

## 2 *Sticky judgement and the role of rhetoric*

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John Dunn has long criticised the easy assumption that in our psychological and political habits of thought we human beings can make ourselves responsive to the lightest breeze of reason.<sup>1</sup> This chapter joins his chorus, focusing on the case of judgement and judgementally sensitive attitudes. We muster evidence that judgement does not come and go as rationality requires; in face of rational demands it proves remarkably sticky. And we argue that there is a case for resorting to the techniques of rhetoric in order to undo that stickiness and to give reason a chance. Rhetoric has a place in the private forum of deliberation, not just in the context of public debate; it can serve in a therapeutic as well as a strategic role.

The thesis about judgement makes a break with the standard approach in which judgement is contrasted with perception. Everyone agrees that perception is sticky in the sense that it often continues to represent things to be a certain way, even when there is irrefutable evidence that that is not how they are; it keeps representing the rod in the water as bent, even when it is clear that the rod is perfectly straight. By contrast with perception, it may seem that judgement is hair-triggered to the demands of evidence; although I continue to see the rod as bent, for example, I will readily judge that it is straight. But we hold that this appearance is misleading and that judgement itself suffers from drag effects akin to those which affect perception. This is what makes a case for the resort to rhetoric.

The chapter is in three parts. In the first we provide an overview of judgement, in the sense in which we are concerned with it here; this, inevitably, is a rather analytical exercise. In the second we marshal support for our claim about the stickiness of judgement, drawing on a representative sample of psychological findings. And then in the third we suggest how rhetoric – long seen as a means of countering the stickiness in other people’s judgements – may also serve to counter the stickiness of our own; it may enable us to hear the other side,

providing reason and judgement with an indispensable resource. As unreason may be cunning, in the title of Dunn's book, so reason may be uncunning. And the uncunning of reason, by our analysis, creates an opening for the therapeutic use of rhetoric.

What are the political implications of the argument? We cannot explore the full implications here, but three connected lessons stand out. One is that if deliberation about judgement is not sufficient to let reason reign in the private forum, it certainly cannot ensure this in the public. A second is that as rhetoric can serve the cause of reason in the forum of private deliberation, guarding against judgemental stickiness, so it can provide the same service in the public; it need not be merely a tool of spin and manipulation. And a third is that since the public forum of deliberation will typically include the partisans of different viewpoints, it may in that respect score over the private. The publicity of deliberation may let loose unwanted pressures of in-group allegiance but it can also facilitate the forceful presentation of different viewpoints. It can enable participants to live up to the catch-cry of the rhetorical tradition: *audi alteram partem*; hear the other side.<sup>2</sup>

## I The nature of judgement

### *Judgement and belief*

The term 'judgement', as we employ it here, may be used to report a reflectively available event or state. The event is the formation of a belief, say the belief that 'p', in light of distinct beliefs, explicit or implicit, about the evidence for and against 'p'. The state is the belief that is held as a result of that sort of event. We ascribe judgement in the event sense when we speak of someone's making or forming a judgement; we ascribe judgement in the state sense when we speak of the person holding or maintaining a judgement (though more often we speak here of holding or maintaining a belief). In what follows, we shall sometimes use the term 'judgement' in the event sense, sometimes in the state sense; context will make clear which is involved. There may be other uses of the word 'judgement' besides these two but we shall treat it as a term of art and restrict it to these two senses.

Judgement in the event sense is not the only way in which belief is formed; on the contrary, it represents an unusual mode of

belief-formation in which the subject pays attention to evidence: that is, as the phrase suggests, pays attention in an intentional, though perhaps not very reflective manner. Thus the beliefs that are formed as a result of judgements – the beliefs that constitute judgements in the state sense – may be a very small sub-set of the beliefs that are held at any time by a human being.

Many of our beliefs are formed without the exercise of judgement, under pressures that we do not recognise as such. They materialise and mutate in response to perceptual or proprioceptive cues but in a process of which we may have no inkling and over which we have little or no control. Consider the beliefs bearing on the location or orientation of my body, the angle at which to reach for my coffee cup, the direction from which a sound is coming. Such beliefs will come and go within me under the beat of a drum I do not hear. It will be by grace of nature that they are appropriately formed and unformed, not by dint of any attentional effort on my part. While the direction from which a sound is coming will be salient from the difference in the time at which it reaches each ear, for example, I will not have to attend to the time difference in order to know the direction of the sound; indeed I may not even be capable of consciously registering that difference.

Things are very different with judgementally formed beliefs. It is appropriate to speak of our forming a judgement only when we are not involuntarily mainlined in this way by subconscious cues – not hooked up at a level beneath the reach of our awareness and control to the representational requirements of the world. Making a judgement on an issue presupposes an ability to stand back from the current of evidential input and to operate in more reflective, autonomous mode. We will ask ourselves whether all of the evidence is available, how the different bodies of available evidence measure up against each other, and if they give support to one or another position on the issue. And depending on how our beliefs form in answer to those questions, we will then make a judgement or refuse to make a judgement on the matter raised.

Although only a small sub-set of our beliefs form in response to acts of judgement – although only a small sub-set are properly judgemental beliefs – this does not mean that judgement is only of marginal significance to the beliefs we hold. For while very few beliefs may be sourced in judgement, all of them may be judgement-sensitive.<sup>3</sup>

Although not produced by judgement, they may still be subject to judgemental policing.<sup>4</sup>

I normally go about my business in a very unreflective way, forming beliefs on the basis of evidence of which I am barely aware; think, for example, of the way beliefs form within me as to where I am at any moment in the course of driving home from work. Even in this unreflective mode, however, I will be primed to respond to certain cues that things are going awry: the cue the unfamiliar look of a street onto which I take a wrong turning. Let these cues appear and they will prompt me to suspend my unreflective belief-formation and have resort to judgement. I will stop the car, pay attention to the landmarks around me and form a judgement as to how I must go from here. While the beliefs that I normally form may not originate in judgement, then, they may still be subject to the discipline of judgement; they may survive only insofar as they do not clash with the judgements I would form were I in more reflective mode.

### *Human and non-human*

Amongst the intentional agents with which we are familiar, judgement is almost certainly the preserve of human beings.<sup>5</sup> Some other animals – or, indeed, robots or other artefacts – may count as intentional agents, but they are not judgemental subjects.

To count as an intentional agent, by our lights, a creature must have desires or goals for which it is disposed to act and it must form beliefs about its environment to guide its action, directing it to suitable opportunities and strategies. Such desires and beliefs can be characterised as attitudes towards propositions, with the desire consisting in the targeting of a proposition, with the belief in the acceptance of a proposition, and with the distinction between targeting and acceptance being given by a difference in the direction of fit. An agent will act to make the world fit a targeted proposition and will adjust to make its mind fit a proposition it accepts.<sup>6</sup>

Even a simple system can merit the ascription of propositional attitudes. Consider the little robot that navigates a table top on wheels, scanning various cylinders on the table with bug-like eyes, and moving to set upright any cylinder that falls or lies on its side. Even a system as rudimentary as this can be characterised as accepting propositions to the effect that this or that or another cylinder is

upright or on its side and as being disposed with any cylinder on its side to target or realise a proposition to the effect that it is upright once again.

Any creature, even one as simple as this robot, will have to function to a certain minimal level of competence, if it is to deserve the name of agent. The movement of the robot's eyes will have to pick up relevant evidence about the orientation and location of cylinders on their side. Its cognitive processing will have to ensure that it forms a set of consistent representations as to where they are. And those representations will have to interact with its overall goal to generate attempts to set those cylinders back in upright position. In other words it will have to display a minimal level of rationality in evidence-to-attitude, attitude-to-attitude and attitude-to-action relations. Or at least it will have to do this under intuitively favourable conditions and within intuitively feasible limits. We may think that the robot is operating under conditions for which it is not designed – conditions that are not intuitively favourable – if it tends to knock cylinders at the edge of the table onto the ground, rather setting them upright.

Non-human creatures, certainly non-human animals, get to be much more sophisticated agents than the robot imagined. There are a number of ways in which the robot might be designed to approximate such animals more closely. It might be built to have a number of goals, not just a single one; to form beliefs about other objects besides the cylinders or about other properties besides the location and orientation of the cylinders; and to form dispositions to do things – plans or intentions – not just in relation to the here and now but also for situations at a temporal or spatial remove. With these and other developments, it might get to be as flexible and intelligent as a dog or a chimpanzee.

No matter how complex the robot becomes in such dimensions, however, it will be unable to form judgements, as we understand judgement here. It will not be able to attend to bodies of evidence or to propositions as such; and it will not be able to seek out information on whether certain evidence supports a certain proposition. The robot may be able to direct its gaze and pay attention to a certain cylinder, seeking to determine if it is on its side, as a dog is able to prick up its ears and pay attention to a noise out of a desire to learn if dinner is being served. But if the robot mimics the capacities only of non-human animals, then it will not be able to make abstract entities

like bodies of evidence or propositions into objects of its attention. It will not have achieved the semantic ascent required to be able to form meta-propositional attitudes – i.e., beliefs and desires about bodies of evidence or propositions.<sup>7</sup> Hence, it will be unable to ask questions about the kind of evidence available in any situation, about how far the different evidential elements fit together, and about whether they combine to support a certain proposition. In short, it will be unable to go through the reasoning exercise that is involved, however implicitly, in forming a judgement.

### *Language and judgement*

We human beings are able to do these things, or so it seems, because we have access to language. We can utter the words that give expression to a proposition, and we can let them exemplify the proposition as an entity about which we may form belief: the sentence ‘Jane is a good philosopher’ can serve, not just to report that state of affairs, but to make the proposition about Jane’s philosophical talents salient as an object of attention. Equipped with words, we can attend to such propositions, ask ourselves various questions about them, such as how well supported they are or whether they are consistent with other propositions we accept. And prompted by such questions, we can form beliefs about the properties of those propositions in response.

We routinely make use of this ability to go up a level and form meta-propositional beliefs when we rehearse an argument, as in saying to ourselves: ‘p’, ‘now, if p then q’, ‘so ... q!’<sup>8</sup> Raising suitable questions at the meta-level, we actively engage in forming beliefs about the nature of the propositions we endorse (‘are they probable?’; ‘are they desirable?’) and about the kinds of connections we find among them (‘is this an acceptable pattern of inference?’ ‘does this conform to *modus ponens*?’). This is not to say that non-linguistic subjects cannot form beliefs in conformity to the *modus ponens* pattern; they may be led by believing that ‘p’ and that if ‘p’ then ‘q’ to believing that ‘q’. But they will be unable to form a belief about the requirements of this pattern of reasoning and to police themselves for conformity to those requirements.

The distinctive, human ability to form such beliefs sets us apart from non-linguistic subjects in at least two different respects. First, we can use meta-propositional beliefs to regulate our more basic beliefs,

so that these more basic beliefs conform more nearly to patterns of reasoning that we judgementally endorse. And, secondly, in raising the meta-propositional questions that give rise to such beliefs, whole new properties, like probability, desirability, validity – or at least the simulacra of such properties<sup>9</sup> – become available for examination and predication. The robot or any such simple system will have desires, but no beliefs about desirability, as it will have beliefs, perhaps degrees of belief, but no beliefs about probability. Likewise, its belief may form and unform in rough accord with acceptable patterns of inference; but it will have no beliefs about whether and to what extent such transformations are justified, and so no means of regulating or correcting whatever patterns it follows.

We stressed earlier that it is largely by courtesy of consciously inaccessible and intentionally uncontrolled processing that we, like the robot, manage to be rational in the formation of most of our beliefs and desires and indeed in the formation of intentions to act as they require. This is how we form beliefs, for instance, about the position of the coffee cup and the angle at which we must move our hand in order to grasp it. We transcend that purely autonomic mode of rational processing when we seek out meta-propositional beliefs about propositions themselves and the evidential case for their being true and belief-worthy, and rely on those beliefs to prompt the right beliefs – or, at least, override the wrong ones – at the more basic level. But this transcendence is only partial; it gives our minds a special place in nature but it does not take them beyond nature's bounds.

If meta-propositional beliefs move us, leading us to form suitable judgements, that must itself be due to a level of processing that escapes our awareness and control. If I am moved by certain beliefs about what the evidence supports to make a corresponding judgement, and form a judgemental belief, then on pain of a regress that must be due to a natural process that I do not control.<sup>10</sup> I have to put my trust in my own neural make-up when I assume that any meta-propositional beliefs about consistency, entailment or support that I can induce in myself will have an appropriate effect, leading me to form the judgements for which they argue. While we intentionally marshal the beliefs bearing on what we ought to judge in light of the evidence, we have to rely on our sub-agentially implemented rationality to ensure that as we ought by these lights to judge, so we generally will judge. Even at the most sophisticated level of reasoning and

judgement, we surf on swells and tides that ebb and flow within us, shaped by forces that nature, not we, dictate.

## II Judgemental stickiness

### *Perception, will and judgement*

For all that the foregoing shows, it might be that those of us who operate in the space of judgement, alert to the demands of reason, are capable of a deep and detailed control over our beliefs. We might have a sure feel for when to suspend our more spontaneous, generally reliable habits of belief-formation, forcing ourselves to review the evidence and form a judgement on the relevant issues. And we might have an assured ability to identify where the evidence points, to make the judgement that it supports, and to maintain the belief that judgement puts in place. In a word, we might be paragons of reason, hair-triggered to respond to the evidence and well equipped to maintain that response robustly.

A cursory examination of the differences between perception and judgement may lend some support to this view. It is a commonplace of scientific and folk psychology that while our perceptions are responsive to evidential inputs on the sensory side, they are often resistant to the evidential inputs from collateral sources. They are more or less encapsulated or insulated, as it is often said, against such information.<sup>11</sup> Take the Mueller-Lyer illusion in which two lines of equal length differ in the direction of the arrow heads at either end; one has normal arrow heads at the ends, the other reverse arrow heads. No matter how much collateral evidence is available that the lines are actually equal in length, and no matter how ready we are to accept that evidence, our perceptual system will not adjust accordingly; the lines continue to appear unequal in length. And so it goes for a range of familiar perceptual illusions.

Judgement looks to be very different from perception. Perception is sticky, as we might put it, being subject to representational biases that lock it into certain patterns, even when the evidence shows that those patterns are misleading. But judgement, by contrast, is the very epitome of a light and hypersensitive form of representation. Unlike perception, it is not insulated in principle from any particular sort of evidence. It can be moved by no matter what sort of insight or

information, and is capable of leading us to affirm whatever scenario is evidentially supported. In perception, the sun may continue to look as if it crosses the sky, when we know it does not, but judgement is subject to no such limit. Where perception is confined to fixed and inflexible tracks, judgement can apparently soar along any trajectory and light upon whatever hypotheses the evidence happens to support.

While there is certainly a contrast between perception and judgement, this way of presenting it projects a highly misleading image of judgement. Perhaps there are some possible creatures who are as free of judgemental drag and bias as this picture suggests. But we are not those creatures. The one theme that emerges clearly from recent, sustained investigations of cognition is that, just as our perceptual faculties are locked into fixed patterns, so too – in certain ways – are our judgemental faculties. Making evidentially responsive judgements, it turns out, is not easy, and neither is maintaining judgementally formed beliefs. The life of judgement is agonistic, requiring a continuous struggle to escape limiting and warping forces and to keep them at bay in the maintenance of reasoned opinion.

The problem, in a phrase, is that judgement is sticky. It is sticky in two ways. First, the availability of evidence in support of the proposition that ‘p’ rather than ‘not p’ – or the proposition that ‘p’ is more probable than ‘not p’ – may not actually lead us to make those judgements. And second, even if the evidence does prompt those judgements – even if it overcomes stickiness in this area – still, there is another sort of stickiness that may then come into play. The agent may be unable to internalise fully the belief that the judgement requires or may not be able to sustain that belief robustly, lapsing into thoughts or actions that run against it. Let the evidence fade from view or let other pressures come on stream and the agent will no longer think and act consistently according to his or her judgemental determinations; the agent will not whole-heartedly believe, in the state sense, what he or she judgementally endorses.<sup>12</sup>

The problems we have in mind are easily illustrated.<sup>13</sup> Suppose that someone is an inveterate but inexpert gambler, and is subject to the fallacy of believing that as a run of blacks materialises on a black-red roulette wheel, the chance of a red gets to be higher and higher. Imagine now that this gambler is presented with evidence that, as each spin is an independent event, what happens from one spin to the

next is irrelevant for predicting outcomes. The gambler may just be unmoved by that evidence, displaying stickiness at the stage where judgement is formed; the intuition in favour of the gambler's fallacy may be so strong that this evidence does not elicit her judgemental assent. But even if she overcomes stickiness at this point, there is a further point at which it is likely to strike. Sitting at the casino table, the gambler may find that conviction fades from view. In the heat of the moment, her judgementally formed belief becomes cognitively less salient in her, and she continues to operate in ways that signal persistent adherence to the fallacy. Her prior cognitive habits prove too sticky for judgement to dislodge.

There is a natural analogy on this front between the life of judgement and the life of will. As there is weakness of will, so there is weakness of judgement. And as a victory over the weaknesses of will requires sustained efforts at self-control or self-regulation, so something similar is true of what is required for a victory over the weaknesses of judgement. Some theorists of the will imagine that true virtue makes self-regulation unnecessary, inducing a frame of mind in which the siren calls of unreason are simply silenced and the will follows quietly on the paths that reason prescribes.<sup>14</sup> We do not think that this picture of will fits with the facts of human imperfection. And we do not think that the corresponding picture of judgement has any greater claim to accuracy. Just as the person of practical wisdom never passes into the realm where self-regulation is no longer needed, so the parallel lesson holds for all of us in the formation of judgement.

The standard picture of self-control or self-regulation offers a faithful portrait of the best that real human agents can achieve. According to that portrait, self-control is the sort of exercise in which the ploys and strategies recruited to the cause of reason are a mixed and motley bunch; they are as various as the means whereby people can tie their hands and guard themselves against passing temptation.<sup>15</sup> Those who struggle with the demon drink may have to lock the booze cupboard, only eat at restaurants in which no spirits are served, take devious, bar-avoiding routes between workplace and home. Those who struggle with irritability may have to count to six before responding to mundane queries, arrive in plenty of time at airports and train stations, and avoid too much coffee. Those who find it hard to resist gossiping about their friends may have to shun certain gatherings, force themselves to declare their friendships before gossip gets going,

or resort to clowning or self-mockery to change the direction of a conversation.

The profile captured in this picture of self-control is one of moral bricolage, in which any available ploys or wiles – the bric-a-brac of moral psychology – can be employed to overcome or outflank human weakness. Some philosophers see in such moral bricolage nothing but the sad face of human weakness. We see in it the ingenuity of a self-regulating system that has no other way to approach the best in human practice.

As it is with the will, so we think it is with judgement. Here too the stuff of our psychology is not the ideal stuff, by any abstract metric. It can sustain a life in which judgement is formed on reliable lines and sustained to good effect. But it can do this only by virtue of an epistemic agonism: a constant tussle with the gravitational, warping effects of forces that operate behind our backs. The point will become obvious from a quick review of the pressures that tend to push us onto dubious paths.

### *Problems in judgement formation*

The psychological journals abound in lists of the frames, biases and habits that confound the evidence-sensitivity of judgement. We shall restrict ourselves here to illustrating five sets of problems. They affect the revision of existing beliefs, the attribution of attitudes to oneself and others, the capacity to understand the perspective of others, the processing of probabilistic information, and frame-independent thinking. It is important to note that the problems here discussed are merely representative of the pathologies of judgement that cognitive science has begun to document; they do not constitute a comprehensive inventory. Like the tip of an iceberg, they serve to warn of the extensive dangers that lurk in the area.

### *Revising beliefs*

Problems in the revision of existing beliefs are the largest category amongst these five. There is now a stunning variety of studies which show that, whatever evidence is put before us, we display a dogged, unconscious determination not to let it affect our current beliefs. When asked to consider various arguments for their logical validity,

we tend to reject valid arguments with conclusions at variance with our beliefs, and to endorse invalid arguments with congenial conclusions. Asked to check hypotheses that we accept, we tend to look for confirming instances, not for counter-examples.<sup>16</sup> And presented with reports that go different ways, we predictably think better of those that fit with our prior beliefs.<sup>17</sup> In the social world, not only are we disposed to make rapid evaluations of others, we also tend to persevere in those initial judgements, often in the teeth of contrary evidence.<sup>18</sup>

Of course, it might not be so very bad that we are loath to revise our existing beliefs and judgements, if psychological studies showed that cognitive biases did not enter into processes of belief formation in the first place. But emphatically, this is not so. The data argue that, notwithstanding our best efforts to be thoughtful and critical judges, we succumb to a variety of evidentially unwarranted epistemic pressures – a few of which we now briefly discuss.

### *Attributing attitudes*

One set of cognitive biases comes with the attribution of attitudes to others – and indeed to ourselves. Beginning with others, the fundamental attribution error, or ‘correspondence bias’, holds that in explaining what others do, we tend to invoke low-level dispositional explanations – the person is cowardly, or generous, or fair-minded – rather than explanations that refer to pressures of the particular situation of the agent;<sup>19</sup> for example, the pressure to cut a good figure and win the esteem of local observers.<sup>20</sup> E. E. Jones emphasises the significance of this bias: ‘I have a candidate for the most robust and repeatable finding in social psychology: the tendency to see behavior as caused by a stable personal disposition of the actor when it can be just as easily explained as a natural response to more than adequate situational pressure.’<sup>21</sup>

The flip side of the fundamental attribution error is shown in explanations of our own behaviour, where we lean – to the contrary – in a situational direction.<sup>22</sup> So strong is this bias that we persist in it even when the situational explanation is not particularly flattering. Where others see us as acting out of bravery, for example, we tend to suppose we act ‘bravely’ in the situation only because of some chance coincidence of events – e.g. others are watching, we didn’t

fully anticipate the risks involved, and so forth and so on. Of course, in some of these cases, our own assessments may be more accurate than the assessments others make of us. But that is neither here nor there. Our point remains that, occasional accuracy notwithstanding, the patterns in 'self' and 'other' explanations robustly evince the biases described.

### *Understanding alien perspectives*

Emphasising these biases in understanding others may seem too pessimistic, given that there is one epistemic capacity displayed in dealing with others that has been much celebrated in recent psychology. This is the ability to see things from another's point of view rather than assuming that that point of view will be the same as ours. The false belief test, often invoked in this context, shows that, from about four years on, children are typically able to tell the difference between where an object sought by another person actually is, as they happen to know, and where that other person may think it is; given evidence of how the other person was misled, they will ascribe a false belief about the object's location. And that appears to testify to a robust epistemic ability for understanding others that our nature gives us.

Even in this area, however, there is evidence that we have to work hard in order to keep the other's point of view in mind. Competence does not come without attention, even self-regulation. In a series of experiments, Keysar, Epley and colleagues have established a dissociation between our reflective, critical grip on the difference between how things are and how others think they are and our practical, unreflective capacity to act in ways that display a similar sensitivity to the perspective of others.<sup>23</sup>

In one such experiment, there are two parties, a 'director' and a 'participant', and there is a set of shelves between the two, with some items on the shelves being clearly and visibly blocked from the director's view but not from the participant's. For instance, there might be two toy trucks, one large and one small, visible to both director and participant, and a third, even smaller truck visible only to the participant; and both director and participant are made aware of these facts. Now the director asks the participant to move 'the smallest

truck'. Since the director can only see two of the trucks, the smallest from his perspective is not the smallest from the participant's. So in order to comply with the director's request, the participant has to discount what she would egocentrically take to be the referent of 'the smallest truck'. Still, the finding of the experiment is that adults often make errors on this test, reaching for what is the smallest truck by their lights, even though they well know – and will readily acknowledge – that this item is not visible to the director. In other words, participants often act in a way that reflects an immediate bias in favour of their own perspective. Moreover, this bias increases with an increase in cognitive load, as when the participants are distracted in some way.

It does not take much for the participants in this scenario to correct themselves, once they are prompted to reflect. But such prompting often has to come from the outside – e.g. in the form of the director redirecting their attention to the appropriate object. In any case, even when there is self-correction, the fact that the immediate, instinctive response is shaped by the egocentric perspective shows that our adult capacity for 'reading other minds' – though much vaunted in philosophical and psychological literatures – is more fragile and hard won than is often supposed, and requires a struggle against deep-seated dispositional biases in cognition.<sup>24</sup> Our suspicion is that though individuals may readily self-correct or accept corrections from others in epistemically or emotionally uncharged situations, their responses may be quite different in situations where it costs something to concede the validity of another's point of view.

### *Probabilistic calculation*

The area where there is perhaps the most telling psychological evidence of epistemic under-performance is probabilistic judgement. One particular problem here derives from the fact that we are robustly moved by the vividness of a scenario to give it more prominence in our thinking than less vivid but more likely alternatives.

Take a case explored in a famous experiment by Tversky and Kahneman.<sup>25</sup> Participants were asked to consider a description of a woman and to decide which is the more likely: that she is a bank teller; or that she is a bank teller and an active feminist. The description goes like this: 'Linda is thirty one, single, outspoken, and very

bright, and she majored in philosophy. As a student, she was deeply concerned with issues of discrimination and social justice, and participated in anti-nuclear demonstrations.' Eighty-five per cent say that it is more likely that Linda is a bank teller and a feminist, ignoring the simple probabilistic principle that it is always more probable that something A obtains – for example, that Linda is a bank teller – than that A and B obtain together: that Linda is a bank teller and a feminist.

The problem here may stem in part from a failure to follow the probabilistic reasoning; but an important source is likely to be the vividness of the image of Linda as a feminist, which we associate with the description of her background. There is ample experimental evidence of this problem of misleading vividness, and everyday experience testifies strongly to its influence. We are all familiar with it in the statistically unreasonable fear that many people have of flying, given the terrifying prospect of falling from the sky. And we can immediately understand the dramatic effect of an example invoked by George H. Bush in his debate with Michael Dukakis, when they were contenders in the 1988 US presidential election. As governor of Massachusetts, Dukakis had maintained a regime of comparatively lighter criminal sentencing than was common in other States. Despite the fact that the crime figures for Massachusetts compared favourably with those elsewhere in the USA, that evidence was entirely eclipsed when Bush drew attention to a particular, heinous crime that the more lenient measures had made possible. The shocking vividness of the rape and brutal beatings committed by convicted felon Willy Horton, while on furlough under a Massachusetts State programme, entirely swamped the epistemic impact of the statistical record and set back Dukakis' campaign.

### *Escaping frame*

The final set of problems that we would like to mention is associated with the phenomenon of framing, as it has come to be known. The most famous case here, again due to Amos Tversky and Daniel Kahneman,<sup>26</sup> is one in which participants were asked to make a judgement between different programmes for dealing with an Asian disease that is threatening the United States and is expected to kill 600 people.

As between programmes A and B, 72 per cent favoured A, 28 per cent B:

A: 200 people will be saved.

B: There is a one-third probability that 600 people will be saved and a two-thirds probability that no one will be saved.

As between programmes C and D, however, 78 per cent favoured D, 22 per cent C.

C: 400 people will die.

D: There is a one-third probability that nobody will die and a two-thirds probability that 600 people will die.

But programme A is identical with programme C, and programme B with programme D. The description or framing of the programmes makes all the difference in determining how participants judge.

This particular experiment has been a model for many later investigations. The upshot of those studies is that we are deeply and incorrigibly frame-sensitive in our first take – indeed, in later takes too – on any issue. Even when we know better, we often have to fight intuition to think and act in accord with our more tutored judgements. How the different sides in the issue are presented fixes how we understand the question, and how we understand the question has a powerful influence on the judgement that we are then inclined to make.<sup>27</sup> In the alternatives presented, A rather than B puts the focus on lives saved, as does D rather than C. And it is that focus, that shaping of attention, which primes most participants to prefer A to B and, inconsistently, D to C.

### *Judgement is sticky*

The lesson, we think, is clear. We do not operate in the free space of reason when we seek out the judgements we think are defensible. We are subject to silent forces that are as powerful and unrelenting as gravity and that curve the space of reason in ways that it is difficult for us to detect. The contrast between perceptual and judgemental representation is misleading. Neither operates with the spontaneity that Kant celebrated; each is subject to its own inbuilt limitations and pressures. Recognising this, we have to see the challenges in the formation and maintenance of judgement as akin to the challenges we

all acknowledge in the formation and maintenance of will. We are not by nature the enlightened masters of where our judgement goes; having been selected for survival, not for insight, our natural instinct is a wayward ally in the struggle for truth.

### III Rhetorical therapy

#### *Hear the other side*

It may be of interest in the context of epistemic agonism to think again about the tradition of rhetoric, as that was established in the classical and the Renaissance worlds. Rhetoric was presented in this tradition as providing resources of persuasion whereby one might hope to convince others of one's point of view. The positive assumption was that the judgements of others are sticky and can be moved only with the help of special techniques of persuasion. The discipline of rhetoric was developed out of the attempt to identify the best techniques. These might be used insincerely to persuade others of a viewpoint one does not hold but they are also useful in communicating a viewpoint to which one is sincerely attached.

To our knowledge, no one in the tradition of rhetoric comments on the need for self-persuasion. The assumption appears to have been that the resources of rhetoric are not necessary in the internal forum, only in the external. The default idea must have been that one can move oneself to judge according to the evidence without recourse to special techniques of persuasion. Rhetoric may be needed in public debate, as one strives to make one's viewpoint accessible to others – assuming sincerity in defending that viewpoint – but rhetoric will have no role to play in the forum where one debates with oneself.

If we grant that the intrapersonal formation of judgement is subject to the same stickiness that appears in interpersonal exchange, then rhetoric assumes a new guise. It begins to look like a discipline that one may use in one's own case, in order to overcome psychological obstacles to the reasoned exercise of judgement: a therapy one can practice in personal, inevitably agonistic reasoning. The methods of rhetoric may serve as means for escaping some pathologies of judgement and for exercising an epistemically useful form of self-persuasion. They can provide a degree of protection against the psychological pitfalls we have been documenting both for those

who are unaware of the problems and for those who know of them: knowledge, it turns out, is no more a guarantee of judgemental virtue than it is of practical.

Despite its often dubious reputation, rhetoric was celebrated in the period of its prominence for a range of insights that have something to teach about how to succeed in the struggle for judgement. Those insights were rehearsed with enthusiasm by classical figures like Aristotle, Cicero and Quintilian and by a range of authors in the 300 years or so leading up to the rise of science in the seventeenth century and the subsequent demise of rhetoric as a discipline worthy of scholarly attention and practical study.<sup>28</sup> While these authors were invariably focused on the interpersonal context where others need to be persuaded, we think their insights also have relevance for how we conduct our intrapersonal affairs.

The central axiom of rhetoric can be summarised very simply: in persuading others of our point of view, it is often not enough just to make a good case for that point of view; it is also necessary to move or bend your hearers, letting them feel the force of what you have to say.<sup>29</sup> Dr Johnson chided one interlocutor with the comment: ‘Sir, I have found you an argument; but I am not obliged to find you an understanding.’<sup>30</sup> The remark typifies an Enlightenment mentality – not that Johnson was in other respects a luminary of that movement – and stands directly opposed to the assumptions of the earlier tradition. On that earlier way of thinking, the understanding that makes conviction possible is hard to come by. And so anyone who seriously wants to persuade another has to take on board the lessons of rhetoric about what is required for generating such understanding in others.

We think that the fallibility of judgement, and the agonistic efforts required for the formation and maintenance of reliable opinion, means that the basic axiom of rhetoric applies in the intrapersonal as well as in the interpersonal context. We human beings may have to rely on rhetoric, not just in seeking to persuade others, but also in trying to think matters through on our own. The methods of rhetoric may be necessary aids to hearing the other side, in the catchcry of the tradition. They may provide essential strategies for giving every side a fair hearing and for finding our way, by the dim light of reason, along unfamiliar and – often for that very reason – unfetching tracks.

### *Rhetorical aids to enlightenment*

The methods of rhetoric that are of interest in the current context are those that have to do with *elocutio*, as it is called in the textbooks: presentation, as we might say. The tradition distinguishes different ways in which an argument, once identified and structured, can be put forward with a view to engaging and affecting the minds of an audience. There are different accounts in the tradition of these modes of presentation, and different interpretations in contemporary commentary, but it is not misleading to distinguish between three families of strategies employed to improve the design and force – the *ornatus* – of an argument. These may be described as rhetorical schemes, rhetorical tropes and, to use a term with no pedigree in the tradition itself, rhetorical techniques.<sup>31</sup>

Rhetorical schemes focus on the ordering of words: for example, on the effects that may be achieved via alliteration, repetition, climax and the like. They are of obvious utility in mocking the views of others, as in references to chattering classes, charmed coteries or Semillon socialists. But they are not likely to be of great importance in helping us to get our own views in perspective and to give a fair hearing to rival opinions. Here tropes and techniques promise to be the crucial aids.

Tropes involve the use of particular words and concepts in non-literal ways, as in metaphor and, on some interpretations, irony. Other examples include metonymy in which one object is used to pick out another, as when ‘Westminster’ refers to the British parliament; and synecdoche, in which a part is used to pick out a whole (or vice versa) – ‘the crown’ refers to the monarch or more generally to government.

Techniques involve not just the transformed use of particular words or concepts but the casting of whole passages in an unusual key. One example would be the allegory in which a story is told that bears by parallel on some context under discussion. Another would be sustained mockery or sarcasm in relation to a particular person or point of view. And yet another would be the extended attempt to redescribe a situation so that where it previously looked good or bad, now it is given a changed valence; what had seemed like cowardice is recast as a form of bravery, what had looked like a failure to inform is reconstrued as modesty about committing to a not quite established narrative.

If we consider the different deficiencies of judgement that we illustrated in our earlier discussion, it should be clear that one way of guarding against them, both in seeking to persuade others and in seeking to persuade ourselves, is by the use of such rhetorical tropes and techniques.

A main problem, so we saw, arises with the difficulty all of us experience in letting go of prior, perhaps long-established habits of thought. We give the benefit of any doubt to things we already hold and change our minds only reluctantly and with difficulty; we are subject to forces of judgemental inertia and attachment. How to cope with this inbuilt hostility to the new and unfamiliar? One obvious way would be by drawing on resources of metaphor to cast the novel theses in terms that make them look more homely; another by developing a redescription of the claims that trouble our cautious, stick-in-the-mud minds, giving them a more acceptable cast; yet another by seeking out aspects of our adherence to the older views that invite a certain ridicule, if only for the doggedness of our attachment to them.

The rhetorical tradition of educating the young to debate in public, taking up any point of view they are asked to defend, can be seen as a way of training them to be able to adjust flexibly in the way required for combating judgemental inertia. If we are unable to give colour to points of view we do not hold, if those standpoints are always going to assume a drab and alien profile for us, then we can have little hope of moving ourselves by argument. We will naturally slip into whatever ruts or grooves come first on our path and will roll along, uncritically and unshakeably, on our predetermined way. If we are to be able to reason effectively in the internal forum then we must be able to remonstrate with ourselves, agonising over the epistemic challenges presented. We must not think that calm contemplation will deliver the goods. If we find ourselves able to maintain such calm, then that is likely to be a sign that we have not really reached out to the other point of view. We have not heard the other side.

A second set of problems identified in the psychological literature arises with the attribution of attitudes to ourselves and others. These problems stem from the difference in how we tend to interpret our own behaviour and that of others – the difference revealed in the fundamental attribution bias – as well as the difficulty we find in taking another's point of view. Here there may be no better antidote to our natural habits than to nurture use of the rhetorical technique of

allegory and parable. We may not often have occasion to employ that technique in full dress but we would benefit enormously from seeking, in the spirit of the strategy, to keep alive an imaginative sense of how it is with others and how it may be that they are led to act as they do. The friend who seems to have given up on us, the colleague who appears untrusting, the neighbour who presents as downright hostile, the sycophant who finds us relentlessly charming; these figures may assume more likely profiles in light of some imaginative reconstruction.

The difficulty of overcoming our habitual stereotyping of others can hardly be overestimated. Consider the study by Dale Miller and Deborah Prentice into habits of undergraduate drinking.<sup>32</sup> The study revealed that the students each believed that others drank a relatively large quantity because they preferred that level of consumption and disapproved of drinking less. However, speaking for themselves, the students each maintained that they shared neither this general preference nor the general attitude of disapproval. Why then did they drink? The explanation in every student's case was their fear of not living up to their own stereotypical assessments of others' behaviour: the conviction that others drank out of a settled disposition for being a certain kind of drinker (the fundamental attribution error), and a concern with attracting disesteem or even ostracism for not fitting into the group as a drinker of that type. If people can be evidentially insensitive and empathetically unimaginative to the point of sustaining a norm of which no one approves,<sup>33</sup> then we know that the malaise runs deep.

The third general area where we commented on the psychological evidence of our judgemental fallibility was in our estimates of probability and, more generally, in our dealing with framing effects. This may be the area where we are most vulnerable in the judgements we make and it is significant that it connects with perhaps the most powerful technique advertised in the tradition of rhetoric: that of strategic redescription.<sup>34</sup> The lesson of redescription is that the only way to cope with framing effects is to learn the habit of reframing, the only way of coping with presentations that marginalise probability is to learn to cast things in a manner that puts statistical facts back at centre focus. The idea is to fight fire with fire, looking for such a wealth of alternative frames that every side is given a fair hearing on any issue, and there is a better chance of making a balanced judgement.

*Rhetoric recast*

These, of necessity, are rather tentative thoughts about the particular ways in which rhetoric may serve the cause of judgement. But we hope that the general thesis is attractive. Achieving the insight for which we look in judgement, and holding robustly onto such understanding, does not come as naturally as many traditional views of thinking suggest. We have to fight for freedom from the drag effects that bend judgement away from the tracks of evidence and for the ability to resist those effects as they pull us back into older habits of thought. This requires the deployment of all the strategies we can muster in our support, and rhetoric is a rich source of advice on the arsenal of weapons available in this fight.

Quentin Skinner points out that the Latin rhetorical term ‘ornatus’ was also the word for the armoury of the soldier and that theorists of rhetoric thought of it as essential to victory in any war of words.<sup>35</sup> If the line of thought pursued here is sound, such *ornatus* may also be necessary to the personal fight that each of us has to wage with ourselves in order to win and secure the gains of sound judgement.

Without the resources that rhetoric puts at our disposal, then, we may not be able to conduct and sustain our reasoning to reliable effect. And if that is true for reasoning with ourselves, it is certainly true of reasoning with others. While there will certainly be contexts where rhetorical persuasion has a non-epistemic, non-edifying appeal – contexts where it amounts to manipulation – that is not its only use. In winning the way to insight we will often have to exercise persuasion in order to get a good sense of the alternatives on offer, and in order to secure our attachment to the viewpoint that judgement selects. And that will be as true of the case where we reason with others as it is true of the case where we reason with ourselves.

The point we are defending here is not particularly novel, though it may give a novel cast to rhetoric. Think of the argument that when we philosophise we are often at the mercy of intuition pumps: models that make certain ways of thinking unavoidable – both for good and for ill.<sup>36</sup> Or think of the broader Wittgensteinian lesson that philosophy is often best advanced by a therapy in which examples and reminders and analogies are multiplied, and abstract argument

is put aside. The claim we are defending is that this sort of lesson may apply outside the realm of philosophy as well as within. In order to think well on our own or with others, we will often have to invoke a therapy that releases us from *idées fixes*, blind spots, obsessions and other pathologies of judgemental life. And rhetoric directs us to methods of persuasion that promise to serve us well in that role. It may not be the only source of such lessons but it is likely to be an important one.

Rhetoric is not essentially designed to get in under the radar of reason and shape people's minds in subversive, non-rational ways. Nor is it essentially designed, as more sympathetic commentators suggest,<sup>37</sup> to move people by *ad hominem* considerations, finding for every audience the customised reasons that will work best on their minds. While rhetoric may certainly be employed to such cynical or tactical purposes, its use in the service of reason can be avowed on all sides and may count in that sense as a more central function. In giving colour and life to rival standpoints, rhetoric serves as a therapy against being captured in any single point of view. It helps to ensure that no insight is lost, no judgement missed, for lack of exposure to the persuasive, imaginative appeal of different propositions.

### Notes

1. John Dunn, *The Cunning of Unreason: Making Sense of Politics* (London: HarperCollins, 2000). We benefited from the very helpful comments on an earlier draft that were provided by Richard Bourke and Raymond Geuss.
2. Quentin Skinner, *Reason and Rhetoric in the Philosophy of Hobbes* (Cambridge: Cambridge University Press, 1996), p. 15.
3. T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998).
4. It is impossible, of course, for all of our beliefs to be arraigned at once before the court of judgement. Since every judgement presupposes beliefs about evidence, not all beliefs can be put on trial at the same time. Still, this is not to say that any belief is immune from judgemental probing. Every belief can be tested for whether the balance of evidence supports it, but each test has to presuppose the soundness of certain other beliefs.
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10. Lewis Carroll showed us over a century ago that if I am rationally moved by certain premises to endorse a corresponding conclusion, then on pain of an infinite regress that must be because my nature provides the required habit of inference. The lesson underlined here is parallel. See L. Carroll, 'What the Tortoise Said to Achilles', *Mind*, 4 (1895), pp. 278–80.
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25. A. Tversky and D. Kahneman, 'Judgements of and by Representativeness' in D. Kahneman, P. Slovic and A. Tversky, eds., *Judgement under Uncertainty: Heuristics and Biases* (Cambridge: Cambridge University Press, 1982); A. Tversky and D. Kahneman, 'Extension versus Intuitive Reasoning: The Conjunction Fallacy in Probability Judgement', *Psychological Review*, 90 (1983), pp. 293–315.
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33. Pettit, 'The Determinacy of Republican Policy: A Reply to McMahan'.
  34. Skinner, *Reason and Rhetoric in the Philosophy of Hobbes*, ch. 4.
  35. *Ibid.*, p. 49.
  36. D. Dennett, *Elbow Room: The Varieties of Free Will Worth Wanting* (Cambridge, MA: MIT Press, 1984).
  37. B. Garsten, *Saving Persuasion: A Defense of Rhetoric and Judgement* (Cambridge, MA: Harvard University Press, 2006)