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Commentary on Jonathan E. Adler “Distortion and Excluded Middles”

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There is too much in Professor Adler’s interesting paper for me to discuss all or even most of its points. I will confine my attention to the following: (a) a brief statement of the Refute or Accept principle, (b) a discussion of its normative status, (c) a review of the explanatory role it is to play in accounting for argument-distortion,¹ and (d) an exploratory criticism intended to indicate where further thought on the matter may be profitable.

(a) The Refute or Accept principle (hereafter, the RoA principle) can, I think, be fairly stated as follows:

(RoA) If an arguer propounds an argument for the consideration of an auditor, the auditor is to refute the argument if he or she does not accept its conclusion.

This is a norm of middle-exclusion, as Adler puts it, in the sense that it excludes a “middle” response on the part of the auditor: a response in between refutation and acceptance, a noncommittal response or refusal on the part of the auditor to commit either way.

(b) Adler hypothesizes that the RoA principle functions as a norm, or with normative force, in our argumentative discourse. This implies that people feel themselves to be under some obligation to act in conformity with the principle. Thus the hypothesis is not to be tested—confirmed or confuted—simply by whether people always or even for the most part act in conformity with the principle. For the test of whether a principle functions as a norm is more varied and complex. By the more or less orthodox account,² a rule or principle functions as a norm for a group if and only if:

¹ Distortion, Adler explains, is “sustained underestimation [of an argument] by misrepresentation.” As to the means of misrepresentation he lists the familiar devices: “simple dismissal without real evaluation, emphasis...on weakness in inessential or minor premises, fallacies ‘ad,’ genetic fallacies, and disparagement by innuendo, sarcasm, ridicule,...and related strawman fallacies....also simplifications that put [an] argument in a poorer light than is obviously available, even when some simplification is necessary due to space limitations or to render the content accessible and engaging for a broad audience.” Adler, “Distortion and Excluded Middles,” pp. 1, 2.

² H.L.A. Hart, *The Concept of Law*, 2d ed. (Oxford: Oxford University Press, 1994; first edition, 1961), pp. 55-7 and *passim*. This is a *locus classicus* of the view of “rule-following” or normativity here rehearsed.

1. members of the group regard deviation from the rule as “lapses or faults open to criticism” and they respond to threatened deviation from the rule by exerting pressure for conformity (the forms of criticism and pressure will differ for different kinds of rule), and
2. they regard deviations from the rule as reasons, or justification, for criticism (including self criticism) and pressure to conform.

Now we can see that for evidence of the presence of a norm within a group we should look not simply to the frequency with which people act in conformity with the norm; we should look also to the pattern of criticism of actions that deviate from the norm. Do people criticize one another for failing to live up to the norm? Are they critical of themselves for such failures too?

(c) Adler, however, identifies another source of evidence for the presence of a norm such as the RoA principle. This will be patterns of action, faulty action open to criticism on other grounds perhaps, that can be explained as attempts, perhaps rather desperate attempts, to comply with the norm (and thus to avoid criticism for noncompliance). This is a very interesting, and plausible, idea.

And it brings us to the central proposal of Adler’s paper. This is that cases of argument-distortion (a faulty kind of action surely) can be explained as attempts to comply with the RoA principle. To see how the explanation would proceed, consider a representative kind of case: An arguer has propounded an argument for the consideration of an auditor, but the auditor is not persuaded and is even firmly convinced that the conclusion of the argument is false. Thus the auditor naturally undertakes to refute the argument (some confirmation of the normative status of the RoA principle). But now suppose the auditor is unable to find anything wrong with the argument. How does the auditor then respond? Often enough the auditor reinterprets the argument—he *distorts* it—so that it becomes susceptible to refutation. In this way the auditor remains in compliance, or at least in apparent compliance, with the RoA principle without accepting the conclusion of the argument.

What the normative status of the RoA principle helps to explain in this kind of case is why the auditor doesn’t simply say, “Okay, I’ll think about it,” or even “I can’t see anything wrong with your argument at the moment, but I’m still not convinced. I’ll have to think more about it.” This is the “middle” response, between refutation and acceptance, and the normative status of the RoA principle would explain why the auditor does not give it: she feels some obligation to refute the argument if she doesn’t accept its conclusion. If the auditor subsequently distorts the argument, this would then be explained by three factors:

- i. the normative status of the RoA principle (which implies a felt obligation on the part of the auditor to comply with the RoA principle),
- ii. the auditor’s unwillingness to accept the conclusion of the argument, and
- iii. the auditor’s failure to refute (or inability to conceive) a fair interpretation of the argument.³

³ The parenthetical remark is meant to emphasize that the auditor is not assumed to be dishonestly or knowingly distorting the argument. For what it’s worth, I don’t think that dishonesty need be involved

(d) Adler's basic approach is to explain distortion as an effort, perhaps a benighted effort, to comply with a norm governing argumentative discourse. This approach he has shown to be very attractive. But I have doubts about whether it is essential to invoke the RoA principle in explanations of distortion. Couldn't we account for the relevant cases of distortion by reference to more general and basic principles of rationality? Such an explanation might proceed as follows: Arguments are (defeasible) evidence, and it is a general principle of rationality that one should believe what is best supported by the evidence. Thus, when someone propounds an argument for an auditor's consideration, the auditor must take that argument—that evidence—into consideration. If the argument affects the overall balance of evidence, shifting it against the auditor's position, the auditor must either refute that argument (defeat that evidence), or else accept its conclusion and alter her beliefs accordingly. This last amounts to the RoA principle, nearly enough, and from this point onward the explanation of distortion could proceed as above (by invoking facts of types ii. and iii.).

Perhaps this sketch of an alternative explanation shows only that the RoA principle is a derivative rather than basic norm. If so, Adler can likely accommodate the point; for he nowhere says that the RoA principle must be an underived norm.

[link to paper](#)

when an auditor distorts an argument because of failure to refute a fair interpretation of it. Some self-deception or confusion perhaps, but not dishonesty.