

Silence at the Meta-Level – A Story about Argumentative Cruelty

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Abstract: One way in which we may be able to legitimately determine the norms that will guide our arguments is by using meta-dialogues. Unfortunately, situations where meta-dialogues are actually needed are also often situations of power-inequality so that arguers may feel that it is too risky to attempt initiating a meta-dialogue. I argue that argumentative smothering is a high risk here, and that we therefore cannot rely on meta-dialogues to solve the problems of determining argumentative norms.

Key-Words: Ethics of argumentation, meta-dialogue, argumentative smothering, epistemic injustice, adversarial argumentation

I think that most people have a collection of memories that arise unbidden. Here is one of mine: In my second year of University, I participated in an argument about some radical claim, I do not remember which. We were being analytic philosophers of the blood-sport type and we had fun. Or most of us did. Not the first-year student who got cornered. She was struggling to formulate a reason that was very important to her. But barraged with objections, she could not find the words we would understand. She tried. Giving up would have meant giving into our implied charge that she had nothing to say. So she kept going until she cried. I do not remember what I said exactly. I told her that crying was unfair. I charged her with having turned our reasonable discussion into something personal, a fight.

It was cruel, but I *felt* righteous, the keeper of the norms of critical discussion, which is much worse. Her crying, of course, was the last, obvious sign in a long line of signs that we

ignored. It warned that the kind of argument we were having was inappropriate. The norms were the wrong ones; we made it unreasonably hard for her to get her reasons across. By inviting her into the argument, we had lured her into a trap. After all, an invitation to argue is an invitation to participate in an enterprise that at least purports to attend to some issue by identifying, connecting, balancing, contrasting ... *reasons*. We had asked her why she made her claim. We had poured her coffee. We had listened and made contributions outfitted with the markers of rationality. Thereby, we had encouraged the reasonable expectation that her reasons would be heard, connected to ours and integrated into what we would call “true” for the rest of the day. Instead, we forced her into the adversarial proponent-opponent game that we were comfortable with (compare Moulton, 1983). The kind of high-spirited battle to the death where the truth is supposed to stand after the dust settles. Cohen calls it the DAM, because that is the acronym for “dominant adversarial model”, but also because he likes wordplays (Cohen, 2015). It sure damned her.

There are other ways to argue, many of them. Walton and Krabbe list six – persuasion dialogue (the DAM structure), inquiry, negotiation, deliberation, information seeking dialogue, quarrel (Walton & Krabbe, 1995). As they describe them, the dialogue types are highly abstract with very detailed rules. It is unlikely that any of them have ever been faithfully realized by actual human beings. Nonetheless, each is an idealized model of typical ways to argue in Western culture that we students could have easily adopted. We could have deliberated with her, each of us helping to develop any argument, in any direction, weighing them all together. At least, we could have interrupted our adversarial “persuasion dialogue” when we saw her struggling. We could have conducted an information seeking dialogue, asking her questions aimed at identifying the reason that was available somewhere within her thoughts.

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Let's take stock then. She had a reason for her claim, she had been invited into an argument about it, and she had been silenced by the way we structured the argument. Isn't that bad enough? But this kind of silencing has been documented and discussed by feminist argumentation theorists, feminist deliberative democrats, and philosophers of race and argumentation ((Moulton, 1983); Henning, 2018; Hundleby, 2013; Young, 1996). It is a familiar, everyday sort of violence and so it would not get stuck in my head like this. It is also not all that happened. And it is not the kind of silence I want to talk about here.

What, then, about the crying? Why did that happen? I have a guess. The answer might be that she was a victim of "argumentative smothering" (Henning, 2021). She was in a situation that forced her to self-silence about the inappropriateness of the argument, unable to start a meta-dialogue about our argumentative behavior. She had good reason to expect that we would have misunderstood any attempt of hers to argumentatively address the dialogue type. We would have thought it was as an unnecessary escalation of the conflict, turning the reasonable discussion into a fight. In the end, that is exactly what I did anyway.

I do not think that her situation is unique. Rather, it is an example for why argumentation theorists should not rely too heavily on meta-dialogues to determine the norms of argumentation. At least, they cannot be the solution to the moral dangers associated with them. What then are meta-dialogues, and what is argumentative smothering?

Meta-dialogues are dialogues about dialogues. There is a wide variety of them, but Krabbe (2003, 2007) discussed the kind I am interested in: Those that address the structure and norms of their object-level-dialogue. Here, arguers determine how they are going to argue. This includes choices of dialogue type, e.g. DAM or deliberation. Some theories of argumentation rely on these kinds of dialogues to provide legitimacy to the outcome of their object-level-dialogues. Walton's

(1998) and van Eemeren and Grootendorst's (2004) dialectical theories place them before each object-level dialogue in an "opening stage". This stage is supposed to deal with the problem that, if decisions about the norms guiding an argument are not determined by recourse to the best argument or ready consent, then they must be determined through some act of power. As Jacobs (2017) points out, this would threaten to delegitimize the entire object-level argument. After all, the norms by which arguing is carried out shape the argument's results, tainting the coveted purity of the sphere of reasons with the influence of power.

Krabbe (2007) famously problematized how such an opening-stage-meta-dialogue could ever be completed, given the large amount of decisions that need to be made. He suggested that some of the decisions could be left until they become acute. Arguers could then open meta-dialogues to deal with them. Similarly, Walton suggested that meta-dialogues may be a way to reasonably deal with disagreements about who has the burden of proof (Walton, 2007). In general, there seems to be an assumption that meta-dialogues are *the* way to resolve disagreements about the norms of argumentation. And it makes some sense: If argumentation is the most reasonable way to attend to issues, then meta-argumentation is the most reasonable way to attend to issues about how to argue.

Meta-dialogues are beset with problems, thoughⁱ, and here is another one: Attempting to open a meta-dialogue often requires drawing attention to one's disapproval of other arguers' behavior. This has consequences for the social dimension of argument. Trying to open a meta-dialogue is socially risky, it carries with it a good chance of escalation. It adds another layer of openly recognized disagreement and that is uncomfortable. As Breakey (2020) explains, there is a high risk that other arguers will feel that the meta-dialogue-opener is trying to seize control. The result is *reactance* – the attempt to resist and the associated feelings of resentment and anger. So

making a meta-dialogue opening speech act can easily misfire, it can have the perlocutionary effect of starting a fight instead (Austin, 1975). This is so even if the other arguers recognize the intention behind it. But that is not guaranteed. Expressions such as “Why do we have to be so aggressive?” can easily be read as a sudden personal attack. And this is especially likely if arguers feel that they have been following argumentative norms associated with paradigmatic structures of argumentation – as I did in my story.

Now, the success of performing a speech act depends to some degree on having the act’s addressee recognize the intention to perform it. As a result, attempts at opening a meta-dialogue can fail at the illocutionary level (Austin, 1975). The speaker’s utterance can be intended as the act of offering a meta-dialogue but, because of uptake, fail to be anything else but an aggressive personal attack or attempt at controlling other’s ability to express themselves. In some situations there might not be any utterance in the speaker’s repertoire that *would not* be so misunderstood. I suspect that the student whom I admonished for crying had been *illocutionary silenced*, she could not perform the act of opening a meta-dialogue, no matter what she would have said (Langton, 1993).ⁱⁱ

This does not mean that arguers can never use meta-dialogues successfully to correct argumentative norms. When power-dynamics are healthy and mutual respect plentiful, everyone has reason to avoid escalation. Arguers are motivated to practice emotional self-regulation, controlling the visceral reactions of reactance. They are also likely to interpret their interlocutor’s speech acts charitably, attempting to see utterances as useful contributions. The small slight of opening a meta-dialogue and thereby implying that others have mis-stepped is ignored in favor of the epistemic gains that may await.

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But under such favorably conditions, meta-dialogues are often unnecessary because arguers react to other forms of communicating that something is wrong. As design-theorists (Aakhus, 2007; Jackson, 2015; Jacobs, 2017) have pointed out, the norms that govern arguments are usually determined in the flow of the argument. Whether people design their argumentative messages in an assertive or tentative tone, what kinds of questions they ask, their body language, communicates what kind of argument they want. In a respectful environment these unspoken messages rarely go unheard for long. The necessary adjustments happen without meta-dialogues, as the result of a mutual investment in preserving everyone's ability to express their reasons.

It is the unfavorable conditions where it is more likely that arguers insist on continuing in a dialogue type that silences one of them. Here, power imbalances allow them to ignore the subtle signs of other's discomfort, or animosity motivates them to do so. This is when meta-dialogues would really be needed. Of course, this is also when the attempt to open them are especially likely to misfire dangerously, resulting in hostility against the already disadvantaged arguer. The result can be argumentative smothering:

Henning (2021) (following Dotson's (2011) account of *testimonial* smothering) describes argumentative smothering as a kind of self-silencing forced on the victim by an oppressive environment. It comes about because she realizes that she has to heavily modify her argumentative behavior so that it remains "receptive" to her interlocutors, so that they continue to recognize and/or treat it as legitimate arguing. If she does not, she will be dangerously misunderstood: Due to what Dotson calls the "pernicious ignorance" of her fellow arguers, she will be interpreted in a way that will cause her harm.ⁱⁱⁱ

This is an apt description of the situation into which we had maneuvered our fellow student. Not only was she forced to comply with the norms of DAM because we would not change gears

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when we saw her struggle. She also had no way to address this. We had ganged up on her and we were subscribed to the DAM ideal of argument. In our unitedness, we lacked motivation to consider anything else. Helplessness and the inability to speak, twice over, made her cry. I chided her for it because of my pernicious ignorance of the ethics of argumentation, which requires arguers to look out for the influence of power on argumentative norms. Ironically, even though she kept silent, she could not prevent the misunderstanding that caused her harm.

It appears then that meta-dialogues are useful tools for correcting faulty argumentative norms only where arguers can feel safe to attempt opening them. But such corrections are most needed in situations where power-imbalances create oppressive environments that make such attempts too risky, resulting in argumentative smothering.

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ⁱ One of them is the threat of an infinite regress: What if there is a disagreement about how to argue in the meta-dialogue? Do we need an even higher order dialogue? And what if the problem repeats itself? (Krabbe, 2007).

ⁱⁱ MacKinnon (1993) and Langton (1993) introduced the concept of illocutionary silencing. They explained that one effect of pornography is that some women find themselves unable to perform

the illocutionary act of refusing sex. This happens when those to whom they direct their attempts will not understand what they say as a refusal, no matter how they formulate it. In the pornography-influenced mind of the addressee, any expression normally used to refuse appears as “playing coy” or consenting. Women can utter words usually associated with refusals, but they cannot perform the *act* of refusal. This is different from refusing but being ignored. There, the addressee realizes that the speaker refused, so the act of refusing is completed but the refusal does not have the intended perlocutionary effects of stopping the sexual advance.

ⁱⁱⁱ Pernicious ignorance is a harmful and reliable abject failure to recognize, or insensitivity with respect to, the truth in a certain domain of knowledge (p. 241) due to inability or unwillingness (p. 244) (Dotson, 2011).