or else we are off on an infinite regress of supporting reasons, and no argument could ever succeed; emotional reactions can help us to identify when undefended elements in arguments can be accepted, and when further supporting reasons are required, without loss of rationality. But when there are identity prejudices at work, they can throw off the emotional reaction that we have to a

given argument. The policy that I advocate is, in such cases, not to trust the emotional reaction, but to search for reasons in support or denial of the elements of the argument that generated the reaction. The intended effect of that policy is to undercut the distorting effect of the prejudice, and bring the argumentative exchange back toward rationality.

Now, I expect that, because I cast emotional reactions to arguments as a useful tool that we employ in the service of the rational evaluation of arguments, the objection that an emotional reaction just is not a rational thing will suggest itself. Emotions are not reliable trackers of truth, the objection goes, so emotional reactions in a truth-oriented enterprise are bound to be suspect. By way of response, let me pick up on a remark in Johnson and Blair (2006, pp. 190-191): reasons and emotions often work together, and emotional reactions are often rational. It is rational, they point out, if you are walking down a street and hear gunshots, to feel fear. That feeling of fear puts you on edge and readies you to respond, perhaps by fleeing. Or again, consider Jaggar's (1989) view, that emotions have intentional content, and involve judgments about situations. Being angry about having my toe stepped on, for example, involves the judgments that someone stepped on my toe, that that person was able to avoid doing so, and that people ought to avoid stepping on others' toes. So: if emotions do have this kind of intentional content, then emotional reactions can clearly be subject to rational appraisal, and the emotional reactions of moderately competent agents will likely track truth with a fair degree of reliability. And, given that the series of supporting reasons for claims made in arguments must come to an end somewhere, it seems reasonable to ground that series at least sometimes in our emotional reactions, which can serve as defeasible indicators of the acceptability of claims.

Before concluding, I want to clarify some possible misunderstandings of what I am up to here. First, I am not trying to introduce the kind of psychologism that Peirce (1998) complains so forcefully about, where the validity of arguments is reduced to the feeling of logicity that we have when we see a good inference. My claim is only that emotional reactions are defeasible *indicators*

of the rationality of aspects of arguments, not that the rationality of the arguments *reduces* to those emotional reactions.

Second, it might appear that I am only describing a phenomenon that is already adequately captured under the heading of "ad hominem," especially the variety of ad hominem known as "poisoning the well," where a person makes a claim about an arguer's motives or circumstances, in order to make the audience suspicious of anything the arguer might say. Or it might appear that argumentative injustice is really just the fallacy of provincialism,

which is the fallacy of placing too much trust in people from our own social groups, and too little trust in people from other groups (see Kahane 1984, pp. 71-73).

However, argumentative injustice is unlike these kinds of fallacies. First, argumentative injustice does not always involve negative prejudices; it can involve positive ones as well, whereas poisoning the well is always negative. Furthermore, argumentative injustices can be committed against people from our own social groups as well as against people from other groups, because we can have both positive and negative prejudices regarding both people from our own social groups and people from other social groups. It is therefore not the same as the fallacy of provincialism.

I would like to emphasize one final point before concluding: I do not intend to criticize the use of stereotypes altogether. As I indicate above (§2), the use of stereotypes is a useful and legitimate tool for discriminating whom we ought to pay attention to, what kinds of media to peruse, etc. I am not suggesting that we ought to eliminate their use altogether. False, epistemically culpable stereotypes—those that are not supported by the available evidence—are the ones that must be neutralized, and they are the focus of the discussion in this paper.

5. Conclusion

Argumentative injustice is a problem, I take it, and to my knowledge, it has not been treated yet in the literature. What I have tried to do in this paper is to work out an account of its nature, and to develop a policy to help sincere arguers to deal with it. One consequence of a widespread adoption of that policy is a contribution to the undermining of certain kinds of social injustice, since people from disadvantaged social groups will have a greater chance to have their arguments fairly heard, which will allow them a fuller participation in the rational community. As instances of argumentative injustice grow fewer and fewer, so too will cases of social injustice that spring from placing too much or too little credibility in the arguments that people make due to their social identity.

I am inclined to doubt that argumentative injustice can be eliminated altogether, though, because it is a distortion of a good thing (the application of true, useful, epistemically responsible social stereotypes), and it is a distortion that will be difficult to keep from cropping up from time to time. Hanrahan and Antony (2005) present a convincing case to the effect that authority, although unjust when the conditions of legitimate authority are not met, is a good thing when those conditions are met, and so authority ought not to be objected to in all of its forms. Social stereotypes are analogous to authority, in that they are each good

when they meet their conditions of legitimacy, and in that each gives rise to an injustice when those conditions are violated. The two are disanalogous, though, in that the conditions of legitimate authority can to a great extent be publicly enforced, whereas the conditions for the proper application of social stereotypes cannot be publicly enforced at all, beyond the punishing of overt violence to which negative stereotypes can sometimes give rise. (And even if it is possible to enforce the proper application of stereotypes, it is not clear that it would be a good policy to do so, as it would likely involve an extreme invasion of people's privacy and infringement on their freedom of thought.) I am therefore sceptical about the possibility of eliminating argumentative injustice altogether. We can reduce it, though, if we are vigilant in monitoring ourselves.

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