

University of Windsor

Scholarship at UWindsor

OSSA Conference Archive

OSSA 7

Jun 6th, 9:00 AM - Jun 9th, 5:00 PM

Commentary on Marrero Avendano

Mark Battersby

Follow this and additional works at: <https://scholar.uwindsor.ca/ossaarchive>



Part of the [Philosophy Commons](#)

Battersby, Mark, "Commentary on Marrero Avendano" (2007). *OSSA Conference Archive*. 107.
<https://scholar.uwindsor.ca/ossaarchive/OSSA7/papersandcommentaries/107>

This Commentary is brought to you for free and open access by the Conferences and Conference Proceedings at Scholarship at UWindsor. It has been accepted for inclusion in OSSA Conference Archive by an authorized conference organizer of Scholarship at UWindsor. For more information, please contact scholarship@uwindsor.ca.

Commentary on Danny Marrero: “How to Evaluate Arguments in Multicultural Argumentative Dialogues?”

MARK BATTERSBY

*Department of Philosophy
Capilano College
2055 Purcell Way
North Vancouver, BC
Canada
mbatters@capcollege.bc.ca*

Danny Marrero has written a fascinating and challenging paper on the evaluation of arguments in the context of incommensurable cultural differences. He cites two tough examples to illustrate the problem. One involves the decision by an aboriginal couple to temporarily abandon their twin children to the welfare authorities while the “divinities” decide whether the twins could come back to the couple. The problem is that twins are seen as an imperfection of nature and a threat to the community. The second example concerned whether a decision by an indigenous court to give a convicted murder 60 lashes was in violation of the anti-torture provisions of the Columbian constitution. The indigenous court favored this punishment because lashes had powers of purification and would allow the convict to return to the community after punishment.

Marrero argues that the criterion of acceptability as put forward by Blair and Johnson, (basically, that a premise should be acceptable to the interlocutor) is inappropriate in an argumentative context which involves arguments between two radically different cultural perspectives. The criterion is inappropriate because it would judge as fallacious an argument that did not use premises which were acceptable to both sides. According to Marrero, Blair and Johnson would describe such refusal to find common-ground premises as ethnocentric. Ironically, as Marrero points out, it is perhaps ethnocentric to think that an arguer should have to adopt mutually acceptable premises as that may involve a requirement to that arguers abandon their cultural beliefs and utilize beliefs of the other culture. Marrero argues that the representatives of one culture (usually, the less dominant culture) should not have to abandon their premises in order to avoid the charge of having made a fallacious argument.

Marrero argues that instead, the criterion for premise acceptability should be one of coherence with cultural beliefs. This means that any premise, however implausible strange or unacceptable to the interlocutor, would be appropriate provided that it cohered with existing culture beliefs of the arguer. Presumably an argument would be a good one (or at least non-fallacious), if the (“coherent”) premises provided reasonable support for the conclusion. For example, the fact that lashes contain magical powers to purify

certainly provides reasonable grounds, *ceteris paribus*, for use of the lash as a form of punishment.¹

While Marrero's examples, taken from the situation in Colombia are striking, they are a not an uncommon problem in the kind of multicultural context in which we live as Canadians. There is a long history of litigation over the claim of Jehovah Witness parents of the right to refuse blood transfusions for their children because on their view the Bible prohibits such use of blood products. More recently, there has been debate about how to address the deeply troubling practice of clitorrectomy.

It seems to me that there are a two ways of approaching the argumentation problem in a situation of radical cultural differences. 1. If the purpose of an argument is to provide *justification*, then using the criteria of coherence, as proposed by Marrero, seems reasonable. One could understand why people who believed twins are an imperfection of nature and a threat to the well-being of the community would want to engage in infanticide. Such an argument has internal coherence and can provide understanding to an interlocutor regardless of whether the interlocutor agrees or disagrees with the premises. Believing that a blood transfusion will result in a child being condemned to eternal damnation, provides an understandable reason for opposing such a transfusion. 2. If, on the other hand, you wish to *persuade* someone that they should adopt such practices or that one's practices are acceptable, then an arguer must use shared premises.

The problem is compounded in the Columbian case (as it often in these cases) by the complexity of the interrelationships between the dominant ruling culture and the aboriginal cultures which the new constitution appears to be designed to respect and protect. Because of the asymmetry of power between the group making the argument and the court receiving the argument, the court must be especially solicitous of views of the subordinate culture. Again a Canadian comparison: in the court cases involving land claims in BC, the courts have agreed to accept traditional story telling as a source of evidence for occupancy and use of the land. Such stories cohere with aboriginal traditions for establishing claims, though they do not fit with standard legal practice of evidence concerning land.

But as in the case of clitorrectomy, when a practice however coherently justified within the subculture violates crucial human rights from the perspective of the dominant culture, I do not see how the courts can accept the argument of those attempting to argue for the justification of that practice.

But from Marrero's point of view this is not the issue. The question for him is whether it is appropriate to describe an argument based on premises that are unacceptable to interlocutor as fallacious. I agree with him the argument is not fallacious but, of course, it will not be rationally and reasonably persuasive to the interlocutor. That is to say, interlocutor is reasonably justified in not accepting the conclusion of the argument because he or she does not find the premises upon which the argument is based to be acceptable. On the other hand the arguer is justified in making his or her case based on

¹ While Marrero does not spend much time on the problems associated with the application of the coherence criterion, I just note in passing that it is unlikely that any set of cultural believers are reliably coherent. This incoherence is one of the reasons that analytic philosophers can find employment. For example, the ideas that the all events are determined and that humans engage in free actions appear to be incoherent and such incoherence presents frequent problems for judicial and moral decision making.

COMMENTARY ON DANNY MARRERO

the metaphysical premises which provide the basis of that position because that **is** the justification within that cultural framework. Marrero suggests that adopting the coherence criterion for acceptability could be “the basis for a multicultural theory of argumentation that allows for a new understanding of argument in multicultural context.”

I agree that respecting the arguments put forth by members of a different cultural community, based on premises which one does not find credible, is probably a precondition for any kind of civilized discussion. But I do think that we should keep in mind, as Marrero acknowledges, that we are trying to find a way of peacefully resolving disagreements. Given such a project, I would suggest that the pursuit of common ground, though possibly threatening for the subculture, is still a worthy one. For example I would counsel the U’WA to argue that they too to share a concern for children, that they too share a concern for community well-being, and that they recognize that they are living in a more complex social environment. Their decision to go to the welfare Institute already indicates an acknowledgment of these concerns and the new situation in which they find themselves. They could then acknowledge that while it might be the best thing for the twins is to be adopted as soon as possible, in this case, because of the cultural situation involved, the Institute should make an exception. I am not saying that the Institute should necessarily accept this argument. I'm only saying that such an argument is based on shared grounds and could provide a reasonable basis for the Institute to modify its decision.

As to the issue of the lashes. Marrero notes that the Paes have already modified their punishment practices by abandoning the death penalty. Clearly the lashes were not designed to be torture, though given the name of the relevant law --“Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment” – it would seem that the law prohibits more than torture. Clearly the prosecution was wrong to argue that the lashes were a form of torture. It probable, in the context in which this argument took place, that the court was right to allow the subculture to use its modes of punishment rather than interfere with it. Such a decision could be based on the shared premises that *prima facie* subculture practices should be respected, that the punishment, while cruel, had the benefit of allowing the convict to re-enter the community, etc.. In other words, there were common ground arguments that could provide a basis for reaching rational agreement.

CONCLUSION

Among other things, I think that Marrero’s argument illustrates the fact that the acceptability criterion is a quite different kind of criteria of argument quality than the other two. It appeals to the idea of a rational interlocutor in quite a different way than the other two criteria. While it is not the only criteria sensitive to cultural standards (see all the arguments about whether standards of evidence are different in different disciplines). This criterion seems peculiarly vulnerable to the idiosyncrasy of the argumentative participants. But this is an issue to explore at another time.

I agree with Marrero, that in argumentative contexts involving radical culture differences, it is not fallacious for one cultural representative to put forth their argument without resort to the use of premises acceptable to the interlocutor of the other culture. It is not fallacious because such premises provide the actual justification of the practice. In

MARK BATTERSBY

addition, such premises provide a justificatory explanation of why the culture is engaged in a certain practice or holds a certain belief. It would be inappropriate and ethnocentric for the representative of the dominant culture to claim that the other culture's argument was "fallacious." But I would not stop there. Respecting the basis of alternative views is clearly one of the pre-conditions for reasoned argument. But one should also strive, if at all possible, to use argumentation as a means for reaching reasoned agreement. Clearly there may be contexts, in which such agreement cannot be achieved -- because common ground cannot be found -- but the effort to find such common ground and reach a mutually agreeable conclusion from mutually agreeable premises seems to me worthy the of effort no matter what the cultural context.

[link to paper](#)