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Why We Should Come Off the Fence When Experts Disagree

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Martin Hinton in “Why the Fence Is the Seat of Reason When Experts Disagree” (2019) discusses the use of the theory of argument schemes and their associated critical questions in the situation when experts disagree about a certain matter. In this commentary, I shall focus on his evaluation of the use of the argument scheme that plays a central role in this endeavor, the ‘argument from expert opinion.’

Hinton’s paper provides excellent insights into the pros and cons of using the various critical questions that go with this scheme. I agree with all of his conclusions, except for one, namely that the existing accounts of these critical questions give us not much to go on in the situation that there is disagreement between experts. Contrary to Hinton, I think that they are indispensable in such a situation. My point of view is premised on the idea that there is a crucial distinction to be made between ‘reasoning’ and ‘argumentation’. I shall first elaborate on this distinction and then relate it to Hinton’s opinions about the matter.

Reasoning and Argumentation

Let me start my considerations about the distinction between ‘reasoning’ and ‘argumentation’ with an argument from expert opinion. No one other than Aristotle observed that these two activities, although similar, are not exactly the same. In his introduction to a description of the various argumentative strategies that can be used in philosophical debates, Aristotle states that investigating things by yourself and doing so through debating with others both centre around the finding of premises that allow one to draw a conclusion. However, while someone engaged in the individual process of reasoning only needs to find these premises and then infer a conclusion from them, someone engaged in a debate should also pay attention to the arrangement and the framing of the premises, which involve “a reference to another party.”¹

In present-day approaches to argumentation, which take their inspiration from the classical disciplines logic, dialectic, and rhetoric, the traditional distinction between ‘reasoning’ and ‘argumentation’ is reflected in many different ways.² For the present purposes it suffices to say that, in general, research on argumentation and rhetoric does not focus on the *genesis* of conclusions, i.e., the individual reasoning process by which people come to believe something, but on their *justification*, i.e., the communicative process by which people try to convince others of the acceptability of their point of view.

Now it may well be the case that an arguer, when trying to convince others of a claim, uses the same premises as the ones from which she inferred that claim herself. Viewed from a rhetorical perspective, however, such a choice of premises only makes sense if the members of the audience have precisely the same opinions and inferential preferences as the arguer, which is rarely the case. How to decide, then, which premises are suitable for being used in the process of argumentation?

¹ See Aristotle, *Topica* VIII, 155a40-155b15 (translation Barnes, 1995).

² The interested reader is referred to the *Handbook of Argumentation Theory* (van Eemeren et al., 2014), which contains detailed accounts of these classical disciplines as well as present-day approaches to argumentation.

Regarding Audience

Within classical rhetoric, this question is answered in terms of the central notion of ‘audience.’ One of the four so-called virtues of style that are mentioned in classical handbooks on rhetoric, for instance, is *aptum* (aptness). This means that in order to successfully convince an audience, the speaker is advised to attune the stylistic aspects of the discourse to the anticipated characteristics of the audience. But apart from informing the rhetorical instructions regarding the style (*elocutio* or wording) of the speech, the notion of ‘audience’ also shapes the instructions concerning the finding (*inventio* or invention) of its content.

Classical and present-day rhetoricians alike have emphasised that so-called ‘logical’ means of persuasion, i.e., arguments that relate to the content of the matter that is discussed, only work in situations when the audience is disposed to understand and assess the quality of such arguments. Audiences that fall short of these critical abilities might be more easily convinced by employing what is called ‘ethotic’ means of persuasion, i.e., by throwing in remarks specifically designed to make them believe that the speaker is a trustworthy person.

In actual practice, the level of rational disposition of an audience might be very difficult to anticipate. Larger audiences are typically heterogeneous in that their members have different a priori opinions on the matter or different preferences of how to be addressed stylistically. In this case, so the rhetorical advice goes, the arguer might want to employ a whole range of different means of persuasion. Some members of the audience might be convinced by an argument from example, while others require claims to be deduced from general rules. Again, others might even be convinced by an argument from expert opinion because they trust experts more than anybody else.

Assessing Arguments from Expert Opinion

How do these rhetorical insights relate to Hinton’s discussion of the use of existing accounts of critical questions for assessing arguments from expert opinion? According to him, these accounts do not give us much to go on in cases where experts disagree. This negative evaluation, however, ignores the fact that ‘argumentation’ differs from ‘reasoning’ in that it always involves an audience.

In the situation of disagreement between experts, a specific audience may or may not be aware of the disagreement. Now let us assume they are. In this case, if someone defends their claim by referring to a particular expert opinion, the critical question “Do other experts agree with this one?” has already been answered in the negative. Therefore, when viewed from a rhetorical standpoint, it would be idiotic to support a claim in this way. In order to be effective, the argumentation should address other factors that help the audience to decide which of the expert opinions is (most) acceptable. This is where Hinton’s proposal for additional questions can be of great use. If the members of the audience already know that there is disagreement among experts, they might want to check whether the disagreement is genuine, to assess the epistemic hierarchy of the experts and the level of certainty of their

opinions, and to calculate the costs and gains of the courses of action suggested by these opinions.

However, what if the audience is not aware of the disagreement? In this case, the critical question “Do other experts agree with this one?” is still very relevant. In the debate about preventing disastrous consequences of climate change, for instance, several rhetorically skilled politicians have supported their claim that we don’t have to do anything by referring to the expert opinion that there is no significant human contribution to climate change. In this case, the first step in debunking such an argument would be to ask the above critical question and point at the fact that it is only a minority of experts that endorses this point of view. For the fact that there is agreement among experts directly supports the underlying mechanism of the argument, which can be formulated as ‘the fact that this expert says so is authoritative for it being true.’³

An Important Difference

My main point in response to Hinton’s paper is this. His negative evaluation of the usefulness of the existing accounts of critical questions associated with the argument from expert opinion ignores that there is a difference between ‘reasoning’ and ‘argumentation’ in that the latter involves an audience. As a consequence, Hinton’s observation that the scheme of the argument from expert opinion looks “completely unpersuasive” in the situation of there being disagreement among experts does not hold in all cases. As illustrated by the example of the debate on climate change, audiences whose members are not aware of the disagreement may be persuaded by rhetorically skilled politicians who refer to the opinion of a small percentage of dissenting experts. In this case, rather than answering the questions that, in Hinton’s view, are necessary to reach a presumptive conclusion on the basis of the different views of experts, the critical question of whether other experts agree is crucial in assessing the quality of the argument.

The example also shows that classical insights regarding rhetoric and the process of persuasion are still very relevant today. A book on the history of rhetoric mentions an ancient Greek wall inscription that says: “Whoever does not study rhetoric will be a victim of it.”⁴ In an era where audiences are convinced by arguments from expert opinion that do not pass the critical testing procedures developed for their assessment, these words may serve as an incentive for coming off the fence in order to acquaint oneself with rhetorical techniques.

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³ For an explanation of the pragmatic working of arguments, see Wagemans (2019). For technical details regarding different types of authority and the argument from expert opinion, see Wagemans (2011, 2015).

⁴ See Murphy, Katula, and Hoppmann (2014, p. 3).

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