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Asking before Arguing? Consent in Argumentation.

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Abstract

Arguments involve, at minimum, attempts at presenting something that an audience will take to be a reason. Reasons, once understood, affect an addressee's beliefs in ways that are in some significant sense outside of their direct voluntary control. Since such changes may impact the well-being, life projects, or sense of self of the addressee, they risk infringing upon their autonomy. We call this the "autonomy worry" of argumentation. In light of this worry, this paper asks whether one ought to seek an addressee's consent before arguing with them. We first consider the view that arguing of any sort and on any topic requires consent. However, such a view is extreme, and we reject the general requirement of consent because argument contains its own internal permission structure. We find, however, that this permission structure is not always operative, and that consent may nonetheless be morally required in certain kinds of cases.

Keywords: Argumentation, Autonomy, Consent, Doxastic Voluntarism

1. Argument, Autonomy and Consent: Mind If I Change Your Mind?

Should we, all things equal, ask for consent before we argue? This may seem a strange question. After all, we are generally only required to ask for consent when we are about to do something that risks jeopardizing someone else's autonomy. Consent is the moral magic that turns impermissible actions permissible by giving those on whom we act control over whether the action takes place, allowing us to act without infringing on their right to steer their life according to their own assessment of their reasons (Hurd, 1996). But at least according to the conception of autonomy as a right to self-government that we adopt for this paper, we do not have to ask for consent whenever we do *anything* that may impact another. This would only be required if there was an autonomy-based, unconstrained right to non-interference and that would result in the absurd situation in which human beings cannot interact with each other at all because every interaction impacts someone in some way (compare Buss & Westlund, 2018). By contrast, a right to autonomy as self-governance results only in a constrained right to non-interference: Namely, in the right that others may not use force in a way that will arbitrarily interfere with a person's attempts

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at self-governance according to her own assessment of her reasons.¹ So, for example, if I operate on you without your consent, then (all things equal) I am severely infringing on your autonomy because your ability to self-govern depends on you being able to decide on the more momentous things that may happen to your body. But tapping you on the shoulder (usually) does not infringe on your autonomy because it will not interfere with this ability.² Operating on you without your permission is therefore *pro tanto* impermissible in a way that tapping you on the shoulder is not. However, should you grant consent to be operated on, then it is you who decides what happens to your body, even if I am still the one who wields the knife. As Hurd puts it, “consent turns a trespass into a dinner party; a battery into a handshake; a theft into a gift; an invasion of privacy into an intimate moment; a commercial appropriation of name and likeness into a biography.” (123)

It may seem obvious that at least good-faith arguing is not like operating, and not in need of consent. In circles engaged in the research of argument, such as argumentation theory (e.g. Godden, 2021a; Govier, 1999) and deliberative democracy (e.g. Gutmann & Thompson, 2004; Habermas, 1994), the consensus seems to be that arguing with someone *is* respecting their autonomy. By submitting my reasons to your appraisal, I respect your status as a being who steers their life according to how they assess reasons, including the ones I have to offer. And a key motivation of the critical thinking movement is that the practice of argument gives us more control over shaping our environment and so is essential for realizing ourselves as fully-formed, autonomous people (Winch, 2006). It’s not for nothing that

¹ We should note that a use of force to undermine or make futile someone else’s attempts at self-governance is non-arbitrary if it is justified by sufficiently strong moral reasons, concerning for example the well-being of others. This means that the autonomy-based reasons for asking for consent before arguing that we may identify in this paper are always only *pro tanto* reasons, capable of being outweighed

² We agree that it is difficult to draw a bright line between actions that interfere with autonomy as self-governance and actions that do not. There are easy cases like operating (interferes) and tapping on the shoulder (does not interfere), but there is also a penumbra of hard cases where it is not clear whether acting without asking for consent interferes with autonomy. We do not think that this shows a problem with the conception of autonomy as self-governance as much as reflects the complex and context-dependent way in which moral reasons apply to us.

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critical thinking courses occupy a central place in university curricula today (Baron, 1993; Hitchcock, 2020). The idea is that we need to be trained in the art of argument to protect ourselves from bad arguments and safely benefit from the autonomy-enhancing effects of the good ones (Johnson and Blair (1983) call informal logic the art of self-defense).

In light of all this, it may seem surprising that one would suggest that unconsented-to arguing *itself* may constitute an autonomy-infringement and that asking for consent before arguing may be necessary. But argumentation has been attacked as morally dubious based on what we want to call the “autonomy worry” of argumentation (Foss & Griffin, 1995; Fulkerson, 1996; Gearhart, 1979; Nozick, 1981). We think that there is an argument for it that is worth discussing.

The worry arises because arguing involves the attempt to bring about, alter, or maintain someone else’s mental states through the application of persuasive force (Casey, 2020). This is so because arguing involves presenting purported reasons; communicating in a way meant to cause another to perceive a reason. Doing so exerts a “force” because at bottom we do not have direct, voluntary control over the causal effects that perceived reasons may have on us. We do not, in other words, have direct voluntary control over our beliefs. This is the thesis of doxastic involuntarism.³ Beliefs are something that happen to us, or come about in us based on input, rather than something that we deliberately choose or directly control. If someone wants to operate on me without my consent, I can run away (provided I’m not restrained), but I can’t will myself to believe that I need the operation (when I believe I don’t) or change my belief that it will hurt by a sheer act of will.

³See (Alston, 1988) for an argument for a defense of doxastic involuntarism.

It should be noted that on many conceptions of argument—such as Walton’s or Pragma-dialectics—arguments aim at *commitments* which are (roughly) speech acts and “not anything psychological.” (Walton & Krabbe, 1995). As discussed in Casey (Casey, 2020, 2022), commitments are nonetheless subject to logical rules independent of the bearer. So, though not involuntary mental states like beliefs, they are nonetheless for the most part involuntarily acquired, maintained, intensified, extinguished and so on.

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The thesis of doxastic involuntarism ought not be misunderstood. By endorsing it, we do not mean to assert that we have *no* control at all over our beliefs. That would be silly, because we obviously have *some* control (you are reading this paper, presumably in order to impact your beliefs, for example). What we mean is that we do not have *direct* voluntary control over our beliefs; we cannot simply choose to have *specific* beliefs. Beliefs come about as a causal consequence of evidence, which is to say reasons. We can impact them at most indirectly, by attempting to influence the kind of input we receive. But, and this is the point we are trying to make about arguing, others can do this too. And my presenting an argument to you means that I am attempting to do something to your beliefs, alter something about you, or otherwise to make it so that you are a certain way (say, in continued agreement with me and disagreement with someone else, among other things).⁴

Doxastic involuntarism creates an important asymmetry between between arguer and addressee. Imagine, first, that you are the addressee. Once you have engaged with the argument, its effects are out of your direct control. You can neither determine directly whether it will cause you to perceive a reason, nor what that perceived reason will do to you. And given that simply perceiving and understanding what you have perceived is enough to engage, your control over *whether* you engage is spotty too. If the argument comes at you without giving you a meaningful chance at making an informed decision whether to engage, you may just have to suffer the consequences.

Things look different if you are the arguer. Then you have *a lot* of control. At least usually, your giving someone else an argument results from your *choices* to present it, to this person, now, in this way, with these (purported) reasons. Many of these choices can impact whether your addressee gets a chance to decide about engaging. Often, you can choose your moment so that your addressee has

⁴ This happens even if you argue motivated only by some other goal than to persuade. Say, you present an argument *only* because you want to hear another's feedback, with no interest in getting *them* to believe or accept anything. Still, you aim a purported reason at them, so to say, and the rest follows.

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engaged with the argument before they even know what is happening. If you do this, you have autonomously decided to aim directed, persuasive force at someone else when and how you think it appropriate, independent of their will, and this force then operates on them, also independent of their will.

Here, then, we have the first ingredient of an infringement on the autonomy-right to self-governance: The use of force on someone else, independent of their will and out of their control.⁵ But according to our conception of autonomy, more is needed. So we need to ask: Does the use of persuasive force undermine or make futile the addressee's attempts at steering their life according to their own assessment of their reasons? The answer is that there is always a risk it will.

Consider: Our beliefs are a central feature of our identity and they have an enormous impact on our actions and consequently our projects, relationships, well-being and sense of self. So the ability to steer their development is an essential part of the ability to steer our life and to realize autonomous self-governance. We cannot steer them directly. But as we pointed out above, we can, and do, exercise autonomous self-governance over our beliefs by taking *indirect* action (compare Clarke, 1986). For example, we consider how exposing ourselves to various kinds of input will influence our belief-system and in turn our emotional states, our intellectual resources, our projects and our selves. Then we make efforts to curate our environment according to the goals we have set. We might attend a lecture on business development; or refuse to listen to evidence of a partner's unfaithfulness whom we cannot leave because of our country's oppressive laws.⁶

⁵ On a conception of autonomy as the right to non-interference this would already enough to show that arguing infringes on autonomy. To see why we do not adopt this conception, see footnote 1.

⁶ As this example shows, our conception of autonomous self-governance in the epistemic realm allows for decisions to maintain, or risk maintaining false beliefs as autonomous self-governance. This is because we believe that people can have good higher-order reasons for not wanting to be responsive to their object-level reasons.

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Given its wide-reaching effects, this kind of self-governance over our belief-system is comparable in importance to self-governance over what happens to our body. And because it is always only indirect, it can be severely disrupted by arguments. To see why this is so, consider how profound an impact a single argument could have on your belief-system. Given that you are involuntary with respect to your beliefs and that beliefs are essentially related to other beliefs, it's plausible that you are involuntary with respect to inferences from belief to belief. So, acquiring one belief can always mean acquiring potentially many others. Therefore, if I present you with an argument, the change it may trigger in one of your beliefs could well create many more – and I cannot predict with certainty whether they will. The effects on you are potentially broad, far-reaching and deeply consequential. They can disrupt or thwart your attempts at belief-related self-governance by providing input you tried to avoid (or would have avoided if you had had a chance to think about it). Since beliefs impact actions, and actions impact the kind of input you receive, this in turn can hinder your attempts to *get* specific kinds of input.

This gives us the other ingredient for infringement on autonomy: Arguing definitely can undermine or make futile the addressee's attempts at self-governance. Further, the interconnectedness of belief makes it difficult to assess beforehand the exact impact an argument will have with complete certainty. We just never know for sure *how* the persuasive force will play itself out in the addressee's mind. So *some* risk of infringing autonomy through argument is always there.

This is the autonomy worry for argumentation. At least on first sight, the need to ask for consent before arguing seems to follow directly from it. For on the one hand, there are strong moral reasons to avoid risking infringements on other's autonomy – that is what “respecting autonomy” means. On the other, arguing is too important a tool for dealing with problems, disagreements and the need for decisions to give it up or even reduce its use to exceptional situations. The obvious solution seems to be asking for consent (compare Govier, 2022). After all, we have just seen that the only control an

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addressee can exert over what an argument will do to them is through the indirect means of deciding whether to engage. By asking for consent, we can place that decision firmly into their hands. As a result, we no longer risk disrupting their attempts at curating their epistemic environment, but simply add another option. Arguing after having asked for and received consent is not an infringement on autonomy – even if arguing without asking for consent risks being one.

2. Argument, Autonomy and Due Notice: Attention, I Will Attempt to Change Your Mind!

Let's ask the question again: Should we, all things equal, ask for consent before we argue?

Now the answer seems to be straightforwardly yes. Given how arguing impacts the addressee, it seems that our moral reasons for respecting autonomy translate directly into a moral reason not to give arguments without making sure our addressee has a chance to decide on whether to engage.⁷

However, lest we jump too enthusiastically into a novel practice, we should consider its implications. To be clear, our solution not only requires us to determine consent whether to argue *at all*, it requires us to establish consent for individual arguments we want to give. In other words, it's not just: *Do you want to argue?* But, rather, *do you want to hear this argument?* We should see that there are heavy costs associated with this. Arguing is a constant part of our daily interactions. Arguments about whether to wear a coat, who should take the dog out, why we liked a movie and so forth weave in and out of conversation so quickly that we often do not even notice it. Having to ask for consent *every time*, because every argument carries some risk of infringing autonomy, would complicate all communication and force us to constantly monitor our behavior.

This may not seem like much of a reason; morality often makes difficult demands. But once we start thinking along these lines, we quickly discover that our argument for the autonomy worry can be

⁷ At least absent morally relevant reasons outweighing our moral reasons to respect other's autonomy, such as that a third party's well-being is on the line.

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adapted to support the absurd conclusion that asking for consent to argue *also* incurs the very autonomy-risk we were trying to avoid. After all, our minds are influenced by all kinds of information that can be perceived as reasons, including information about what other people believe or claim to have arguments for. By asking for consent, we reveal that we have an argument for a certain conclusion, and thereby we also exert persuasive force on our addressee. In fact, given that any input has an effect on beliefs, telling stories, voicing opinions, giving explanations, expressing emotions and so forth all have a certain kind of persuasive force. And the impact they have on any belief can, via the interconnectedness of our belief-systems, always lead to widespread impact in a way that is hard to calculate with certainty beforehand. And so all ways of communicating anything carry a risk of disrupting other's autonomous self-governance by creating far-reaching, consequential impact (compare Casey 2020). Now that we have realized this, consistency requires that we ask for consent before we engage in any other form of communication too. But if all forms of communication now require consent, and asking for consent requires consent, then we end up doomed to sit in silence and solitude lest we disrupt someone's efforts at self-governance. That is more than a difficult moral demand – given that it would apply to *everyone*, it seems that widespread fulfillment of this moral demand would require a ceasing of all (or at least almost all) social interaction. From what we know about the requirements of human well-being, that would have deeply troubling, morally relevant harmful consequences (exactly the consequences that made us shirk from a conception of autonomy as grounding a right to unconstrained non-interference). Call this the *reductio* objection.

The *reductio* objection works because we based our argument for consent on the insight that arguing always carries *some* risk of infringing on autonomy. Now it turns out that all communicative activity carries such a risk, which seems to morally preclude all human interaction. If we want to avoid this absurd outcome, we have to become more lenient. We need to place the threshold for unacceptable risk of autonomy-infringement higher than that incurred by any kind of communication just in virtue of

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the fact that it is communication. But if we do that, the argument based on the autonomy worry is revealed as insufficient, at least as it stands now. After all, so far it has only shown that arguing carries with it *a* risk of infringement on autonomy. So, if we the argument is to survive the *reductio* objection, we need to show that arguing carries a more significant risk of autonomy-infringement than communicating in general.

Does it? The answer is surprisingly complex: The feature that distinguishes arguing from other ways of communicating (and communicating reasons) is that arguing carries an implicit inference claim. In arguing we do not just (purportedly) *give* reasons, we purport to *present* them, and so we draw attention to the kind of act we're engaging in. But the existence of the inference claim provides grounds to argue that arguing carries a *higher* autonomy risk than other forms of communication in one respect, and a *lower* one in another respect (Stevens, Forthcoming-a).

The thing to consider here is that risk is calculated by the severity of outcome times its likelihood. And while the existence of the inference claim can be expected to increase the *severity* of interference with autonomy when it occurs, it can also be expected to decrease the *likelihood* with which any interference will occur at all – at least all things equal.

The inference-claim increases the *severity* of any autonomy-infringement that may occur because it constitutes a normative prompt for the addressee to *endorse* the creation, destruction, weakening or strengthening of their beliefs in response to an argument. It does so because reasons are normative things. We *should* respond to them appropriately. So if I purport to present you with a (purported) reason (i.e. argue), I thereby direct your attention to its (purported) *status* as a normative reason, putting pressure on you to welcome the effects that the argument has on your mind. In effect, when I argue, I make my reason-giving conspicuous. I implicitly communicate something along the lines of: “Here is a reason (I think), and because it is a reason, you should welcome that it persuades you of my conclusion (at least if you are rational),” *on top* of my object-level (purported) reason. Now,

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if you did indeed perceive a reason upon hearing the argument, (whether that perception is correct or not), the normative prompt enhances the argument's persuasive force on you. It draws your attention to the connection between the effect of the argument on your mind and the source of this effect as a purported normative reason. This motivates you to perceive that this effect *should* have taken place and you *should* endorse it. If you do, your mind has been doubly affected by the argument: On the object level about the issue of the argument, *and* on the meta-level about whether you should endorse the argument's object-level effects. So arguing exerts force on *two levels* – on the object-level and on the meta-level. Further, meta-level endorsement of object-level beliefs strengthens and fortifies the object level beliefs. As a result, arguing packs a special punch when it comes to the mind-affecting business.⁸ So, *if* it infringes on autonomy, it does so with special severity. That drives the autonomy-infringement risk of arguing *up*, above the risk carried by any form of communication just in virtue of being communication.

But the presence of an inference claim does not only increase the risk beyond that compared to other ways of communicating. It also decreases it (at least all things equal) because it means that the *likelihood* of autonomy-infringement for arguing is lower than for other ways of communicating. The reason is, again, that the inference claim draws the addressee's attention to the connection between the argument's effect on their mind and the source of this effect as a purported reason (Stevens, Forthcoming-a).

Remember that while we have no *direct* control over our belief-system, we can affect it indirectly – that is what the whole business of self-government in the realm of beliefs is about. So if, e.g., I have given you an argument about a certain issue, you can seek out further material about this issue in the hopes that your mind will react the way you want it to. You can even specifically seek out

⁸ Importantly, it does this independent of whether the argument indeed presents a good reason, because all of this is dependent only on the addressee's *perception* that a reason was given.

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inputs, including arguments, that promise to portray the issue in a certain way (e.g. re-read the works of the Stoics in order to counter-act our exposure to care-ethics). And you can exert time and energy to find arguments in support of, or against the argument I presented. This way you can exert control over how my argument will affect you (compare Clarke, 1986).

Of course, you can do this whenever your mind has been affected by communication. However, arguing is special because it draws attention to the status of what it communicates *as* purported reasons. As Govier (1999) argues, this gives arguing an *honesty* about its own fallibility. Knowing that not all arguments are good arguments is simply part of knowing what arguing is. After all, purporting to do something (e.g. giving reasons) is not the same as doing it. And so, when you recognize that what I am doing is *arguing*, this does not only prompt you to endorse its effects on your mind, it also prompts you to engage in decision making about the indirect actions available to you for influencing what kind of effect this will be, i.e. to critically engage with it. In the best case, this happens through the attempt to determine whether I indeed offered you a (good) reason. So the implicit message that I really communicate in addition to the object-level content of my argument is more like: “Here is a reason (I think), and *if you cannot see a reason why it is not*, then you should welcome that it persuades you (at least if you are rational).” This, however, lowers the likelihood that the argument will *have any persuasive effect at all* below what it would be if you were not prompted to engage reflectively, or at least any persuasive effect that undermines your attempt at self-governance. For communicating to you by *arguing* also communicates a prompt to you to engage in the indirect means you have for self-governance with respect to the argument’s effects. It does so just by conspicuously being an attempt at giving you a purported reason. Telling a story does not do this – when I tell you a story, I might make you perceive a reason, but I do not inherently draw your attention to my attempting to make you perceive a reason and so I do not inherently prompt you to engage reflectively. And that means that the autonomy-infringement risk of arguing is *lower*, compared to other ways of communicating.

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It follows that the very thing which enhances argumentation's persuasive force, making the potential autonomy infringement more severe, also lowers the likelihood of such an infringement. The included prompt to critical engagement works as a kind of *due notice* of what is happening, inviting the addressee to retake the (indirect) reins over their own mind. In this, arguing is especially respectful of autonomy, at least as much as it is especially dangerous to it. It seems, then, that we need not worry about any special autonomy-risks from argumentation, and therefore we also need not worry about asking for consent— at least all things being equal.

3 Argument, Autonomy and Risk Calculation: What *Am* I Trying to Do to You?

“All things equal” is a tricky little phrase. It is useful because it lets us consider problems without the interference of the world's complexities. But it also indicates that when we carry our results into the real world, we may find there is a catch, or several catches. And this is bound to happen when we turn our question from “Should we, *all things equal*, ask for consent before we argue?” into “Should we, *context considered*, ask for consent before we argue?” Here, we will consider just a few of those catches, enough for introducing sufficient insecurity into the relationship between autonomy and argumentation to realize that we, even if we are not all things equal required to ask for consent, need to remain on the lookout for when we should.

First of all, the “due notice” that arguing gives is only implicit in the activity of arguing, and so it can easily be obscured or diluted, both by the arguer herself and by the context in which the argument takes place. If this happens, the likelihood that an unconsented-to argument might infringe on autonomy increases again. And this can happen relatively easily – for we should not overestimate the “honesty” that Govier (1999) attributes to argumentation. To highlight this honesty, Govier contrasts arguing with so-called packing strategies, ways to communicate input that distract from the possibility that what is being communicated may be questioned or critically examined. Her example is the illegitimate use of explanations: *Explaining* why something is the case signals that it being the case is

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already uncontroversial, and only the why needs to be explored. So explanations can smuggle controversial claims in as if they were uncontroversial – the opposite of the due notice that arguing provides.

But of course, arguing can be combined with packing strategies. And if this happens, critical engagement is undermined while the prompt to meta-level endorsement may still be effective. As (Stevens, Forthcoming-b) points out, at least some fallacies function through the employment of packing strategies. The appeal to public opinion, for example, triggers the in-group bias, which predisposes us to evaluate the opinions of our peers especially favorably and thereby undermines critical engagement (Molenberghs, 2013). But because it is an argument (i.e. purports to present a reason), it carries with it the prompt to meta-level endorsement. And if its fallaciousness remains undetected, it may even create the impression that critical engagement took place. If this is successful, the appeal to popular opinion therefore undermines our ability to engage critically while at the same time prompting meta-endorsement based on the perception that such engagement took place.

Now, fallacies are not permissible anyway, so why should we care? Because, importantly, non-fallacious arguments can also contain critical-engagement-undermining triggers. An example are legitimate appeals to expertise, if the expert is also in high regard socially. They can trigger the in-group bias as much as illegitimate appeals to popular opinion, driving the likelihood for autonomy-infringement up, and with it the risk. Here, asking for consent, or at least taking additional measures to preserve the ability to critically engage, is probably necessary to protect autonomy.

But it is not only the *kinds* of argument that can undermine critical engagement, it is also the situation in which they are presented. Importantly, argumentation's due notice works much better in contexts of disagreement, when the argument supports a claim that the addressee does not yet endorse. But arguments under agreement, when we already endorse the argument's conclusion, almost automatically invoke the cognitive my-side bias which predisposes us to search for evidence that

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beliefs we already hold are true (Allahverdyan & Galstyan, 2014). An argument that agrees with what we already believe suggests, by being an argument, that our belief may be questioned, but immediately provides a reason to hold onto it, arousing and feeding our my-side bias in one move. And that is if we even recognize argumentation's due notice as what it is. But under conditions of agreement we are less likely to see the difference between what needs explanation and what needs justification. With our defenses so lowered, we are then susceptible to have our beliefs affected – e.g. strengthened – without actually examining whether we want them to be. Incidentally, this also means that under conditions of agreement, we are more susceptible to arguments accompanied by packing strategies, especially ones that play on our my-side bias, like the straw man fallacy (Aikin & Casey, 2022; Casey, 2022). So arguing under agreement might require a request for consent beforehand or, again, special measures to ensure the addressee knows what is happening.

Further, even in situations of disagreement, with no packing strategies involved, the *due notice* may be ineffective because of our situation or state of mind. We may be capable of reacting competently to arguing's prompt for critical engagement when we are feeling calm, safe and confident, but incapable of doing so when we are distraught, afraid or distracted. Imagine, for example, that I present you with an argument about whether your aging mother should live with you or in a retirement home. I might incur a low risk of infringing on your autonomy if I offer my thoughts during an intimate dinner in relaxed atmosphere. But the risk may be considerably higher just after the mother was admitted to the hospital and while you are surrounded by hand-wringing relatives. Where the addressee is especially vulnerable like this, asking for consent may be necessary, if the argument needs to be presented at all.

Finally, the *due notice* inherent in argumentation may not only be drowned out or obscured, it can also be insufficient for lowering the risk of autonomy-infringement to an acceptable level. Not all arguments are created equal, some predictably touch on content that is very important to our identity,

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worldview and projects. While many arguments are mundane, some are momentous. Momentous arguments directly concern topics at the heart of a person's identity, conception of the world, or central projects, and they address them in a way that has potential to cause far reaching changes. Mundane arguments are all those that do not do this and therefore may at most impact such topics indirectly, via complicated routes along the interconnectedness of belief.

Now, as our above argument about the interconnectedness of belief-systems suggests, it can be difficult to know whether the argument I am about to give you is a momentous one or a mundane one. However, some arguments are pretty safely mundane – telling you that “You should put your coat on, it is raining outside” is extremely unlikely (though of course not impossible) to affect you in any but a superficial way. In general, arguments about the means by which you may realize already adopted goals (like staying healthy and comfortable through your day-to-day life) are often mundane - unless they would prompt a major and sustained change in behavior or the stakes are extremely high. This is because they do not directly target beliefs that are at the center of our attempts at self-governance, like those about which goals are valuable, which projects we should pursue, nor do they address the sources of goals and projects, like our personalities and central aspects of our worldviews.⁹

However, outside of the area of obviously mundane arguments, we have to take into account what we know about our addressees to determine whether we may be moving towards the momentous. An argument about God's existence may be mundane for you if you are a comfortable agnostic, but momentous if you are a person of faith, wracked by unwanted and intrusive doubts. And an argument

⁹ Depending on where our reader stands with the permissibility to rely on reasonable assumptions of counterfactual consent, they may further consider mundane arguments harmless because for them, it is usually reasonable to assume that the addressee *would* give consent to hear them if they were asked. After all, when it comes to mundane arguments, epistemic betterment can usually be assumed to be welcomed because the truth helps us achieve our goals, input is needed from the world in order to identify the best means for one's goals anyway, and critical engagement is relatively likely to succeed in uncovering bad arguments. We, the authors of this paper, think that people rely on the reasonable assumption of counterfactual consent quite a bit in their daily life – every time they hug loved ones without asking for consent first, for example. However, we accept that this is controversial.

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over whether to spend a holiday with family or abroad may be mundane for me, but momentous for you because spending time with your family (or not) would have major implications for your relationship with them.

All that said, even if making the distinction in practice can be difficult, what is important is that if we suspect that we might be about to offer a momentous argument, we should ask for consent.¹⁰ This is mostly, but not only, because the severity of the potential autonomy infringement is especially high, which alone may drive the risk up beyond acceptable levels even given argumentation's *due notice*. But there is also the possibility that the *due notice* cannot lower the likelihood of autonomy infringement in the first place. This is because it works best in helping addressees take back control if they are committed to epistemic betterment with respect to the argument's subject matter. Then, being alerted to the fallibility of the argument will allow them to determine for themselves whether it offers good (and not only perceived) reasons. But when it comes to momentous topics, people may not want to be confronted even with a *good* reason – because the costs of a belief change would be too high, and the rewards too low for example.¹¹

Now, most arguments we exchange in day-to-day life are mundane. And when we feel the need to give momentous arguments, there are often moral reasons for doing so that may outweigh the moral reason not to infringe on autonomy. Still, we should be on the lookout for situations in which arguing without consent may be morally impermissible because of the argument's subject matter. Further, the factors we discussed above, like the likelihood that the argument may carry packaging with it that undermines critical engagement, or the situational vulnerability of the person, become more important

¹⁰ And in fact we often do. At least the authors of this paper can remember many occasions when they asked whether it was permissible to say something before offering arguments regarding other people's important decisions, deeply held beliefs etc.

¹¹ See footnote 7.

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when arguments are momentous, even if our addressee is committed to epistemic betterment. This is because here changes that are unwarranted by good (not just perceived) reasons are all the more harmful.

4 Concluding Thoughts on Argument, Respect and Vigilance: What Have We Learned?

We have now discussed some of the factors that can increase the risk that arguing will infringe on autonomy. These factors provide reasons to ask for consent before arguing. Of course, there are more, potentially many more. We have not even touched on reasons to ask for consent that are not directly connected to the persuasive force of arguing: There are topics that arguers should not broach unless the addressee consents to it first, e.g. because they are private (such as medical conditions) or because they elicit strong emotions (like the recent death of a loved one). There are situations in which presenting an argument may unjustifiably distract the addressee from what they are doing (offering an argument about the right toppings for a hot dog while the addressee is trying to admire a piece of art). In addition, arguing is resource intensive, especially arguing about difficult or complex topics, so addressees should be able to autonomously decide when and how to spend such resources.¹² And the impact of epistemic injustice on the voice of the addressee when they try to answer can have effects on third parties, whose reactions can then spoil the addressee's projects and undermine their attempts at self-governance.¹³ So asking for consent where epistemic injustice may be a factor can also be necessary. And so on.

What even this incomplete list can show is that even though arguing's inbuilt *due notice* of what it does often makes asking for consent unnecessary because it lowers the risk of autonomy infringement to an acceptable level, arguers should remain vigilant. It is true that compared to other

¹² We thank a reviewer for pointing this out.

¹³ For literature on epistemic and argumentative injustice see: Fricker 2013; Bondy 2010; Kapusta 2019.

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ways of communicating reasons, argument earns the praise it receives for its power to enhance our self-mastery, our understanding and thereby the basis for our attempts at self-government. At its best, it guards us against sophists and, more importantly, our own bias and ignorance. But we should be mindful of how argument accomplishes this task. We are easily in thrall of reasons, whatever their quality or motivation. It is just not directly up to us how they will influence us. This essential fact about arguing means that our sharing of reasons with others can impinge upon them in ways that bear upon their lives and life choices. So arguing is not as straight-forwardly an expression of respect for autonomy as we like to believe, and as we teach our students in critical thinking classes. Presenting an argument about the wrong issues, or in the wrong way, or to the wrong person in the wrong situation *can* infringe on autonomy and therefore be morally impermissible without prior consent.

We are now at the end of our discussion, and in closing we would like to sketch three important corollaries of what we have said, even though we will not be able to discuss any of them as thoroughly as they deserve:

First, we should notice that two of the factors that can make it necessary to ask for consent are more easily accessible to the addressee than the arguer. We can only guess at what is a monumental argument for our addressees, because we can only guess at which beliefs are at the center of their worldview, identity and important life-projects. Further, they know much better than us when and whether they are in the right state of mind to heed an argument's prompt for critical engagement (or engage in other forms of indirect managing of the argument's effects). It follows that even when we have justifiably concluded that it is not necessary to ask for consent, we should, all things equal, heed our addressee's *withdrawal* of consent. If the addressee makes explicit that they do not want to hear an argument, we should not, all things equal, give it.¹⁴

¹⁴ This time, "all things equal" refers to reasons to give an argument even without consent because there are strong moral reasons why the addressee needs to hear it.

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Second, we should notice that many arguments are presented in conversation and often, the presentation of a single argument leads to an argumentative exchange. The flow of these exchanges is not always predictable. A discussion over the justice of criminal sentencing could turn into a discussion about whether God's foreknowledge of future contingents is coherent. There is a clear, logical line between these two thoughts, and much could be learned from a debate on them. But it is plausible that an addressee who has consented to hearing arguments about the former might not consent to hearing them about the latter. The need to keep autonomy-risks in mind, accept withdrawal of consent and potentially ask for consent before making the next move is therefore ongoing during an argumentative exchange.

Third, we should notice that the results of this paper have implications for the real-world applicability of norms that argumentation theorists use to evaluate argumentative performance. Take, e.g., the most prominent normative theory that argumentation theory has produced, Pragma-dialectics (van Eemeren & Grootendorst, 1983, 2004). Its normative model of the critical discussion includes a set of 15 procedural rules meant to guide arguers to a reasonable resolution of a difference of opinion. The first three of these rules bear on the question under consideration here. They are the *freedom rule*, the *right to challenge*, and the *obligation to defend*. The freedom rule explicitly restricts "special conditions by which a standpoint is expressed" as well as "special preparatory conditions" regarding the "status of the speaker or writer or listener or reader" (2004, 136). The right to challenge has it that one is "always entitled to challenge [a] discussant to defend his standpoint." (137). And finally, the obligation to defend requires that one who is challenged "is always obliged to accept this challenge." (139 see also 165). The Millian inspiration of the rules is hard to overlook (Mill, 2007): to improve upon our views, they need to be externalized and discussed; everything must be on the table. To achieve this, the rules basically forbid arguers and addressees to restrict the arguments that can be presented in any way. This is all well and good if we approach argumentation only interested in the

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reasonable progress of the argumentative discussion at hand, without worrying about the effects it may have on the arguers as people. In a sense, under Pragma-dialectics, the participants in argument are conduits of the various standpoints being tested. But in this, the theory does not live up to its name – *Pragma-dialectics*, meant as a theory about real world arguing. Its view of arguers is not a practical, but rather a limiting one. The payoff of our discussion of consent above, we think, is that there are, or ought to be, *moral* limits to some of the procedural norms meant to generate reasonable outcomes. The moment we start worrying about the effects arguments have on *people*, we should question the applicability of rules built only for the most effective testing of *standpoints*.¹⁵

Though we cannot fully defend this here, we suspect that the problem is that argumentation theory has too long ignored the moral reasons that apply to arguers as they go about the business of arguing as a factor in argument evaluation. As the case of Pragma-dialectics illustrates, our normative models ignore the moral complexity of the argumentative practice, or at least offer argumentative norms which make no space for it. If this worry is well founded (and we believe it is), then it is high time to integrate moral considerations back into our norms for argumentation. Maybe, instead of preaching the importance of absolute freedom, we should be thinking about autonomy. And consent.

References

- Aikin, S. F., & Casey, J. (2022). Argumentation and the problem of agreement. *Synthese*, 200(2). doi:10.1007/s11229-022-03680-4
- Allahverdyan, A. E., & Galstyan, A. (2014). Opinion Dynamics with Confirmation Bias. *PloS one*, 9(7), e99557-e99557. doi:10.1371/journal.pone.0099557
- Alston, W. P. (1988). The Deontological Conception of Epistemic Justification. *Philosophical Perspectives*, 2, 257-299. doi:10.2307/2214077
- Baron, J. (1993). WHY TEACH THINKING - AN ESSAY. *Applied psychology*, 42(3), 191-237. doi:10.1111/j.1464-0597.1993.tb00731.x

¹⁵Admittedly, the pragma-dialectical model contains a confrontation and an opening stage at which questions of consent to engage in the discussion at all can be figured out. But as we have remarked above, the need to consider risk to autonomy is ongoing and so it might be necessary to return to these stages frequently, disrupting the critical discussion beyond recognition.

- Bondy, P. 2010. "Argumentative Injustice." *Informal Logic* 30 (3), 263-278.
<https://doi.org/10.22329/il.v30i3.3034>.
- Buss, S., & Westlund, A. (2018). Personal Autonomy. In E. Zalta (Ed.), *The Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/personal-autonomy/>
- Casey, J. (2020). Adversariality and Argumentation. *Informal Logic*, 40(1), 77-108.
doi:10.22329/il.v40i1.5969
- Casey, J. (2022). Beliefs, Commitments, and Ad Baculum Arguments. *Languages (Basel)*, 7, 107-117.
doi:10.3390/languages7020107
- Clarke, M. (1986). Doxastic Voluntarism and Forced Belief. *Philosophical studies*, 50(1), 39-51.
doi:10.1007/BF00355159
- Foss, S. K., & Griffin, C. L. (1995). Beyond persuasion - a proposal for an invitational rhetoric. *Communication Monographs*, 62(1), 2-18. doi:10.1080/03637759509376345
- Fricker, M. 2013. "Epistemic Justice as a Condition of Political Freedom?" *Synthese* 190 (7): 1317–1332. <https://doi.org/10.1007/s11229-012-0227-3>.
- Fulkerson, R. (1996). Transcending Our Conception of Argument in Light of Feminist Critiques. *Argumentation and Advocacy*, 32(4), 199-217. doi:10.1080/00028533.1996.11977995
- Gearhart, S. (1979). The Womanization of Rhetoric. *Women's Studies International Quarterly*, 2(2), 195-201. [https://doi.org/10.1016/S0148-0685\(79\)91809-8](https://doi.org/10.1016/S0148-0685(79)91809-8)
- Godden, D. (2021a). The Compliment of Rational Opposition: Disagreement, Adversariality, and Disputation. *Topoi*, 40(5), 845-858. doi:10.1007/s11245-021-09768-9
- Godden, D. (2021b). Getting Out in Front of the Owl of Minerva Problem. *Argumentation*, 36(1), 35-60. doi:10.1007/s10503-021-09554-2
- Govier, T. (1999). *The philosophy of argument*. Vale Press, Virginia.
- Govier, T. (Producer). (2022, 2022-09-02). Argument and Explanation: Pragmatics and Ethics. *Interdisciplinary Speaker Series on the Ethics of Argumentation*. [Talk] Retrieved from <https://www.youtube.com/watch?v=GL1r2hvHiDY>
- Gutmann, A., & Thompson, D. F. (2004). *Why deliberative democracy?* Princeton University Press, Princeton.
- Habermas, J. (1994). Three normative models of democracy. *Constellations*, 1(1), 1-10.
doi:10.1111/j.1467-8675.1994.tb00001.x
- Hitchcock, D. (2020). Critical Thinking. In E. Zalta (Ed.), *Stanford Encyclopedia of Philosophy*. <https://plato.stanford.edu/entries/critical-thinking/>
- Hurd, H. M. (1996). The Moral Magic of Consent. *Legal Theory*, 2(2), 121-146.
doi:10.1017/S1352325200000434
- Johnson, R. H., & Blair, J. A. (1983). *Logical self-defense* (2nd ed.). McGraw-Hill, Toronto.
- Kapusta, S. 2019. "The Benefits and Burdens of Engaging in Argumentation: Trans*feminist Reflections on Tuvel's 'In Defense of Transracialism.'" *Atlantis* 39 (2): 61–73.
<https://doi.org/10.7202/1064073ar>.
- McKeon, M. W. (2022). Arguments and Reason-Giving. *Argumentation*, 36(2), 229-247.
doi:10.1007/s10503-021-09561-3
- Mill, J. S. (2007). *On liberty*. Penguin Classics, New York.
- Molenberghs, P. (2013). The neuroscience of in-group bias. *Neuroscience and biobehavioral reviews*, 37(8), 1530-1536. doi:10.1016/j.neubiorev.2013.06.002
- Nozick, R. (1981). *Philosophical explanations*. Harvard University Press, Cambridge, Mass.
- Stevens, K. (Forthcoming-a). *A Role-Ethics of Argumentation*.
- Stevens, K. (Forthcoming-b). Sophisms and Contempt for Autonomy.
- van Eemeren, F. H., & Grootendorst, R. (1983). *Speech Acts in Argumentative Discussions*. Foris Publications, Dordrecht.

THIS IS A DRAFT

van Eemeren, F. H., & Grootendorst, R. (2004). *A systematic theory of argumentation - The pragma-dialectical approach*. Cambridge University Press, New York.

Walton, D., & Krabbe, E. C. W. (1995). *Commitment in dialogue - Basic concepts of interpersonal reasoning*. State University of New York Press, Albany.

Winch, C. (2006). *Education, Autonomy and Critical Thinking*. Routledge, London.