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# Commentary on: Laura M. Benacquista's "Some practical values of argumentation"

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For obvious reasons, I am in broad agreement with this paper. If we reason well, we do not guarantee that we will arrive at true beliefs; however, we are very likely to reason from those beliefs we have to better beliefs. I would understand the notion of maximum participation in terms of not preventing some particular group from participating in public deliberation and encouraging more groups to participate. As has been said, we have mediated beliefs, which is to say that many of our beliefs come from other people, and we should engage in assessing such beliefs when appropriate. This does not mean being individualists in epistemology since, after all, much of what we are assessing comes from others and many of the tools we use to assess it are socially acquired.

In employing and improving skills of argumentation, we need to be aware that there are points of view other than our own, and we should be willing to reason and deliberate about such views. Differences in society can serve the purpose of exposing problematic reasoning, leading to improvements in methods of inquiry and the conclusions reached after public deliberation. I agree that, as individuals or as a society, we can benefit from discussion even in cases where a dispute is not resolved. We can better understand positions and may even in some cases better understand ourselves.

I find some awkward expressions in this paper, and some obscure ones including "ontologizing one's beliefs" and "rejecting the essentialist qualities of arguments". I also noted a few problems of wording and found some important themes that could have been further developed. To me at least four were prominent; the suggestion that we think of better or worse beliefs rather than true or false ones; the idea that lines of reasoning might be acceptable in some contexts though not in others; the relation between theory and practice; and the ways in which ignorance contributes to intolerance. But obviously no one conference paper could treat all these interesting topics.

In developing her account, Laura Benacquista kindly refers to several of my own papers in a 1999 book, *The Philosophy of Argument*. For these references I am grateful, but I would make a couple of comments about details. My statement that democracies deal with disagreements was not intended to give a definition of what democracy is or what "democracy" means, but rather to say that one of the things democracies in fact have to do is deal with uncertainties. And given her attention to my work, I find it strange that she does not refer to my reflections on adversariality

as expressed there. In several essays I seek an account that accommodates and values objections and criticism but rejects adversariality in any sense incorporating hostility. I distinguish between differences of opinion and conflicts between people expressing their opinions and advocate non-confrontational styles in arguing.

But given that these are not points of general interest, I will turn my attention elsewhere. Benacquista allows that there are limits to tolerance, but does not develop that important point. She says (page 9) “suppressed viewpoints should be heard.” It is this claim that I wish to explore further here. Her view is not quite clear because the statement appears in an unquantified form. That fact poses the question of whether she intends to say that *all* suppressed viewpoints should be heard, or that *most*, or *many*, or *some* suppressed viewpoints should be heard. “All” is the interpretation that I think most likely and that I will explore here by considering the recent Canadian case of political commentator and University of Calgary professor Tom Flanagan.

On February 27, 2013 Flanagan was speaking to a group at the University of Lethbridge, concerning Canada’s Indian Act. Many members of the audience were First Nations people unsympathetic to his opinions and the discussion had been lively to say the least. A man raised a question about an entirely different topic: that of pornography. In response to that question Flanagan said, “I certainly have no sympathy for child molesters, but I do have grave doubts about putting people in jail because of their taste in pictures.” He added that the viewers of child pornography do not themselves harm anyone.

There was an outcry both at the meeting and outside it. The comment was widely publicized and rejected as beyond the pale. The CBC program “Power and Politics” severed contact with Flanagan. University of Calgary president Elizabeth Cannon implied disaffiliation by announcing in the press Flanagan’s imminent retirement from the university: June 30, 2013. Alberta’s Wildrose Party president Danielle Smith said Flanagan would no longer serve as an advisor to her party. Alberta Premier Alison Redford similarly rejected the remark. Canadian prime minister Stephen Harper, whose teacher and mentor Flanagan had been, firmly denounce it and forswore further associations with Flanagan. Flanagan’s speaking engagement at the prestigious Manning Centre was cancelled. In short, this man’s influential roles as a media personality, right-wing public intellectual, advisor, and professor were terminated. Apparently his reputation was ruined by his comments.

Michael Enright, writing about the case, said luridly, “Professor Flanagan fell everlastingly into a fire pit deeper than a Florida sinkhole”. Then, using a different metaphor, he said that Flanagan had become “academic road-kill.” As this language might suggest, Enright thought the reaction was overblown. Though not at all supportive of Flanagan’s views on child pornography or on libertarianism philosophy more generally, Enright argued that a university professor should be able to raise uncomfortable questions. He stated that we do not have freedom of expression to protect the views we accept but rather to protect those that we do not accept. We should note at this point that the issue here is not a legal one. Repercussions were social and economic, not legal. As it stands, the case does not raise legal issues.

Very many things can be said and have been said about this case. One commentator noted that Flanagan had done worse when, on public television, he called for the assassination of Julian Assange, founder of Wikileaks. Flanagan was surely wrong in supposing that no one is harmed when people looking at pictures of child pornography. Real children are used, and very seriously abused, to make such pictures. That was a stupid mistake. Do people who make stupid mistakes deserve such immediate social repercussions? Do they deserve them if they are university professors? If they are public figures? If they are university professors who are also public figures? To defend the abuse of children would be outrageous, but in making his 'stupid mistake, which we could more charitably describe as an unwise remark, Flanagan was not doing that. One might infer that he was doing that, or was even a viewer of child pornography himself, but that would be hasty and unwarranted.

Flanagan later stated (*National Post* March 4, 2013) that he had meant to raise the question of how society should treat persons who were *voyeurs*, not themselves sexual abusers, though such persons might move on to actual abuse. He said that he had meant to raise the questions as to whether prison was the best treatment for such persons. A University of Toronto law professor, Brenda Crossman, cited by Enright, commented that in fact discussion of Canada's child pornography laws was needed, that there was a kind of 'moral panic' around the issue of child pornography working to cut off public discussion in Canada.

Obviously, one could write much about such themes. But I should return to Laura Benacquista's paper at this point. Benacquista said that suppressed viewpoints should be heard and I have interpreted this comment to mean that *all* suppressed viewpoints should be heard. Consider now the stance that viewers of child pornography only look at pictures. This view is suppressed. Should it be heard? It was indeed heard when Tom Flanagan expressed it, but it was only heard very briefly and reactions were severe. We are not likely to hear echoes of this view expressed publicly in Canada any time soon. In the case of Flanagan, Canadian society has not behaved according to a strong norm recommending that all suppressed views should be open to discussion.

But perhaps Laura Benacquista meant instead to claim the more restricted view that *most* suppressed viewpoints should be heard. If so, she would need to describe which suppressed views should not be heard. On a more restricted interpretation her view can be reconciled with norms against Holocaust denial (illegal in some countries) and hate speech and with the general Canadian reaction to the Flanagan comments. The pressing issues here are major problems for social and political philosophy. They clearly take us far beyond argumentation theory, and I say that acknowledging that argumentation theory could nevertheless contribute to our understanding of those problems.

I make no pretense of resolving such issues. Perhaps Laura Benacquista is right, even on a universal interpretation. Perhaps we should not repress discussion of highly unpopular (suppressed) views on topics such as child pornography and the Holocaust. If so, the Canadian response to Flanagan's comment was indeed overblown and wrong. Or perhaps it is Benacquista who has been overly bold; perhaps there are legitimate exceptions to her stated principle, which should hold only *ceteris paribus* and the Flanagan case amounts to an exception establishing that

point. A third possibility is that the view holds only *ceteris paribus* but the Flanagan case does not itself constitute an exception. These possibilities merit exploration. The themes I would draw from this discussion are two. First of all, some unquantified remarks are misleading and require quantification. Secondly, accounts in the context of argumentation theory should not aspire to resolve issues in social and political philosophy.