

MORAL DELIBERATION AND *AD HOMINEM* FALLACIES*

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Abstract: Many of us read Peter Singer's work on our obligations to those in desperate need with our students. Famously, Singer argues that we have a moral obligation to give a significant portion of our assets to famine relief. If my own experience is not atypical, it is quite common for students, upon grasping the implications of Singer's argument, to ask whether Singer gives to famine relief. In response it might be tempting to remind students of the (so called) *ad hominem* fallacy of attacking the person advancing an argument rather than the argument itself. In this paper I argue that the "*ad hominem* reply" to students' request for information about Singer is misguided. First I show that biographical facts about the person advancing an argument can constitute indirect evidence for the soundness/unsoundness of the argument. Second, I argue that such facts are relevant because they may reveal that one can discard the argument without thereby incurring moral responsibility for failing to act on its conclusion even if the argument is sound.

1. Introduction

The goal of this paper is to examine whether facts about a person advancing a moral argument are relevant to the assessment of the argument she is advancing. Peter Singer's moral arguments are useful examples for our purposes. Many of us read Singer's work on our obligations to those in desperate need or on *speciesism* with our students.¹ Famously, Singer argues that we have a moral obligation to give a significant portion of our assets to famine relief and that we have an obligation to give equal consideration to the interests of human and non-human animals. If my own experience is not atypical, upon grasping the implications of Singer's arguments students often want to know whether (and how much) Singer gives to famine relief and whether Singer is a vegetarian/vegan. One tempting

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¹ E.g., Singer (1972), (1975), and Regan & Singer (1989)

response to questions like these is to remind our students of the (so called) *ad hominem fallacy* – the fallacy of attacking the person advancing an argument rather than the argument itself. We might even demonstrate to our students that Singer’s biography—including facts about his finances and dietary habits—is *irrelevant* to the questions at hand. Consider, for example, the following formalization of Singer’s argument from his well-known essay ‘Famine, Affluence, and Morality’ (henceforth Singer’s Argument):²

- (P1) It is within your power to give ten percent of your income to famine relief.
- (P2) If you give ten percent of your income to famine relief, you will prevent some suffering and death from lack of food, shelter, and medical care.
- (P3) Suffering and death from lack of food, shelter, and medical care are very bad.
- (P4) If you give ten percent of your income to famine relief you will not thereby sacrifice anything morally significant.
- (P5) If it is in your power to prevent something very bad from happening without thereby sacrificing anything morally significant, then you morally ought to do it.
[Henceforth “Singer’s Principle”]
- (C) Therefore, you morally ought to give ten percent of your income to famine relief.

Singer’s Argument is a valid argument so the only open question, it seems, is whether the premises are true. Since the truth or falsehood of each premise is entirely independent of Singer’s actions, character, or beliefs, it seems that biographical facts about Singer cannot possibly be relevant to the assessment of Singer’s Argument and, consequently, that they cannot bear on our deliberation whether to give ten percent of our income to famine relief.

Although this line of reasoning is quite compelling, I find that it rarely achieves the desired outcome of curbing my students’ interest in Singer’s diet and finances. In my experience

² There may be reasons to think that this argument is not an accurate extraction of Singer’s argument in his (1972). For the purposes of this paper we can bracket exegetical debates as they are tangential to the central concern of this paper.

even after presenting students with this persuasive rebuttal a few brave students still insist that biographical facts about Singer *are* relevant to the discussion, even if they can't quite explain why this is so. The aim of this paper is to investigate whether these students are right and what our answer to this question might tell us about moral arguments and moral deliberation. To clarify, the question that will occupy us is not whether biographical facts *in fact* influence students' likelihood of accepting the conclusion of the argument, but rather the *normative* question whether such facts *should* enter into students' deliberation whether to give ten percent of their income to famine relief.³

The paper proceeds as follows: In section 2 I argue that biographical facts about Singer have evidentiary import for the assessment of Singer's Argument—namely, that they provide indirect evidence for the soundness/unsoundness of the argument. However, this result doesn't quite vindicate students' intuitions about the relevance of biographical facts. In section 3 I suggest another way in which biographical facts can be relevant—namely, they may be relevant to assessing whether Singer's Principle (P5) is too demanding. In section 4 I consider the practical purport of moral arguments and in section 5 I argue that the practical context in which moral arguments are presented gives rise to an important sense in which facts about the person presenting the argument are relevant to one's deliberation.

2. Biographical Facts as Evidence

Biographical facts about the person advancing an argument are sometimes directly (normatively) relevant to the assessment of the argument advanced. The most obvious way in which such facts might be relevant is when one (or more) of the premises is (are) *about*

³ My focus on students' responses is illustrative and dialectical rather than substantive. I trust that the arguments of this paper, if successful, are not restricted to students, a classroom setting, or Singer's arguments.

the person advancing the argument. For example, suppose that Jill—a used car salesperson—presents the following argument:

1. Anyone who has always been truthful should be trusted.
2. I've always been truthful.
3. Therefore, I should be trusted.

Since premise 2 is about Jill, then certain facts about her are (normatively) relevant to the assessment of this argument. In order to determine whether this argument is sound we need (among other things) to determine whether Jill has always been truthful. Hence it is important to know (e.g.,) whether Jill had lied in the past. The truth of premise 2, we can say, depends on facts about Jill. But this kind of relevance is not going to help us with Singer's Argument because the premises of Singer's Argument are not about Singer and their truth or falsehood does not depend on facts about him.

Biographical facts about the person advancing an argument are also relevant when we are asked to accept a premise on that person's authority or say-so. Typical cases of this kind are witness and expert testimonies. For example, suppose Clyde advances the following argument:

4. If Bonnie was at home when the bank was robbed, Bonnie did not rob the bank.
5. (I testify that) Bonnie was at home when the bank was robbed.
6. Therefore, Bonnie did not rob the bank.

If our only evidence for the truth of (5) is Clyde's say-so, it may be relevant to know (e.g.,) whether Clyde is generally trustworthy and whether he has ulterior motives for wanting us to believe that Bonnie did not rob the bank. Likewise, if our evidence for the truth of a premise is the say-so of an expert, it is relevant to enquire about this expert's credentials,

character traits, and motives. This is, I believe, standard practice in court rooms where questions about the authority, credibility, and reliability of witnesses are fair game—and rightly so.

There are obvious differences between Clyde's argument and Singer's Argument. With Clyde's argument there may be very few (if any) resources other than Clyde's say-so by which we can determine whether (5) is true. With Singer's Argument, in contrast, we needn't accept the premises on Singer's authority or say-so. We needn't count on Singer's honesty or expertise to determine whether it is within our power to give a ten percent of our income to famine relief (P1) and whether in doing so we will sacrifice anything morally significant (P4). Likewise, the claims that suffering is bad (P3) and Singer's Principle (P5) -- that one ought to prevent bad things from happening if one can do so without thereby sacrificing anything morally significant -- are supposed to seem obvious to us and presumably one needn't rely on Singer's testimony in order to see that these claims are true. And even the factual claim that if you give ten percent of your income to famine relief, you will prevent some suffering (P2) is a claim that seems to cohere with other things we know about the world and, perhaps more importantly, it is a claim the truth of which we can investigate without relying on Singer's testimony. Unlike the case of witness testimony, then, we are not asked to accept the truth of the premises of Singer's Argument on Singer's authority. Therefore, if biographical facts about Singer are (normatively) relevant they are relevant in a different way.

Students are not interested in just any arbitrary fact about Singer's biography. In the case of Singer's Argument they specifically want to know whether Singer gives a certain portion of his income to famine relief. While the conclusion of Singer's Argument—that one morally

ought to give ten percent of one's income to famine relief—is consistent with whatever the answer to the question about Singer's practices might be, Singer's behaviour may provide some *indirect evidence* for the soundness or unsoundness of Singer's Argument.

Suppose the answer to our students' question had been that Singer contributes no money at all to famine relief. Students may then speculate why Singer acts as he does in the face of Singer's Argument. They may reason as follows: Singer's failure to give money to famine relief may be the result of a failure on his part to act as he believes he ought to act; perhaps he suffers from weakness of will or maybe he lacks motivation to act on his best moral judgments. Alternatively, Singer's failure to give money to famine relief may be due to the fact that he *doesn't believe* that he is morally obligated to so act. There may be (undoubtedly controversial) purely philosophical, *a priori* considerations that rule out the possibility of weakness of will. Likewise, if motivational internalism—the view that there is a necessary connection between moral judgments and motivations to act—is true, then perhaps we could eliminate the hypothesis that Singer lacks the motivation to do what he judges he morally ought to do.⁴ But it seems unlikely that one could rule out the possibility that Singer doesn't believe the conclusion of Singer's Argument – at least not without knowing anything about Singer. So had one discovered that Singer doesn't give to famine relief, one's credence in the hypothesis that Singer doesn't believe the conclusion of Singer's Argument should go up. Consequently, if discovering that Singer doesn't believe the conclusion of Singer's Argument is relevant to our assessment of this argument, then so are facts about Singer's finances. The question, then, is whether discovering that Singer doesn't

⁴ Even if motivational internalism is true, eliminating this hypothesis is not quite so simple. Motivational internalism affirms pro-tanto motivation to do what one judges one ought to do. But there may be other motivations in play as well. Be that as it may, the main concern here is that the hypothesis that Singer doesn't believe the conclusion of Singer's Argument cannot be eliminated on purely *a priori* grounds.

believe the conclusion of Singer's Argument is (normatively) relevant to one's assessment of this argument.⁵

Consider another analogy from the legal context. Suppose you are a member of a jury in a criminal trial. You are asked to judge whether the defendant is guilty. Reflecting on the evidence available to you and the arguments put forward by the defence lawyer you are inclined to believe that the defendant is not guilty. But suppose you then discover that the defence lawyer—despite having produced arguments that seemed to you to be strong arguments for the defendant's innocence—actually believes that the defendant is guilty. The truth or falsehood of each premise in the arguments you assessed is independent of the defence lawyer's beliefs. Moreover, you were not asked to accept the truth of the premises on the defence lawyer's authority or say-so. Nevertheless, it seems that this new information about the lawyer's doxastic state is relevant to your deliberation in (at least) two important ways.

First, the defence lawyer may have more information about the case than the information presented during the trial. Her goal during the trial is to put forward the best case for the defendant, but she need not, and she might even be obligated not to present all the information at her disposal. E.g., she might know that the defendant had a motive to commit the crime even though no such motive was presented during the trial proceedings. She might even know that the defendant is guilty because the defendant confessed to her. Likewise, the defence lawyer might know of various pieces of evidence that were not presented in court. Therefore, it may be reasonable to think that the defence lawyer is in a

⁵ As a matter of fact Singer does contribute a significant portion of his income to famine relief. Students do not know this fact about Singer. Since the aim of the paper is to examine whether this fact about Singer is relevant to the assessment of Singer's Argument I discuss the possibility that the answer to our students' question had been that Singer doesn't contribute to famine relief. No offense to Singer is intended.

better epistemic position to judge that the defendant is guilty and hence that her judgment to this effect constitutes evidence for you that there is evidence against the defendant of which you are unaware. Consequently, that the defence lawyer believes that the defendant is guilty should decrease your confidence in the defendant's innocence.

Second, the defence lawyer may have more experience than you in assessing the merits of arguments presented in a courtroom. Her courtroom experience may place her in a better position to judge whether the defendant is (e.g.,) honest or truthful. Moreover, she may know what can and cannot be said in court and the importance of how certain points are expressed. She may be familiar with various rhetorical ploys that are commonly used in trials and hence she might not fall prey to such ploys as easily as a layperson might do—that is, while certain legal arguments may *seem* convincing to a layperson, an experienced lawyer may be in better position to evaluate their genuine merit. That an experienced defence lawyer finds a legal argument unconvincing may, thus, constitute good (indirect) evidence that the argument is not as strong as you may have judged it to be.

There are some similarities between jurors' epistemic situation relative to the defence lawyer's and the epistemic situation of students relative to Singer's. It's not unreasonable for students to think that Singer, in presenting Singer's Argument, is presenting the best case he can make for its conclusion. In doing so, Singer may pick-and-choose the information he shares with his readers. If Singer doesn't believe the conclusion of Singer's Argument students may reasonably wonder whether there are considerations that militate against its conclusion that Singer chose not to disclose. Likewise, it is not unreasonable for students to think that Singer—an experienced philosopher and a very successful one to boot—is in a better position than they are to evaluate the merits of Singer's Argument. After

all, students know that philosophers can argue convincingly for contentious conclusions (e.g., that I do not know that I have hands) and even for conclusions that are manifestly false (e.g., that Achilles will not win the race against the tortoise). Sometimes one might reject a conclusion of a valid argument not because one can identify a false premise, but rather by identifying an equally persuasive argument for a conclusion that is inconsistent with it (e.g., Moore's response to the sceptic). That Singer is not convinced by Singer's Argument, then, is evidence for reflective students that the argument is not as strong as it may initially have seemed to them or that there are equally persuasive arguments for the conclusion that one need not give money to famine relief which they haven't yet considered.

It seems to me that the "indirect evidence route" gives some plausibility to students' insistence on the relevance of Singer's finances. The fact that students (in my experience) often also want to know whether the teacher presenting the argument in class is persuaded by it and whether s/he gives money to famine relief sits comfortably with this explanation.

This indirect evidence account of the normative significance of facts about the person presenting an argument generalises quite broadly to include moral and non-moral arguments. When one presents an argument for the conclusion that *P*, one is (typically) presenting oneself as a putative expert with respect to whether *P*. I take it that in our example Singer is viewed as presenting himself as an expert with respect to the conclusion of Singer's Argument. Since it is relevant whether an expert believes that the argument for *P* is successful, it is relevant whether the presenter of the argument—qua putative expert—believes that the conclusion of the argument she is presenting is true. And in cases in which biographical facts about her provide evidence for her belief with respect to *P*, these facts

are (normatively) relevant to the assessment of the argument. This conclusion, if true, suggests that the scope of the (so called) *ad hominem* fallacy is significantly narrower than we may have thought. Ad hominem fallacies are commonly treated as fallacies of relevance.⁶ But if I am right, then facts about the person advancing an argument that are relevant to the question whether she believes the conclusion of her argument are often (normatively) relevant.

Be that as it may, there are a few salient differences between the defence lawyer case and Singer's Argument. First, in the trial case the inference from evidence to the defendant's innocence (or guilt) is non-monotonic and defeasible. That is, additional information may warrant a revision of judgment. Hence, the fact that the defence lawyer might have access to information not available to a juror explains how a lawyer and a juror may reasonably reach different judgments and why the defence lawyer's epistemic position is privileged. In contrast, Singer's Argument is a deductively valid argument. The inference from premises to conclusion is monotonic. Since the conclusion of Singer's Argument is a logical consequence of the premises of Singer's Argument then it is also a logical consequence of the premises of Singer's Argument conjoined with any other premises. This means that there is no additional information to which Singer might have access that, conjoined with the premises of Singer's Argument, would diminish the support the premises of Singer's Argument confer on its conclusion. Consequently, Singer cannot be in a better epistemic position with respect to the conclusion of Singer's Argument due to information selection.⁷

⁶ See, e.g., Hitchcock (2006) and various references therein

⁷ Information selection can come into play in one's justification for the truth of the premises. But if the premises are true, the conclusion must be true.

A second salient difference between the defence lawyer case and Singer's Argument concerns our understanding of the expertise in question. One aspect of the defence lawyer's expertise might consist in her ability to assess reliably whether, and to what extent, the available evidence supports the conclusion. In contrast, the logical structure of Singer's Argument is fairly simple. One need not be an expert logician in order to recognize that the argument is deductively valid. And since Singer's Argument is deductively valid, there is no question about the extent to which the premises support the conclusion. So while we have some sense of what the lawyer's expertise may consist in and how her expertise helps her to reach correct judgments about the innocence or guilt of defendants, it is not clear how Singer's philosophical expertise could be exemplified in his assessment of Singer's Argument and how it might help him to reach a correct judgement about its soundness.⁸ It seems implausible to suppose that Singer is in a significantly better epistemic position to judge the validity of Singer's Argument than a run-of-the-mill mildly-interested student.

Finally, whereas in the trial case it is clear why the defence lawyer is in a somewhat unique epistemic position it is not quite clear why Singer should be viewed as occupying a unique position with respect to Singer's Argument. In fact, according to the "indirect evidence" hypothesis one should expect students to be more interested in the "majority view" amongst philosophers working in this area than in Singer's actions and practices. My suspicion is that the impact of Singer's actions and practices on the persuasive power of Singer's Argument outstrips their evidentiary import. Consider the following two scenarios.

⁸ There may well be expertise exemplified in monotonic inferences. An expert logician, for instance, is more likely to judge accurately whether a long and complicated formal proof is correct. Her expertise may consist in the fact that she is less likely to make errors along the way or in her ability to keep a larger portion of the proof in her mind at once (as it were). And indeed if a logician presents to me a long and complicated proof that seems correct to me, but then I find out that she does not believe the conclusion, I may have reason to suspect that the proof is incorrect.

Suppose (a) that we tell our students that Singer doesn't give any money to famine relief but that most moral philosophers do. Alternatively, suppose (b) that we tell students that Singer does, but most ethicists don't. According to the indirect evidence hypothesis about relevance it seems that (a) better supports the conclusion of Singer's Argument than (b). But my hunch is that students are more likely to be persuaded by Singer's Argument given (b) rather than (a).⁹ If my hunch is correct, then the indirect-evidence hypothesis vindicates (to some extent) students' claim that certain facts about Singer are (normatively) relevant, but it doesn't (if my empirical hunch is correct) vindicate the weight assigned to these facts in assessing Singer's Argument or the role they play in students' deliberation whether to give ten percent of their income to famine relief. Might there, then, be other ways in which Singer's behaviour—and specifically his behaviour *qua* the person presenting Singer's Argument—is (normatively) relevant to one's deliberation whether to give ten percent of one's income to famine relief?

3. Reflective Equilibrium and Overdemandingness

One of the premises of Singer's Argument is Singer's Principle according to which one morally ought to prevent bad things from happening if one can do so without thereby sacrificing anything morally significant (P5). Earlier I have said that we are not expected to accept this principle on Singer's authority but rather that it is supposed to seem intuitively plausible to us. That Singer's Principle is intuitively plausible may provide a *prima facie* reason to accept it. Nevertheless, despite its intuitive appeal we may want to evaluate it carefully and critically before we accept it.

⁹ This is, of course, an empirical claim that may turn out to be false.

A standard method for assessing moral principles is to examine their implications for various individual cases. If a principle conflicts with our intuitive judgment about a specific case then either the principle or our judgment must be revised. If the principle seems very plausible and our confidence in our judgment about the case is fairly weak, then we have reason to hold on to the principle and to revise our judgment. But the more confident we are in our judgment about the specific case, the more reason we have to retain our judgment and to revise the principle that issues the verdict with which it conflicts.¹⁰ Thus, for example, the principle GOLDEN RULE according to which an act is right iff the agent of the act, in performing the act, treats others as she would have others treat her, may seem intuitively plausible at first sight. However, when we realize that according to GOLDEN RULE, a masochist is morally permitted to hurt others because in so doing she treats other as she would have others treat her, we have good reason to believe that GOLDEN RULE is false. While there are many interesting questions about, and challenges for, this method of *Reflective Equilibrium*, it is widely practiced in moral philosophy. One way to evaluate Singer's Principle, then, is to examine its implications and to see whether it issues normative verdicts that conflict with our intuitive judgments.

In order to assess Singer's Principle it might be helpful to consider a well-known objection to Act-Utilitarianism—namely, that Act-Utilitarianism is too demanding. The thought is, as Brad Hooker describes it, that Act-Utilitarianism construes “as duties what one would have thought were supererogatory self-sacrifices ... [But] many of us may on reflection think that it would be morally unreasonable to demand this level of self-sacrifice for the sake of others.” (1990:70-1) The Too Demanding Objection to Act-Utilitarianism can be stated as follows:

¹⁰ This is not to say that this method goes unquestioned. See for example, Kagan (2001).

(P6) If a moral principle is too demanding, then (we have reason to believe) it is false.

(P7) Act-Utilitarianism is too demanding.

(C) Therefore, (we have reason to believe) Act-Utilitarianism is false.

In effect, Too Demanding Objection identifies a way in which a principle can conflict with our intuitive judgments about cases. We can say that a principle is “very demanding” if it issues directives that demand more of us than we may have thought we were required to do. A principle is “too demanding” if its demands conflict with strongly held judgments about the scope of our obligations and hence the conflict between this principle and our judgments about cases recommends revision of the principle rather than revision of judgments. So understood, (P6) is simply an application of the method of reflective equilibrium—if a principle conflicts with judgments about which we are very confident, we have reason to believe that this principle is false. The heart of the issue, then, is whether (P7) is true—that is, whether we are, or should be, so confident about the judgments in question.¹¹

Prior to their encounter with Singer's Argument most students, I suspect, did not think that they are morally obligated to give ten percent of their income to famine relief. Indeed, this is one reason why Singer's argument is so interesting. There is no question that in the current social climate an obligation to give ten percent of one's income to famine relief is very demanding. The question is whether it is “too demanding”—if it is, then (assuming that P1 – P4 are true) we will have some reason to believe that Singer's Principle is false.

The question before us, then, is whether the conclusion of Singer's Argument is “too demanding” or merely “very demanding”. Suppose one is willing to take judgments about

¹¹ For discussion of this objection see essays mentioned in fn. 13 in Hooker (1990) p. 70. For more recent discussions see Hills (2010) and various essays referenced therein.

cases as putative data that moral principles must accommodate. If the only guidance provided by Reflective Equilibrium (relevant to this context of assessment) is to compare the strength of one's convictions in the judgment—i.e., that the conclusion of Singer's Argument is false—and Singer's Principle, then one may well be entitled to insist that Singer's Principle is too demanding.¹² To advance the discussion, then, it would be useful to find other considerations that might help us to determine whether Singer's Principle is too demanding. I propose that biographical facts about Singer are relevant to this assessment as I explain below.

The suggestion that descriptive facts about Singer can help us to determine whether Singer's Principle is true or false, may seem like a flagrant violation of the is-ought distinction. However, Too Demanding Objection generates a bridge between is and ought (as it were). I take it that the division between "very demanding" and "too demanding" depends, at least to some extent, on non-evaluative claims about our abilities and practices. Thus, for example, I take it that if the average income were ten times the current average income but living costs remained the same, the claim that giving ten percent of one's income to famine relief is too demanding would be much harder to sustain.¹³

¹² There are considerations other than the strengths of convictions in principles and judgments that are relevant according to Reflective Equilibrium such as overall coherence of beliefs, explanatory relations between principles and judgments, and stability of the equilibrium (See, e.g., Daniels (2011) for details). However, our interest at the moment is whether facts about Singer are relevant to students in the context of their assessment of Singer's Argument so we can bracket considerations of "global coherence" or "wide reflective equilibrium" that do not (and probably cannot) figure in students' deliberation in the context we are evaluating.

¹³ Carbonell (2012) argues that practices of moral saints provide evidence that sacrifices that seem too demanding are not as demanding as they may appear. This seems right to me. However, on her view our moral obligations depend on what it would be reasonable for us to believe we are obligated to do. And consequently, the behavior of moral saints may actually change our moral obligations. The view that our moral obligations depend on what would be reasonable for us to believe is highly contentious (as Carbonell admits) and my arguments here do not rely on this controversial principle.

Suppose it were true that (almost) everyone regularly gave ten percent of his income to famine relief. This, I believe, would provide some evidence against the claim that doing so is too demanding and hence against the claim that Singer's Principle is too demanding for that reason.¹⁴ Suppose, however, that (almost) no one gave ten percent of his income to famine relief, including proponents of Singer's Principle who recognize that according to it one is morally obligated to do so. This, in contrast, would support the too demanding hypothesis.

Students know that not everyone regularly gives a portion of his income to famine relief.

Indeed, I suspect that many students know no one who does so. But if students find out that Singer does give regularly to famine relief and that according to him doing so is not too demanding, they will have some evidence, albeit limited and defeasible evidence, against the too demanding hypothesis.¹⁵ At the very least, Singer's practice should give pause to anyone who claims that Singer's Principle is too demanding: If it is too demanding, why is it not too demanding for Singer?¹⁶

The evidentiary relevance of Singer's practices is even more pronounced if (contrary to fact) the answer to students' questions about his finances had been that he gives nothing to famine relief. While there is no formal contradiction between Singer's claim that Singer's Principle is *not* too demanding and his failure to act on its known directives, one plausible

¹⁴ There may be other reasons to think that Singer's Principle is too demanding.

¹⁵ There is no formal contradiction between the claim that a requirement to do ϕ is too demanding and the observation that S does ϕ , as anyone who believes that some people, sometimes perform supererogatory actions must acknowledge.

¹⁶ It is an interesting question whether a person who performs a supererogatory action thinks that the supererogatory act she performs is morally obligatory. One case that received a lot of media coverage is the case of Wesley Autrey, a 50-year-old construction worker who jumped in front of a rushing subway to save the life of a 20-year-old person who fell to the tracks. The New York Times reported that Mr. Autrey said this: "I don't feel like I did something spectacular; I just saw someone who needed help," and "I did what I felt was right." (<http://www.nytimes.com/2007/01/03/nyregion/03life.html>) According to a BBC report "Mr Autrey...said of his actions...that he was doing what anyone should do in the same situation." (<http://news.bbc.co.uk/1/hi/6231971.stm>)

explanation of his failure to so act (in conjunction with the known fact that giving regularly to famine relief is very rare) is that the requirement in question is simply too demanding.¹⁷

The dialectical situation we are imagining is one in which our hypothetical student claims that Singer's Principle is too demanding whereas Singer contends that it is not. As we have seen, facts about Singer's own practices provide evidence that might help us to choose between a modus ponens from Singer's Principle to the conclusion of Singer's Argument and a modus tollens from the negation of the conclusion of Singer's Argument to the negation of Singer's Principle. If this is right, then facts about Singer are relevant to the assessment of Singer's argument. But like the indirect evidence route considered in the previous section, this hypothesis, too, doesn't attribute any special significance to Singer's practices *qua* the person advancing the argument. In the next two sections I consider ways in which the practices of the person advancing a moral argument are relevant to its audience's deliberation.

4. Moral Arguments as Condemnations

Arguments for the conclusion that one morally ought to ϕ can be naturally viewed by those who do not ϕ as a criticism of their failing to ϕ . In the context of Singer's Argument students who do not give ten percent of their income to famine relief may view Singer's Argument not (merely) as an attempt to convince them that they have an obligation to do so but rather (or also) as a *condemnation* of their behaviour. Thus students' interest in Singer's finances may be motivated not by their desire to figure out whether the conclusion of Singer's Argument is true, but instead by their wish to find out whether Singer—the person

¹⁷ Another possible explanation is weakness of will. I suspect there are interesting connections between weakness of will and "too demandingness" but I will not explore this here.

advancing the argument—is in a position to condemn or criticise them for not contributing to famine relief.

It is, I believe, undeniable that moral speech has a practical aspect—we do more with moral discourse than (try to) utter moral truths. It is not easy, though, to identify the success conditions for the various practical aims of moral talk. Among the things we do with moral speech is to condemn and criticise others. And as Cohen (2006) observes, it takes more than uttering true moral claims for an act of moral criticism to succeed—there are facts about the speaker that can undermine the success of a speech-act of condemning another. Cohen doesn't offer an account of the conditions that have to be met for a condemnation to succeed. "The Key point," he writes

is that, when the moral capacity to criticize or condemn is undermined, the capacity to perceive and register and speak the truth is not undermined with it, from which it follows...that being in a position to utter a well-grounded truth does not suffice for being in a good position to condemn. Exactly what 'I am not in a position to criticize' means I do not (yet) know ... but I am confident that the quoted words signify an explicandum that is eminently worth explicating.
(2006:121)

Gerald Dworkin (2000), like Cohen, recognises that there are cases in which a "speaker is 'not in a position to' lodge a certain moral criticism against another, in spite of the fact that the criticism is accurate and correct." (184) Dwokrin is especially interested in failures of criticisms in which the criticiser is criticising another for a fault he (the criticiser) himself has. As Dworkin sees it, one of the aims of criticising another is to cause the other to change her practices. But as a matter of psychological fact,

the sanctions of morality—censure, ostracism, blame, disapproval, disgust—operate effectively only when they resonate with the person being sanctioned. The target of criticism feels that she is being distanced from a person, or a moral community, that she sees as legitimate and worthy. It is not sufficient that the criticism be correct or accurate. It must come from a source whose criticism I care about. It is because the criticism causes me to lose status in the eyes of the person who makes the criticism that it moves me. (2000:187)

Dworkin proposes that in cases in which one is criticised for a fault that the criticiser himself has, if the one being criticised loses respect in the eyes of the criticiser for having this fault, the criticiser must also lose respect in the eyes of the one being criticised. This, in turn, diminishes the motivational force of the criticism because “in our world, a world of moralized agents, we value being valued by those we value” (187) and we might not mind so much being criticised or devalued by those we do not value.

Dworkin’s proposal is, to my mind, plausible and compelling. However, even if true it only explains the *psychological* relevance of facts about Singer. It seems true that students ask about Singer’s finances because they want to know whether Singer is in a position to criticise them. And Dworkin may be right that had they found out (again, contrary to fact) that Singer contributes nothing to famine relief they may not have cared about being criticised by him and that as a result they may not be motivated to change their practices in light of his criticism. Nevertheless, that Singer is not in a position to criticise them doesn’t mean that they needn’t change their practices or that they are not morally blameworthy for not doing what they now know, or at least they are now in a position to know, they morally ought to do. And this is so even if we can understand and explain why it is that Singer’s criticism fails to motivate them to act as they should. So while Dworkin’s proposal provides

an explanation of the *psychological* relevance of facts about Singer it fails to vindicate the claim that these facts are *normatively* relevant.¹⁸

Nevertheless, Dworkin's and Cohen's focus on the notion of 'not being in a position to criticise' seems promising as a way of capturing students' intuitions about the relevance of facts about Singer. In the next and final section I propose an explication of this notion (or something quite similar to it) which vindicates the normative relevance of facts about the person advancing an argument.¹⁹

5. Pure Enquiry, Practical Deliberation, and Non-Culpable Ignorance

In sections 2 and 3 we considered ways in which facts about Singer can provide evidence for the soundness or unsoundness of Singer's Argument. We've been reading Singer's Argument as an invitation to investigate whether its conclusion is true, and in effect we've accepted this invitation (so to speak). But there is a prior question we have, so far, overlooked: should we accept Singer's invitation to investigate Singer's Argument? Since the decision to engage with Singer's Argument is a decision to perform a certain action—namely, to investigate the soundness of an argument—considerations other than those bearing on the truth or falsehood of the premises of Singer's Argument are relevant to this decision.

¹⁸ There is an interesting mix of normative and descriptive elements in Dworkin's account. Dworkin claims that a criticizer *should* lose respect in the eyes of the one criticized in cases in which one is criticised for a fault that the criticiser himself has. However, his claim that "we value being valued by those we value" and so that we are moved to modify our action only in response to criticisms launched by someone we (should) value seems to be a descriptive claim and not a normative one.

¹⁹ One might think that it is morally objectionable for one to demand of others to comply with sanctions with which one doesn't heed. E.g., putting psychological pressure on others to do things one won't do oneself might be viewed a kind of inequitable domination. However, it's not clear whether this helps to vindicate students' intuitions about the relevance of Singer's finances to their deliberation. It may be true that had singer not given anything to famine relief his act of putting pressure on others to do so would have been objectionable. But it's far from obvious that the inappropriateness of Singer's act of advancing Singer's Argument should influence students' deliberation with respect to their own moral obligations. Thanks to an anonymous referee for pressing me on this point.

In his well-known book on Descartes, Bernard Williams introduces what he calls *The Perspective of The Pure Enquirer*.²⁰ The Pure Enquirer sets aside all practical concerns and interests and devotes himself entirely to the pursuit of knowledge. As Williams explains, The Pure Enquirer “would prefer to have no beliefs rather than to have a false one.” (40) One would be ill advised to adopt this preference scheme when dealing with one’s daily affairs. This may be the reason why Descartes describes the conditions he arranged for himself in order to be able to embark on the project he plans to undertake at the very outset of the first meditation: “I have opportunely freed my mind from all cares [and am happily disturbed by no passions] ... I am in the secure possession of leisure in a peaceable retirement.”

If one adopts the perspective of The Pure Enquirer, the question of whether to accept Singer’s invitation to investigate the soundness of Singer’s Argument might not arise.²¹ But if one approaches Singer’s Argument with a practical posture, the question whether to engage with this particular argument seems quite reasonable and, indeed, unavoidable. When taking on a practical posture, as we (almost?) always do, we do not place “an indefinitely large disvalue on error” (40) and unlike The Pure Enquirer, we are quite happy to “risk” having false beliefs for the benefit of having some true ones. Moreover, while we may value knowledge when taking on a practical posture, we most certainly value other things as well (happiness, friendship, pleasure, etc.). Our time, like our attention span, is limited and so we must decide how to use it. For example, one would be foolish to investigate the soundness of Singer’s Argument when confronted with pressing practical matters that require immediate attention. Likewise, if, for example, one’s mathematical abilities are limited, it

²⁰ Williams (1978/2005)

²¹ This may be a bit too quick as the question might also be pertinent to the Pure Enquirer for she, too, will have to decide the order in which she seeks knowledge.

might be sensible for one not to spend one's time on trying to evaluate long and complicated mathematical proofs.

One may decide not to engage with any specific argument (at a specific time) for many different reasons and some of these reasons may be better than others. My hypothesis is that facts about Singer, *qua* facts about the person advancing Singer's Argument, are relevant to the assessment of Singer's Argument because they are normatively relevant to the decision whether to give Singer's Argument a proper hearing in the first place.²² But in order to see how these facts are normatively relevant it might be useful to consider first a slightly more fanciful moral argument.

Suppose that Jane tells you that she has a valid argument for a surprising conclusion: everyone is morally obligated to chop off one of his or her toes. Should you now investigate whether this argument is sound? There may be good theoretical and practical reasons to do so: you may value knowledge and you may be interested in having true beliefs. If you believe that you are under no obligation to chop off a toe you may want to make sure that your belief is true. You may also be concerned about failing to do what morality requires so you may have reason to investigate this argument in order to improve your ways in case they ought to be improved.

However, there may also be good theoretical and practical reasons not to do so. Jane's argument may appear sound even if it isn't. There is some chance that your investigation will lead you to form a false belief or, if not that, it may lead you to suspend judgment even

²² One might think that upon reading/hearing Singer's Argument one might not have a choice as to whether to engage with it; as inquisitive creatures we cannot but engage. However, I doubt that the force of our inquisitive nature is quite so strong. While it may be true that philosophers may find it difficult not to engage with a *prima facie* sound argument for a surprising conclusion, I believe the practice of ignoring such arguments or putting them to the side is all too common. Thanks to an anonymous referee for pressing me on this point.

though your current belief might be true and justified. Moreover, if you are convinced by this argument and you act accordingly you will lose a toe. And if you are convinced by this argument even though it is, in reality, unsound—and since you know that you sometimes make mistakes, you realize that this might happen to you—you stand the risk of losing a toe for no good reason. Finally, you may have more urgent things to do than to reflect on moral arguments. And even if you are willing to spend time thinking about moral arguments, you may have reasons to spend your time on different arguments.

I suspect that none of us chopped off a toe for moral reasons. Most of us, I suspect, never seriously considered the possibility that we have a moral obligation to do so. Consequently, I take it that even if Jane is right that we are morally obligated to chop off a toe, we are not blameworthy for not having done so. The reason we are not blameworthy for failing to chop off a toe (assuming, implausibly, that Jane is right) is, I believe, that we are non-culpably ignorant of the obligation to do so.²³ But now that Jane tells us that she has an argument that purports to show that we have a moral obligation to chop off a toe, is a decision not to investigate this argument consistent with remaining non-culpably ignorant of its conclusion?

The answer to this question, I believe, depends on the reasons for which one decides not to investigate Jane's argument. Obviously one's decision not to engage with this argument can be influenced by many factors. For example, the initial (im)plausibility of the conclusion or the high cost of being wrongly convinced by this argument (losing a toe or feeling guilty about failing to do so). Biographical facts about Jane can also play a role in this decision:

²³ There is a body of literature discussing the conditions under which ignorance exculpates (See, e.g., Smith (1983), Moody-Adams (1994), Zimmerman (1997), Rosen (2003), Guerrero (2007), and FitzPatrick (2008)). I take it that on any account that allows ignorance to exculpate, one's ignorance of the obligation to chop off a toe (at least before one finds out that Jane has an argument for this conclusion) would be a paradigm instance of non-culpable ignorance.

e.g., that Jane is known to be a very clever debater who enjoys tricking people into accepting false conclusions, or that Jane is morally insensitive or depraved, or that Jane herself did not chop off one of her toes. Some of these considerations may be such that if those were the reasons for which one did not engage with Jane's argument one would have become culpable for one's ignorance of the obligation to chop off a toe, and consequently, one would have become blameworthy for failing to meet this obligation. However, there may be considerations such that if one's decision not to investigate the argument is based on them, one's ignorance remains non-culpable and thus one may remain blameless for not chopping off a toe.²⁴

The task of identifying a systematic division between reasons not to engage with a moral argument that change one's ignorance of its conclusion from non-culpable to culpable and those that do not is a task I shall leave for another occasion. Here I shall only focus on two reasons which I believe can be plausibly claimed to be *good reasons* not to investigate Singer's Argument—that is, reasons that do not change the status of one's ignorance of the conclusion of Singer's Argument from non-culpable to culpable ignorance. If there are such reasons, these reasons are relevant to the assessment of Singer's Argument and hence to one's deliberation whether to give ten percent of one's income to famine relief.

Recall our students' situation with respect to Singer's Argument. Prior to their encounter with Singer's Argument our students never entertained the possibility that they have an obligation to give ten percent of their income to famine relief and most likely they know of no one who regularly does so. If they are under an obligation to give ten percent to famine relief, their failure to do so is (plausibly) blameless because they are non-culpably ignorant

²⁴ It matters not whether one has seen the argument for the surprising conclusion. I take it that it takes more than seeing/hearing and argument in order to engage with an argument for a practical conclusion.

of this obligation. Moreover, they know that philosophers can produce convincing arguments (or at the very least, *prima facie* convincing arguments) for various false conclusions. They know that their own philosophical skills are limited relative to those of professional philosophers. And finally, they realize that they cannot “suspend action”—while they may suspend judgment with regard to the conclusion of Singer's Argument, they will either give or not give ten percent to famine relief. We now invite them, on behalf of Singer, to engage with Singer's Argument.²⁵

Singer's finances may be *normatively* relevant to the decision whether to engage with Singer's Argument in at least two ways. First, had Singer not given ten percent of his income to famine relief, students may have had reason to be suspicious of Singer's motives for advancing Singer's Argument. Philosophers have various motives for advancing arguments other than the truth of their conclusions. E.g., philosophers need to publish and to generate “impact” and arguments for surprising conclusions are likely to receive more attention both within academic philosophy and outside of academia. Finding out whether Singer gives ten percent of his income to famine relief may be a good indicator as to whether he is presenting the argument sincerely. If students decide not to engage with Singer's Argument because they have good reason to be suspicious of Singer's motives for advancing it, and because they realize that given his (and their own) philosophical skill he is likely to be able to convince them even if the argument is unsound, they may well retain the status of “non-culpable ignorance” with respect to its conclusion.

²⁵ It may seem natural to us to expect our students to take on the perspective of the pure enquirer in the philosophy classroom—after all, in the classroom aren't their minds free from all cares and disturbed by no passions? Are they not in “secure possession of leisure in a peaceable retirement” at least for the duration of the class? I believe the answer is “no.” It takes some training to “leave philosophy in the classroom” as it were, and the consequences of being convinced by Singer's Argument will certainly carry over beyond the classroom.

A second way in which facts about Singer's finances are normatively relevant to the decision whether to spend time on Singer's Argument has to do with Singer's ability to justify and defend one of the premises of this argument. It is all too easy to construct valid arguments for any conclusion and it is unreasonable to suppose that one incurs an obligation to engage with each and every valid moral argument someone conjures. One relevant consideration in deciding whether to accept someone's invitation to investigate an argument is whether the person advancing the argument can justify and defend the premises of her argument. In the previous section I claimed that finding out that Singer does not give ten percent of his income to famine relief provides some evidence in favour of the hypothesis that Singer's Principle is too demanding. Here I wish to consider the relevance of this fact (had it been a fact) to Singer's ability—qua the person advancing the argument—to justify and defend Singer's Principle and specifically to his ability to defend it against the charge that it is too demanding. Recall that Singer's Principle states that if it is in your power to prevent something very bad from happening, without thereby sacrificing anything morally significant, then you morally ought to do it. This principle includes the "hedge" 'without thereby sacrificing anything morally significant'. Consequently, it's not clear how Singer could explain his failure to act in accordance with a known directive of this principle without claiming that it is too demanding; if the principle applies there are no other morally significant considerations that militate against so acting. Our hypothetical Singer, therefore, is committed to something like the following claim: "Singer's Principle is not too demanding, and yet I do not act on its known directives." This claim has a Moore-paradoxical flavour when attributed to a morally sensitive person—there is something "distinctly odd and in some sense self-defeating" (Pagin (2008)) about this claim.²⁶ This shows that either Singer

²⁶ On Moore's paradox see, e.g., Cholbi (2009). An anonymous referee suggested that one could eliminate the

won't be able to justify and defend Singer's Principle or that he is morally deficient in one way or another (e.g., weak willed, dishonest, etc.). Both options may justify students' decision not to engage with Singer's Argument without forfeiting their blamelessness for not acting on its conclusion.²⁷

The point here is not that the argument is likely (in some sense of "likely") to have a false conclusion if the speaker cannot justify its premises but rather that one good reason not to investigate an argument is that the person inviting you to investigate the argument cannot justify its premises. Cohen observes that "a salient way that arguments fail...is that the speaker cannot fulfil a demand for justification that does not arise when the argument is presented by and/or to others." (1992:280) But Cohen doesn't explain why it is that arguments fail when *the speaker* cannot justify one of the premises. Now we have a way of understanding the normative force of the requirement on the person presenting a moral argument to be able to justify its premises: that she cannot do so provides her audience with a good reason (albeit a defeasible reason) to choose not to spend time on the particular argument she is advancing.

To conclude, my hypothesis is that in addition to the evidentiary import of facts about Singer with respect to the soundness of Singer's Argument, these facts, *qua* facts about the person advancing Singer's Argument, are relevant to the assessment of Singer's Argument because they are normatively relevant to the decision whether to give Singer's Argument a

Moore-paradoxical overtones of this claim by viewing our hypothetical Singer as weak willed. According to this response the paradoxical overtones are eliminated if we understand the assertion as follows: "Singer's Principle is not too demanding, and yet I do not act on its known directives because I am weak willed." However, it seems to me that in saying "I am weak willed" the speaker is, in effect, saying that the requirement in question is too demanding for him. While there is no formal contradiction in this claim, to my ear, there is something "distinctly odd and in some sense self-defeating" about it.

²⁷ If one is going to dedicate time and effort to considering one argument for the conclusion that one ought to change one's practices, it might be wise to consider an argument advanced by Mother Teresa rather than an argument advanced by Ted Bundy.

proper hearing in the first place. Prior to their encounter with Singer's Argument students don't believe that they are under an obligation to give ten percent of their income to famine relief -- they are non-culpably ignorant of this obligation. If students find out that Singer doesn't give ten percent of his income to famine relief they will have acquired a good reason not to investigate Singer's Argument—that is, they can ignore the argument without thereby incurring moral responsibility for failing to act on its conclusion *even if the argument is sound*. I believe that this result, if correct, generalises quite broadly. It is reasonable to approach moral arguments with a practical posture. When one is presented with a moral argument for the conclusion that one is morally obligated to ϕ , one must first decide whether to engage with this argument. If, as I have claimed, facts about the person advancing the argument can provide exculpating reasons not to engage with the argument, then the scope of the *ad hominem* fallacy of the *tu quoque* variety²⁸ turns out to be much narrower than we may have originally thought.²⁹

6. Conclusion

I now think that the "*ad hominem* reply" to students' request for information about Singer is misguided. Facts about the person presenting an argument, I have argued, may be relevant as indirect evidence for his beliefs, which, in turn, are relevant *qua* the beliefs of a putative expert on the topic under discussion (both in moral and non-moral contexts). Moreover, moral arguments are naturally and legitimately seen as having practical aims, which invites

²⁸ Walton (1987) describes *tu quoque* arguments as one kind of circumstantial *ad hominem* arguments. He writes: "In the *tu quoque* form of the argument, the criticism is made: 'You criticize me [or someone else] for doing [action] X, but then you yourself do X.'" (317)

²⁹ There is a growing body of literature on *ad hominem* arguments, which involves, among other things, various classifications of types of *ad hominem* arguments and a careful examination of the merits of some of these argument types. It has been recognized by several authors that not all *ad hominem* arguments are fallacious (see, e.g. Walton (1998)). My goal in this paper is not to canvass types of *ad hominem* arguments but rather to offer a novel explanation for the way in which facts about a person advancing a moral argument can reasonably influence our moral deliberation.

one to address them with a practical posture. So addressed, one rightly values a plethora of things in addition to believing conclusions of moral arguments if and only if they are true. Given other concerns one justifiably has, facts about the person presenting an argument are normatively relevant to the decision whether to engage with his argument in the first place as they can determine whether one would be blameworthy for failing to act on a conclusion of a sound argument one chooses to ignore.

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