

Shifting the Burden of Proof?

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Abstract: *Dialectical foundationalists*, including Jonathan Adler, Robert Brandom, Adam Leite, and Michael Williams, claim that some asserted propositions do not require defense just because an interlocutor challenges them. By asserting such a proposition, the speaker shifts the burden of proof to her interlocutor. *Dialectical egalitarians* claim that all asserted propositions require defense when challenged. I elucidate the dispute between dialectical foundationalists and egalitarians, and I defend a broadly egalitarian stance against several prominent objections.¹

§1. Dialectical foundationalism versus dialectical egalitarianism

If I assert a proposition and an interlocutor challenges me to defend it, who has the burden of proof? Am I always responsible for defending my assertion, or does the onus sometimes lie with my challenger? *Dialectical foundationalists* claim that certain propositions have a privileged role in our reasoning with one another, serving as “default” premises that do not require defense just because someone challenges them. *Dialectical egalitarians* deny the existence of these “default” propositions.

The dispute between dialectical foundationalism and egalitarianism recurs throughout the history of philosophy. Dialectical foundationalism underlies Aristotle’s doctrine of “first principles” and Wittgenstein’s discussion of “hinge propositions.” It figures more explicitly in writings of J. L. Austin, Wilfrid Sellars, and Stephen Toulmin. Recent advocates include

Jonathan Adler, Robert Brandom, Adam Leite, Andrew Norman, and Michael Williams.

Dialectical egalitarianism was implicitly embraced by the Pyrrhonian skeptics and, during the protocol sentence debate, by Otto Neurath. More recently, Peter Klein has endorsed it, as have and Frans van Eemeren and Rob Grootendorst.²

I will try to clarify the debate between dialectical foundationalists and egalitarians, to disentangle it from some epistemological debates with which it is often conflated, and to defend a broadly egalitarian stance against some popular objections.

§2. Dialectically basic propositions

The debate between dialectical foundationalists and egalitarians centers upon what Sellars calls “the game of giving and asking for reasons”: the activity through which we rationally assess propositions by providing one another with arguments and counter-arguments. I will refer to this activity as *reasoned discourse*. Systematic study of reasoned discourse stretches back at least to Aristotle, continuing through medieval discussions of the Obligation Game, with recent contributions by Robert Brandom, Alvin Goldman, C. L. Hamblin, Wilfrid Sellars,

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² L. Wittgenstein, *On Certainty*, D. Paul and G. E. M. Anscombe (trans), G. E. M. Anscombe and G. H. von Wright (eds.), (New York: Basil Blackwell, 1969); J. L. Austin, “Other Minds,” repr. in his *Philosophical Papers*, 3rd ed., J. O. Urmson and G. J. Warnock (eds), (Oxford: Clarendon Press, 1979), pp. 76-116; W. Sellars, “Some Reflections on Language Games,” repr. in his *Science, Perception, and Reality* (New York: Routledge and Kegan Paul, 1963), pp. 321-358; S. Toulmin, *The Uses of Argument*, (Cambridge UP, 1958), at pp. 222-228; J. Adler, *Belief’s Own Ethics* (MIT Press, 2002), at pp. 159-185; R. Brandom, *Making it Explicit* (Harvard UP, 1994), at pp. 176-178; A. Leite, “A Localist Solution to the Regress of Justification,” *Australasian Journal of Philosophy* 83 (2005), pp. 395-421; A. Norman, “Regress and the Doctrine of Original Epistemic Sin,” *The Philosophical Quarterly* 47 (1997), pp. 477-494; M. Williams, “Skepticism,” in J. Greco and E. Sosa (eds), *The Blackwell Guide to Epistemology*, (Malden: Blackwell, 1999), pp. 35-69; M. Williams, “The Agrippan Argument and Two Forms of Skepticism,” in Walter Sinnott-Armstrong (ed), *Pyrrhonian Skepticism* (Oxford UP, 2004); O. Neurath, “Protocol Sentences,” repr. in R. S. Cohen and M. Neurath (eds and trans) *Philosophical Papers: 1913-1946* (Boston: D. Reidel Publishing, 1983); P. Klein, “How a Pyrrhonian Skeptic Might Respond to Academic Skepticism,” in S. Luper (ed), *The Sceptics: Contemporary Essays* (Aldershot: Ashgate Publishing, 2003); F. van Eemeren R. Grootendorst, *A Systematic Theory of Argumentation* (Cambridge UP, 2004), at pp. 135-140. For discussion of Aristotle, see J. Barnes, *The Toils of Skepticism* (Cambridge UP, 1990).

Stephen Toulmin, Douglas Walton and Erik Krabbe, and many others.³ A recurring theme, particularly emphasized by Brandom and Sellars, is that reasoned discourse falls under *constitutive norms of correctness*, analogous to the rules of a game. While one can play a game without obeying its rules, one plays the game correctly only when obeying those rules. While one can engage in reasoned discourse without obeying its constitutive norms, one engages in reasoned discourse correctly only when obeying those norms.

A second recurring theme is that, by asserting a proposition within reasoned discourse, I commit myself to defending it if challenged. I can cancel the commitment by retracting my assertion, but until then the commitment stands. Combining the second theme with the first suggests the following norm of reasoned discourse:

The Defense Norm: When challenged to defend an asserted proposition, one must either defend it or else retract it.

We may leave open what it is to “defend” a proposition, although a natural suggestion is “provide a cogent, non-circular argument.”

Many philosophers hold that the Defense Norm requires qualification. For instance, Brandom writes that “[c]laims such as ‘There have been black dogs’ and ‘I have ten fingers’ are ones to which interlocutors are treated as *prima facie* entitled. They are not immune to doubt in the form of questions about entitlement, but such questions themselves stand in need of some sort of warrant or justification” (p. 177). Following Williams, say that a challenge to an assertion is *brute* iff it is a mere request for justification, unaccompanied by any supporting considerations. Say that an asserted proposition is *dialectically basic* iff it requires no defense in light of brute

³ Brandom, *Making it Explicit*; A. Goldman, “Argumentation and Social Epistemology,” *Journal of Philosophy*, 91 (1994), pp. 27-49; C. L. Hamblin, *Fallacies* (London: Methuen & Co., Ltd., 1970); Sellars, “Some Reflections on Language Games”; Toulmin, *The Uses of Argument*; D. Walton and E. Krabbe, *Commitment in Dialogue* (Albany: State University Press of New York, 1995).

challenges. Call the view that such propositions exist *dialectical foundationalism*. Dialectically basic propositions provide a foundation of stable, if not immutable, resting points. By asserting such a proposition, I shift the burden of proof to my interlocutor. She can oblige me to defend the proposition only by providing additional considerations, such as reasons to doubt the proposition or reasons to doubt that I am justified in believing it. In this manner, the norms of reasoned discourse insulate certain assertions from gratuitous disputation.

Dialectical foundationalists disagree regarding which propositions are basic. Aristotle favored a privileged class of “first principles,” providing an axiomatic foundation for scientific inquiry. Adler appears to claim that *all* propositions are basic (p. 159).⁴ Brandom, Leite, and Williams allow the division between basic and non-basic to vary with conversational context. Leite, who uses the label *terminating claim* instead of *dialectically basic proposition*, argues that “a claim is a terminating claim when the defendant correctly and responsibly takes there to be no reason to doubt it” (p. 405). On this view, the line between basic and non-basic propositions varies with the speaker’s epistemic circumstances.

Although dialectical foundationalists reject the Defense Norm, they can endorse:

The Default-Challenge Norm: When faced with a *legitimate challenge* to defend an asserted proposition, one must either defend it or else retract it.

What counts as a “legitimate challenge”? According to Aristotle, dialectically basic propositions never require defense, so that *no* challenges to them are legitimate.⁵ Two other possible views: a legitimate challenge to a basic proposition requires compelling reason to doubt that proposition, or it requires asserting the proposition’s negation. Brandom entertains each of these two weaker views (p. 178). Many variants are possible.

⁴ He eventually qualifies that strong thesis (p. 160), but only for cases where the “backing” for the challenge is already “evident.”

Dialectical foundationalism is opposed by *dialectical egalitarianism*, according to which all assertions require defense in light of brute challenges. The Defense Norm enshrines this egalitarian perspective. While the Default-Challenge Norm does not explicitly endorse an inegalitarian conception, it makes room for such a conception by incorporating an extra parameter, *legitimacy*, that can insulate certain propositions from certain challenges. Dialectical egalitarians hold that *all* challenges are legitimate, and hence that the Default-Challenge Norm collapses into the Defense Norm.

Dialectical foundationalists offer two main arguments for their position. First, they raise the specter of *infinite regress*.⁶ When I defend some assertion with an argument, I produce additional assertions. My interlocutor can challenge those additional assertions, which I may defend with further assertions, and so on. To avoid the ensuing regress, dialectical foundationalists classify certain propositions as dialectically basic.

Second, dialectical foundationalists adduce *specific propositions* that allegedly require no defense in light of brute challenges, at least in certain contexts. Favorite examples include: **(a)** Propositions about one's own mental states: *I am in pain; I think that p*. **(b)** Perceptual reports: *I see a red cube in front of me; I seem to see a red cube in front of me; I saw a red cube in front of me yesterday*. **(c)** Basic autobiographical facts: *My brother's name is Eric*. **(d)** Propositions about one's observable surroundings: *A red rose is on the table* (uttered while pointing at a red rose on a table). **(e)** Propositions that are common knowledge in our linguistic community: *George W. Bush is President of the United States*. **(f)** "Hinge" propositions: *The world has existed for more than five minutes; I have a physical body*. **(g)** Elementary logical and mathematical truths. **(h)** Elementary analytic truths. I intend (a)-(h) to be neither exhaustive nor mutually exclusive.

⁵ See Barnes, *The Toils of Skepticism*, pp. 120-123.

I will not discuss arguments based on the regress of justifications. For criticism of such arguments, see van Eemeren and Grootendorst's discussion (pp. 131-134). My focus here is the second argumentative strategy, based on intuitions about specific propositions. I contend that dialectical egalitarians can accommodate most such intuitions quite satisfactorily. I will concede that some propositions of types (g) and (h) are dialectically basic. Thus, my position is more nuanced than the egalitarianism espoused by Sextus Empiricus and Peter Klein. As I explain in the next section, my view still seems closer to egalitarianism than to foundationalism.

As I have portrayed it, the debate between dialectical foundationalists and egalitarians hinges upon *which* norms are constitutive of reasoned discourse. Some philosophers, such as Donald Davidson, would dismiss both sides of the debate as mistakenly assuming that there *are* such norms.⁷ Why should we believe that ordinary conversation instantiates a practice of "reasoned discourse," governed by constitutive norms? Even if something resembling the Defense Norm or the Default-Challenge Norm applies to relatively formalized interactions, like legal proceedings or philosophy colloquia, why suspect that any such norm governs quotidian conversation?

I will not engage directly with these worries. I will assume that ordinary speakers sometimes engage in a dialectical practice governed by constitutive norms roughly similar to the Defense Norm or the Default-Challenge Norm. Brandom, Goldman, and many others have already defended this assumption. The assumption seems mandatory if we are to make sense of the dispute between dialectical foundationalism and egalitarianism. My goal is to advance that dispute with arguments directed towards those who already accept it as sensible.

⁶ Adler, *Beliefs Own Ethics*, p. 181; Brandom, *Making it Explicit*, pp. 176-178; Leite, "A Localist Solution to the Regress of Justification"; Williams, "The Agrippan Argument and Two Forms of Skepticism."

§3. Indefensible propositions

An ancient objection to dialectical egalitarianism is that some propositions *cannot* be defended through rational argument. “First principles” were supposed by Aristotle to fit this description. Similarly, Toulmin urges that it sometimes “does not even make sense to talk about producing grounds for one’s assertion” (p. 222). The point is not that certain propositions cannot be derived from others. As Wittgenstein observes, “any proposition can be derived from other ones” (*On Certainty*, §1). The point is that certain propositions cannot receive *rational support* from others.

The objection seems most plausible for elementary logical and mathematical truths. As Tyler Burge puts it, some of these truths are “so basic that if one understands them, one realizes that they are true. No argument for them could provide them with a justification that adds force that is not already present in understanding them.”⁸ Even here, we should not underestimate the potential for rational argument. For instance, contra Toulmin (pp. 225-227), I think that $2 \times 2 = 4$ admits a non-circular argument, as first shown by Dedekind. Eventually, though, we will reach a level so basic that further argument is impossible: *If p, then p* is a likely example. Elementary analytic truths, if such there are, may illustrate the same phenomenon.

Taking Burge’s formulation as our guide, say that a proposition is *defensible* iff some argument could provide it with justification that adds force to whatever justification is already present from understanding it. A proposition is *indefensible* iff no such argument is possible. An indefensible proposition admits no justification beyond whatever justification arises from grasping it in the first place. No further propositions one might adduce can increase whatever rational support it already possesses in itself.

⁷ D. Davidson, *Inquiries into Truth and Interpretation* (Oxford UP, 1984).

If we concede that indefensible propositions exist, then it becomes natural to emend the Defense Norm as follows:

The Defense Norm (reformulated): When challenged to defend an asserted defensible proposition, one must either defend it or else retract it.

The reformulated Defense Norm cedes some ground to dialectical foundationalism. It allows that indefensible propositions are dialectically basic. If there is literally *nothing* one could say to buttress one's assertion, then one need not defend it.

How much ground does the reformulated Defense Norm cede to dialectical foundationalism? That depends on which propositions are indefensible. I submit that virtually all empirical propositions are defensible. This is not to say that any such proposition *p* is true, or that a given speaker is justified in believing *p*, or that a given speaker could provide a non-circular argument for *p*. It is just to say that there exist further propositions that rationally support *p*. An interlocutor might not believe those propositions. But, if she *does* believe them, then they provide added justification for believing *p* beyond whatever arises from mere grasp of *p*.

Recent work on "transmission failure" challenges the thesis that virtually all empirical propositions are defensible. Crispin Wright contends that various "hinge propositions," such as *There is an external world*, cannot be defended through non-circular arguments.⁹ Inspired by Wittgenstein, he then argues that we are entitled to believe hinge propositions even though we have no evidence for them. I focus on Wright's claim that hinge propositions are indefensible.

Wright critiques the following "Moorean" argument: *I have hands; therefore, there is an external world*. He urges that one is entitled to believe the premise only if one is independently

⁸ T. Burge, "Concepts, Conceptions, Reflective Understanding: Reply to Peacocke," in M. Hahn and B. Ramberg (eds), *Reflections and Replies: Essays on the Philosophy of Tyler Burge* (MIT Press, 2003), pp. 383-396, at p. 389.

⁹ C. Wright, "Wittgensteinian Certainties," in D. McManus (ed), *Wittgenstein and Skepticism* (New York: Routledge, 2004).

entitled to believe the conclusion. Thus, one's warrant for believing the premise does not transmit to the conclusion. Wright applies his analysis to several analogous Moorean arguments, including arguments involving memory and other minds.

Despite what Wright says, it is hardly clear that one is entitled to believe the premise *I have hands* only if one is independently entitled to believe *There is an external world*. William Alston, Robert Audi, Christopher Peacocke, and James Pryor argue that one is justified in believing the premise by virtue of having a perceptual experience that represents it as true.¹⁰ The experience justifies the belief, without any essential justificatory role for other beliefs, such as *My perceptual systems are reliable* or *There is an external world*. On this basis, Pryor contends that the premise of Moore's argument justifies the conclusion.¹¹ Of course, a Cartesian skeptic will not concede the premise. But that does not entail that the argument lacks justificatory force for those who *do* accept it. There are ingredients in the literature for developing similar analyses regarding memory and other minds.¹²

Wright treats non-Moorean arguments for hinge propositions rather dismissively. Specifically, he pays relatively scant attention to abductive arguments such as: *I have various apparent perceptions of an external world; the best explanation for these apparent perception is that an external world exists; therefore, there is an external world*. Whether or not such arguments mirror the justificatory structure instantiated by ordinary thinkers, it is plausible that

¹⁰ W. Alston, *Epistemic Justification: Essays in the Theory of Knowledge* (Cornell UP, 1989); R. Audi, *The Structure of Justification* (Cambridge UP, 1993); C. Peacocke, *The Realm of Reason* (Oxford: Clarendon Press, 2004); J. Pryor, "The Skeptic and the Dogmatist," *Nous*, 34 (2000), pp. 517-549.

¹¹ J. Pryor, "What's Wrong with Moore's Argument?," *Philosophical Issues*, 14 (2004), pp. 349-378.

¹² See T. Burge, "Content Preservation," *Philosophical Review*, 102 (1993), pp. 457-488, and M. Dummett, "Testimony and Memory" repr. in his *The Seas of Language* (Oxford UP, 1993), pp. 411-428. Wright replies to Pryor in "The Perils of Dogmatism," in S. Nuccetelli and G. Seay (eds), *Themes from G. E. Moore* (Oxford UP, forthcoming).

they provide added justification for their conclusions. If so, then they further confirm the thesis that hinge propositions are defensible.¹³

I henceforth assume that virtually all empirical propositions are defensible. (I say “virtually” to circumvent notorious cases like “I exist.”) Given this assumption, the reformulated Defense Norm seems more congenial to dialectical egalitarianism than to dialectical foundationalism. Indefensible propositions play a significant role mainly in mathematical and philosophical conversation. They cannot provide a foundation for ordinary empirical discourse. Thus, by treating indefensible propositions as exceptions to the Defense Norm, we induce a fairly minor perturbation in the normative architecture of quotidian rational conversation. Technically speaking, of course, the reformulated Defense Norm is “foundationalist” rather than “egalitarian,” as I defined those terms in §2. Perhaps we should redefine our terms so as to avoid that consequence. For instance, we might redefine “egalitarianism” as claiming that no defensible propositions are dialectically basic. This terminological issue is less important than the substantive question I will pursue: does the reformulated Defense Norm yield a plausible theory of dialectical interaction?

§4. Epistemology and reasoned discourse

Dialectical foundationalists often attack egalitarianism by citing alleged undesirable epistemological consequences. Supposedly, egalitarianism entails the implausibly stringent principle that I am justified in believing p only if I can defend p against brute challenges. Thus,

¹³ For defense of this abductivist strategy, see L. BonJour, *In Defense of Pure Reason* (Cambridge UP, 1998); A. Goldman, *Empirical Knowledge* (University of California Press, 1988); J. Vogel, “Cartesian Skepticism and Inference to the Best Explanation,” *Journal of Philosophy* 87 (1990), pp. 658-666; J. Vogel, “The Refutation of Skepticism,” in M. Steup and E. Sosa (eds), *Contemporary Debates in Epistemology* (Malden: Blackwell, 2005). For criticism of the strategy, see Alston, *The Reliability of Sense Perception* (Cornell UP, 1993) and J. Beebe, “The Abductivist Reply to Skepticism,” *Philosophy and Phenomenological Research* (forthcoming).

Toulmin motivates dialectical foundationalism by observing that “I shall not expect to be asked *how* I know that [my brother’s name is Roger]... Having once learnt my brother’s name, I need no grounds or premises in order to continue knowing it” (p. 224).

Such arguments elide *epistemic status* and *normative standing within reasoned discourse*. The reformulated Defense Norm says that, if I assert a defensible proposition *p* that another speaker challenges, then I must defend *p* or retract it. If I do neither, I engage incorrectly in reasoned discourse. It does not follow that I am unjustified in believing *p* or that I should suspend judgment in it. Neither consequence follows even from the stronger assumption that I *cannot* defend *p*. Claims about my ability to participate correctly in reasoned discourse do not directly entail claims about whether my beliefs are justified.

Brandom, Leite, Williams, and many other dialectical foundationalists maintain that epistemic justification intimately involves an ability, at least in principle, to defend one’s beliefs against legitimate challenges. Call this the *Justification Thesis*. The basic idea, pioneered by Austin, Sellars, Toulmin, and Wittgenstein, is to illuminate the nature and structure of epistemic justification by “reading them off” justificatory transactions between speakers. If we accept the Justification Thesis, then dialectical egalitarianism entails that far fewer of our beliefs are justified than one might have expected.¹⁴

We should reject the Justification Thesis. Following Alston and Audi, we must distinguish *the state of being justified* from *the ability to justify a proposition to other speakers*. Justification is a positive epistemic status possession of which does not require the ability to participate a certain way in reasoned discourse. Young children apparently have justified beliefs, but they cannot mount arguments for those beliefs. As Adler notes (p. 182), adults justifiably

believe many propositions without remembering their evidence, so they cannot answer even extremely well-motivated challenges to those propositions.¹⁵

The dispute between dialectical foundationalism and egalitarianism is not epistemological. It is not about whether we are justified in believing certain propositions. It is not about whether there are *epistemically basic beliefs*: that is, justified beliefs that do not depend upon any other beliefs for their justification. It is not about whether epistemic justification is “internalist” or “externalist.” It is about whether the norms of reasoned discourse insulate certain assertions from brute challenges. Unfortunately, this issue has been obscured by a persistent tendency to combine or conflate egalitarianism with various controversial epistemological perspectives. For instance, Sextus Empiricus deploys it to motivate global skepticism, Neurath combines it with coherentism, and Klein combines it with infinitism. One need not accept any such epistemological perspective just because one accepts egalitarianism. Epistemological consequences follow from egalitarianism only if we assume one or another dubious doctrine, such as the Justification Thesis, linking epistemic status and standing within reasoned discourse.

§5. Intuitions about linguistic practice

Our question is which theory of reasoned discourse best accommodates various intuitions about linguistic practice. I begin by dismissing some irrelevant intuitions.

Dialectical egalitarians can agree with Adler that, in many circumstances, “it would be impolite for the hearer to just question (challenge) the speaker’s response [to a question the

¹⁴ If we assume that justified belief requires an ability to answer legitimate challenges, then the “regress of justifications” arguably shows that egalitarianism yields global skepticism. The Pyrrhonians motivated skepticism along essentially these lines.

¹⁵ For further criticism of the Justification Thesis, see Goldman, “Argumentation and Social Epistemology” and D. Howard-Snyder and E. J. Coffman, “Three Arguments against Foundationalism,” *Canadian Journal of Philosophy*, 36 (2006), pp. 535-564.

hearer has asked the speaker] without explanation” (p. 160). Our question here is not whether the hearer’s challenge is *polite*. Our question is whether the hearer’s challenge, polite or not, requires a response. The norms of reasoned discourse may well conflict with norms of etiquette, morality, legality, pragmatic utility, etc.

Dialectical egalitarians can also admit that there are many contexts in which it seems legitimate not to answer a brute challenge. If I introduce myself to a stranger at a cocktail party, it would be ridiculous for the stranger to retort, “How do you know that your name is Michael? Justify your assertion.” I would surely decline to answer. Even when a challenge is not so absurd, I might cite various reasons for not answering: I am too tired, too busy, etc. These examples do not undermine the reformulated Defense Norm. In each example, I decline to engage my interlocutor’s challenge. I refuse to enter into reasoned discourse. My refusal does not violate the norms of reasoned discourse, any more than a refusal to play chess violates the rules of chess.

What if John, while engaged in reasoned discourse, answers a challenge to some assertion by saying: “Let me think about it and get back to you later”? Again, we should not say that John violates the reformulated Defense Norm. As long as John does not invoke the disputed proposition as a premise when defending *other* propositions, then his response seems admissible. In effect, John *postpones* a particular episode of reasoned discourse, just as a chess-player might call “time-out” when facing a particularly challenging board-configuration.

Hence, the reformulated Defense Norm is not as demanding as it might initially appear. It is a norm of *reasoned discourse*, not a norm of *conversation in general*. One can engage in conversation without engaging in reasoned discourse, and one can suspend an episode of reasoned discourse while continuing a conversation.

Do these maneuvers drain the reformulated Defense Norm of all force? They do not. We must distinguish two scenarios in which a speaker leaves a disputed proposition undefended. If the speaker does not rely upon the disputed proposition when defending other propositions, then the reformulated Defense Norm does not apply. We may describe the speaker as either averting, postponing, or ending an episode of reasoned discourse. But if the speaker invokes the disputed proposition while defending additional propositions, the reformulated Defense Norm applies, classifying his linguistic conduct as defective. Thus, the crucial context for deciding between dialectical foundationalism and egalitarianism is one where a speaker bases an argument upon a disputed premise. Are there any disputed, defensible premises that a speaker may legitimately leave undefended? Do certain premises shift the burden of proof from speaker to challenger?

Dialectical foundationalists sometimes cite an alleged intuition that certain premises require no defense in light of brute challenges. The trouble is that dialectical egalitarians deny experiencing this intuition, so that the debate descends into stalemate and intuition-mongering. For instance, Brandom (p. 222) writes that

[t]here are sentence types that would require a great deal of work for one to get into a position to challenge, such as “Red is a color,” “There have been black dogs,” “Lightning frequently precedes thunder,” and similar commonplaces. These are treated as “free moves” by members of our speech community --- they are available to just about anyone any time to use as premises, to assert unchallenged.

Brandom does not explain how he arrives at these examples. He apparently assumes his readers will experience an intuition that they are dialectically basic. That assumption may be fair for *Red is a color*, which is arguably indefensible. It seems illicit for *There have been black dogs* and *Lightning frequently precedes thunder*. We can agree with Brandom that, in practice, speakers do

not challenge either proposition. But what if someone *were to* challenge one of them? Dialectical egalitarians deny any intuition that it would require no defense.

It seems to me that dialectical foundationalists consistently downplay an intuition emphasized by egalitarians from Sextus to Klein: it is dogmatic to rest an argument on an undefended premise that one's interlocutor disputes. Perhaps this egalitarian intuition is mistaken. On some level, though, most of us feel its force.

Nevertheless, I concede that *other* powerful intuitions appear to conflict with this egalitarian intuition. I focus on two such intuitions:

- (i) In some contexts, it seems deviant to challenge certain premises without offering supporting considerations. A brute challenge is “silly (outrageous)” (Austin, p. 84) or even “pragmatically incoherent” (Leite, p. 407). Call this an intuition of *interlocutor-deviancy*.
- (ii) When faced with a deviant brute challenge to an asserted premise, it is reasonable not to defend the premise. Moreover, as Leite (p. 404) and Adler (p. 160) emphasize, that response seems reasonable due partly to factors “internal” to dialectical interaction, not merely “external” factors such as etiquette, pragmatic utility, etc. Call this an intuition of *speaker-immunity*.

Interlocutor-deviancy and speaker-immunity intuitions favor dialectical foundationalism.

I will sketch an account that preserves both intuitions while simultaneously preserving the egalitarian verdict that one must defend disputed, defensible premises. Obviously, I cannot discuss every conceivable putative counter-example. I will discuss two paradigmatic examples, and I will indicate how my analysis generalizes. Before doing so, I must introduce one final element of reasoned discourse.

§6. The pursuit of rapprochement

A basic purpose of reasoned discourse is to isolate *mutually acceptable* premises relevant to the truth of disputed propositions. Mutually acceptable premises provide a neutral evidentiary base for adjudicating disputes. A neutral evidentiary base may not decisively resolve a dispute, but it serves as common ground. By isolating it, speakers achieve what I will call *rapprochement*. Only by achieving rapprochement do participants in reasoned discourse engage one another rationally. One might say that, if two speakers cannot agree upon any relevant premises, then they succeed only in talking *at* one another, rather than reasoning *with* one another. In this sense, the pursuit of rapprochement is constitutive of reasoned discourse.

Philosophical theories of dialectical interaction frequently, albeit often implicitly, invoke rapprochement. **(a)** van Eemeren and Grootendorst urge that a basic purpose of dialectical interaction is *consensus*, i.e. resolution of the dispute. Rapprochement is a weak form of consensus. It involves agreement regarding relevant premises but not necessarily regarding the main dispute. Moreover, speakers must achieve rapprochement to resolve the main dispute through rational argument. As van Eemeren and Grootendorst put it, “[t]here is no point in venturing to resolve a difference of opinion through an argumentative exchange of views if there is no mutual commitment to a common starting point” (p. 60). **(b)** Walton and Krabbe develop a theory of dialectical interaction, harkening back to the Greek Sophists, on which each participant aims to persuade the others to adopt his viewpoint. Ralph Johnson develops an alternative theory in the same vein.¹⁶ Rational persuasion requires convergence upon mutually acceptable premises. **(c)** Many philosophers, including Goldman, argue that a basic purpose of dialectical interaction is convergence to the truth. Achieving this goal entails achieving consensus: if two speakers

¹⁶ R. Johnson, *Manifest Rationality* (Mahwah: Lawrence Erlbaum Associates, 2000).

disagree about some proposition p , then one of them must either endorse a falsehood or else withhold assent from a truth. So convergence to the truth entrains rapprochement.

As these examples suggest, the pursuit of rapprochement is implicit in many, if not most, philosophical theories of reasoned discourse. It is a fundamental constraint upon fruitful disputation. Any decent theory, whether foundationalist or egalitarian, should treat it as in some sense constitutive of reasoned discourse.

In *what* sense, exactly? That is a difficult question. Luckily, we need not explore it in much detail. I will make a few comments.

Consider a tennis player who deliberately misses certain crucial shots so as to let his opponent win. He plays the game deviantly, because he does not make a genuine effort to win. Yet his deviant conduct differs markedly from that of a player who *cheats*, perhaps by calling a ball out when it is in. The injunction that one try to win is constitutive of tennis, but it is not a *rule* of tennis. To capture this difference, Joseph Raz distinguishes between a practice's *norms* (such as the rules of a game) and its *values* (such as winning the game).¹⁷ I find it more suggestive to instead speak of *constitutive norms* and *constitutive goals*. Winning is a *constitutive goal* of tennis, while the injunction "Do not call a ball out when it is in" is a *constitutive norm*. Constitutive norms describe how to engage in a practice correctly. Constitutive goals describe what ends one pursues, *qua* participant in the practice. One can engage in a practice *correctly* without pursuing its constitutive goals, as illustrated by our tennis example. But *non-deviant* participation in a practice requires promoting its constitutive goals.

I submit that rapprochement is a constitutive goal rather than a constitutive norm. For instance, suppose a speaker defends a controversial assertion with a non-circular, cogent argument whose premises she knows her interlocutor is unlikely to accept. Her linguistic conduct

seems deviant, but it is not exactly *incorrect*, at least not in the same way as if she offered a fallacious argument. Thus, while the injunction that one pursue rapprochement is constitutive of reasoned discourse, it is not a norm of correctness. If I offer a fallacious argument, I engage incorrectly in reasoned discourse. If I offer a cogent argument whose premises I know my interlocutor will reject, I fail to promote a basic *purpose* of reasoned discourse.

Undoubtedly, the distinction between constitutive norms and goals would benefit from further discussion. I have tried to clarify it elsewhere, especially as it applies to reasoned discourse.¹⁸ For present purposes, we need not linger over these subtleties. My subsequent discussion requires only the general thesis that someone who fails to pursue rapprochement engages deviantly in reasoned discourse.

In the two sections, I deploy this thesis to defuse various putative counter-examples to the reformulated Defense Norm.

§7. First putative counter-example: *I have a physical body*

Suppose I defend some assertion (e.g. *There are six human bodies in this room*) by asserting as a premise *I have a physical body*. A brute challenge to this premise elicits intuitions of both interlocutor-deviancy and speaker-immunity. However, both intuitions depend heavily upon assumptions about our epistemological circumstances. The proposition *I have a physical body* has a privileged epistemic status: there is every reason to believe this proposition and no reason to doubt it. If the privileged epistemic status changes, interlocutor-deviancy and speaker-immunity intuitions evaporate.

¹⁷ J. Raz, *Practical Reason and Norms*, 2nd edn. (Oxford UP, 1990).

¹⁸ M. Rescorla, "A Linguistic Reason for Truthfulness," in D. Greimann and G. Siegart (eds), *Truth and Speech Acts* (New York: Routledge, 2007).

Consider a variant upon *The Matrix*. In the variant scenario, most people justifiably believe they are disembodied brains communally linked in a computer simulation. I do not suppose that they *are* disembodied brains. I suppose only that they possess compelling evidence, for instance, that they encounter physical anomalies best explained by the computer-simulation hypothesis. I also assume that the relevant evidence is common knowledge. These people could assert, challenge, and retract claims. They could engage one another in reasoned discourse. Clearly, the assertion *I have a physical body* would not enjoy default status within their linguistic interaction. If anything, it would seem particularly dubious. A brute challenge to it would not elicit interlocutor-deviancy or speaker-immunity intuitions.

In response to the proposed scenario, dialectical foundationalists can say that the line between basic and non-basic propositions varies with context. In our own epistemic context, the proposition *I have a physical body* is extremely well-confirmed. (Needless to say, philosophers disagree about the precise nature of the confirmation.) In the Matrix-style scenario, *I have a physical body* is disconfirmed. This contrast explains why the proposition is dialectically basic in one scenario but not the other.

I claim that, once we acknowledge a role for epistemic context, we do not need dialectical basicness. Egalitarians can explain relevant interlocutor-deviancy and speaker-immunity intuitions just as well as foundationalists. I begin with interlocutor-deviancy.

Speakers ordinarily find little difficulty in achieving rapprochement. No matter how deep our disagreements, we usually agree on a large class of “background” propositions that are well-confirmed for normal participants in the conversation. (Cf. Adler, pp. 164-167.) These propositions serve as a dialectical tribunal of last resort. They might not resolve the dispute, but

they serve as common ground. *I have a physical body* is one such background proposition. Since it is so well-confirmed, I usually feel confident my interlocutor will not challenge it.

What if she *does* challenge it? My dialectical tribunal of last resort under attack, I no longer know how to achieve rapprochement. My interlocutor disputes a premise we ordinarily regard as beyond dispute. What can I say that would satisfy her? Even if I want to answer her challenge, I feel unsure how to do so. If she disputes *I have a physical body*, which premises will she concede? The main problem here is not my suspicion that my interlocutor believes the disputed proposition. Speakers can play “devil’s advocate”, disputing propositions that they believe. I can conduct a rational argument with such an interlocutor. The main problem is that, even if I suspect my interlocutor of playing devil’s advocate, I do not know *what* perspective this particular devil advocates. Her challenge is so fundamental that I have no idea which premises she will leave unchallenged.

Assume that my interlocutor grasps the broad character of my epistemic circumstances. (Without this assumption, no interlocutor-deviancy intuition arises.) Then she will have anticipated the shock and amazement elicited by her challenge. To assist me in answering that challenge, she must explain her perspective more fully. She must indicate what kind of relevant premise she might accept. For instance, she might present a “skeptical scenario” that I allegedly cannot rule out, such as a brain-in-a-vat scenario. By presenting this scenario, she sets the terms of the debate. She indicates that she will accept certain premises, such as propositions about my apparent perceptual experiences, while simultaneously illustrating why these premises fail to establish the disputed proposition. In this manner, she partially demarcates the boundaries of mutual agreement. Only given some such demarcation can we achieve our common goal, as

participants in reasoned discourse, of achieving rapprochement.¹⁹ Lacking any such demarcation, we cannot engage in fruitful disputation. Thus, given an epistemic context like our own, brute challenges to *I have a physical body* are deviant. They subvert a basic purpose of reasoned discourse: rapprochement.

Dialectical foundationalism emphasizes the following initial thought: although *asserting* propositions can involve the speaker in dialectical obligations, so too can *challenging* propositions. Foundationalists such as Adler (pp. 159-160), Leite (p. 404), and Williams (p. 133) develop this initial thought as follows: in certain circumstances, challenging an asserted proposition *shifts* the justificatory burden from the original speaker to the challenger. My view accommodates the initial thought while rejecting the specific way dialectical foundationalists develop it. In an ordinary conversational context, someone who challenges *I have a physical body* undertakes a conversational burden. But it is not a burden of *proof*. It is a burden of *explanation*. The challenger must elucidate her position, thereby helping the original speaker isolate the relevant, mutually acceptable premises that rapprochement requires. Dialectical obligation does not *shift* from the speaker to challenger. It *expands* to encompass both speaker and challenger. The challenger assumes an obligation to help the original speaker fulfill *his* obligation. The former obligation is parasitic upon the latter. Speaker and challenger must jointly pursue argumentative common ground: the speaker by isolating premises that support his position, the challenger by elucidating which such premises she might accept or reject. The speaker's obligation persists even if the challenger does not provide the requisite assistance.

Turn now to speaker-immunity intuitions. The key point here is that, by defending a proposition, I assert *additional* propositions as my argument's premises. Assuming that the

¹⁹ These elucidations serve another important purpose: they provide assurance that the challenger uses words like "physical body" to express the same meaning as the original speaker. Lacking such assurance, the original speaker

additional premises are defensible, the reformulated Defense Norm requires me to defend them against challenges. To answer an interlocutor's challenge is to risk further challenges. The risk is often negligible. As already noted, I ordinarily feel confident that my interlocutor will not challenge *I have a physical body*, so I see little risk in asserting it. If my interlocutor challenges even this proposition, I naturally worry that she will challenge any additional premises I might offer. Asserting those premises might further tarnish my dialectical performance by augmenting my stock of undischarged dialectical commitments. Thus, absent further clarification regarding which premises my interlocutor would accept, it is reasonable to leave *I have a physical body* undefended. The reasonable nature of this choice does not depend upon factors external to reasoned discourse, such as etiquette or pragmatic utility. It flows from my desire to avoid accumulating undischarged dialectical commitments, a desire which reflects internal features of dialectical interaction. I "cut my dialectical losses."

Our analysis presupposes a distinction between *correct* performance in a practice and *reasonable* performance within that practice. It is *reasonable* but *incorrect* for me to leave *I have a physical body* undefended. Consider an analogy. I place a wager whose consequence is that, if Seabiscuit loses, I must pay my bookie \$1000. I am confident that Seabiscuit will win. He loses. I do not have \$1000. I can raise it only through further wagers with other bookies, wagers I am less confident of winning. The most reasonable plan may be to default upon the original wager and suffer the consequences, rather than "dig myself deeper in the hole." This plan is reasonable even when judged by evaluative standards internal to the practice of promising, since the plan saves me from breaking additional promises to other bookies. The plan is not *correct* according to the norms of promising. Shirking promissory commitments violates promissory norms. But doing so may be *reasonable* when judged by evaluative standards internal to promising.

might well question whether the dispute is merely *verbal*, rather than *substantive*. (Cf. *On Certainty*, §157).

A crucial disanalogy between assertion and the wager example is that in principle there are many ways to raise \$1000: loans, honest work, theft, and so on. The *only* way to discharge a dialectical commitment is to assert propositions as premises, thereby undertaking additional dialectical commitments.²⁰ This disanalogy supports my analysis. It highlights how speaker-immunity intuitions reflect essential features of reasoned discourse. Whenever I defend some assertion, there is latent potential for “digging myself deeper in the dialectical hole.” That risk becomes overwhelmingly salient when my interlocutor challenges a premise, such as *I have a physical body*, that is extremely well-confirmed for both of us.

My analysis reconciles conflicting intuitions. Egalitarian intuitions register that it is illicit to invoke the disputed premise *I have a physical body* without defending it. Foundationalist intuitions register how bizarre it seems to issue a brute challenge to this proposition, and, relatedly, how reasonable it seems to dismiss brute challenges. We preserve egalitarian intuitions by embracing the reformulated Defense Norm. We preserve foundationalist intuitions by observing that, in suitable circumstances, an interlocutor should promote rapprochement by indicating which premises she might accept. When the interlocutor provides no such indication, then the speaker’s most reasonable choice may be dogmatic, illicit insistence.

My analysis invokes the privileged epistemic status of *I have a physical body*: there is every reason to believe it and no reason to doubt it. Many other putative counter-examples to egalitarianism enjoy a similarly privileged epistemic status, including other hinge propositions, propositions about one’s observable surroundings, and propositions that are common knowledge in our linguistic community. It seems likely that my analysis generalizes to cover such examples. Obviously, the details will vary. However, if the basic explanatory strategy is sound, then we do

²⁰ For discussion, see Brandom, *Making it Explicit* (p. 167) and M. Rescorla, “Assertion and its Constitutive Norms,” *Philosophy and Phenomenological Research* (forthcoming).

not need to build a privileged role for these propositions into the rules of rational dialectic. Their privileged conversational role already emerges from three elements: the reformulated Defense Norm; the constitutive goal of rapprochement; and uncontroversial facts about our epistemic circumstances. The first two elements are constitutive of reasoned discourse, but they do not privilege any premises over others. The third element privileges certain premises over others, but it is not constitutive of reasoned discourse. Operating together, these three elements generate an illusion that dialectical interaction has a foundational structure.

Dialectical foundationalists may object that my approach misses relevant intuitions. Consider an interlocutor who raises the *possibility* of a skeptical scenario without providing any reason to take it seriously. According to Leite, we regard such a challenge as inappropriate, and we are quite reasonable to dismiss it (pp. 404-6). My account does not seem to capture these intuitions, since the interlocutor makes some effort to achieve rapprochement.

In response, note that the imagined interlocutor promotes rapprochement much less vigorously than if she had provided reasons to take the skeptical scenario seriously. By merely sketching the scenario, she exerts fairly minimal effort to locate argumentative common ground with the speaker. So my account entails that her challenge is mildly deviant, although less deviant than a brute challenge. (Compare: a player who exerts minimal effort to win a game is less deviant than one who deliberately loses but more deviant than one who struggles to win.)

This example raises a more general point: interlocutor-deviancy and speaker-immunity intuitions are *gradable*. A challenge seems *more or less* deviant. Failure to defend an assertion seems *more or less* reasonable. My account predicts that such gradations will arise. A challenge seems more deviant the less effort the interlocutor exerts to achieve rapprochement. A speaker's refusal to defend a premise seems more reasonable the more likely his interlocutor seems to

challenge any additional assertions. Thus, my account predicts a spectrum of intuitive responses, depending in complex ways upon the conversationalists' intentions and their epistemic context. On the other hand, dialectical foundationalism treats interlocutor-deviancy and speaker-immunity intuitions as reflecting two strict dichotomies: *legitimate* versus *illegitimate* challenges; *correct* versus *incorrect* reactions to challenges. Based on this explanation, one would expect a fairly sharp division between cases where the intuitions do and do not arise, rather than a continuum of responses. The burden is on dialectical foundationalists to show that they can explain the gradable character of our intuitions.

§8. Second putative counter-example: *I have a headache*

My analysis so far does not handle every putative counter-example to the reformulated Defense Norm. Notably, it does not handle propositions about one's own mental states. Such propositions do not occupy the same privileged epistemic role as *I have a physical body*, since my interlocutor generally has no reason to believe them, or to believe that I believe them, independently of my assertions. Let us study these examples in more detail.

When speakers maintain at least a pretense that they trust one another to speak honestly, I will say that their conversation occurs against a background of *apparent trust*. Against this background, propositions about one's own mental states occupy a privileged conversational role. But we can explain that role without invoking dialectical basicness.

If an interlocutor challenges my assertion *I have a headache*, then, assuming she genuinely wonders whether I have headache, she must suspect either that I am mistaken or else that I am lying. Lacking further elucidation, the natural conjecture is that she thinks I am lying. As many philosophers have observed, I have special authority regarding my own mental states,

including my own sensations. The precise nature of this “special authority” remains controversial. But we can all agree that these are not propositions about which one just makes a mistake, as when one miscalculates the sum of two numbers. If my interlocutor wants to preserve the background of apparent trust, she will assure me that she believes me mistaken, and she will explain how she thinks the mistake arose. For instance, she might say: “You’re such a hypochondriac. You’ve convinced yourself that you have a headache even though you don’t really have one.” By explaining herself more fully, she sustains the atmosphere of apparent trust.

More importantly, she sets the terms of the debate. If she thinks I am mistaken even about whether I have a headache, then regarding which propositions will she accept that I *not* mistaken? Will she grant that I exhibit various behavioral manifestations of pain? Or that seems to me that I have a headache? Or that it seems to me that it seems to me that I have a headache? To help me answer her challenge, she must indicate which premises she might accept or reject. Lacking such elucidation, I feel unsure how to respond. So a brute challenge to *I have a headache* is deviant. It subverts a basic purpose of reasoned discourse: rapprochement. It also elicits speaker-immunity intuitions, since my best plan for avoiding additional undischarged commitments may be to insist dogmatically upon *I have a headache*.

Hence, *assuming a background of apparent trust*, the proposition *I have a headache* elicits interlocutor-deviancy and speaker-immunity intuitions, which we can explain through three factors: my special authority regarding it; the atmosphere of apparent trust; and the constitutive goal of rapprochement. It seems likely that our analysis generalizes to other propositions regarding which the speaker enjoys special authority, including propositions about one’s autobiography. Again, the details will vary.

When the background of apparent trust lapses, so does the privileged conversational status for propositions about one's own mental states. Suppose John's wife Mary wants him to attend a rock concert tonight, even though she knows he loathes rock music. John replies that he cannot go because he has a headache. John has reason to lie, and Mary has reason to distrust him, so it is appropriate for her to challenge his assertion. She need not elucidate her challenge. Her reasons for suspicion are clear. Also clear is the *scope* of her challenge. She will question relevant premises that she cannot confirm independently of John's assurances.

In principle, there are various arguments that might potentially satisfy Mary. For instance, depending on the details of the case, John might cite various behavioral or physiological manifestations of pain. There is no guarantee that John can generate such arguments or that Mary will accept them. Yet that lack of guarantee is not peculiar to propositions regarding one's mental states, and it does not entail that John bears no responsibility for defending what he says. On the contrary, it seems plausible that the burden lies with John, whether or not he can meet it. John might try to shirk this burden, perhaps saying "Don't you trust me?" or "Look, I'm giving you my word." But I submit that, if John's word is not good enough for Mary, then he owes her an argument.

Regarding claims about one's own mental states, Crispin Wright contends that "[t]he demand that somebody produce reasons or corroborating evidence for such a claim about themselves --- 'How can you tell?' --- is always inappropriate. There is nothing they might reasonably be expected to say." William Alston and A. J. Ayer concur.²¹ I disagree. There are many ways one might defend claims about one's own mental states, and there are many cases when it seems reasonable to request a defense. Appearances to the contrary result from

overemphasizing a special case: reasoned discourse conducted against a background of apparent trust. Speakers can engage in fruitful disputation while overtly distrusting each other. In most such cases, propositions about one's own mental states do not seem to enjoy special dialectical perquisites. They do not elicit interlocutor-deviancy or speaker-immunity intuitions.

The rock concert example illustrates that non-circular arguments for a proposition need not mirror a speaker's primary justification for believing the proposition. John's behavioral manifestations of pain do not enter into his primary justification for believing he has a headache, but they may inform non-circular arguments for the corresponding assertion. John need not restrict himself to arguments that reflect his own internal justificatory patterns. We must distinguish between *justifying a proposition within reasoned discourse* and *exhibiting one's own justification for believing a proposition*. The former, not the latter, is our central focus when studying dialectical interaction. Thus, I disagree with Leite's claim that "[t]he point of articulating reasons in defense of one's belief is to establish that one is justified in believing as one does" (p. 418). On my view, the main point of defending assertions is not to exhibit *one's own* reasons for belief, but to adduce putative reasons why *others* should believe. The two goals often overlap, but they need not.

Leite defines a "justificatory conversation" as one "characterized by a person's sincere attempt to vindicate his or her entitlement to a belief by providing adequate reasons in its defense and responding to objections" (p. 403). "Justificatory conversation" requires sincerity, so it is a special case of reasoned discourse. Leite's focus on this special case yields a misleading bias towards foundationalism. Take his analysis of the following interchange (p. 404):

Person A: "My sister is unhappy with her job."

²¹ C. Wright, "Self-Knowledge: The Wittgensteinian Legacy," in C. Wright, B. Smith, and C. MacDonald (eds), *Knowing Our Own Minds* (Oxford: Clarendon Press, 1998); Alston, *Epistemic Justification*, p. 300; A. J. Ayer,

A's spouse: "Why do you think that?"

Person A: "I just talked to my mother on the phone, and she said so."

A's spouse: "Why do you think it was your mother?"

Leite argues that the second challenge by *A's spouse* ("Why do you think it was your mother?") is both pragmatically incoherent and dialectically illicit. Leite also argues that the challenge requires no response beyond something along the lines of "Is there some reason to think otherwise?". However, Leite prejudices his case by assuming a background of sincerity and trust. The challenge appears bizarre against this background, since *A* can most likely recognize her mother's voice. The dialogue appears in a different light if we rephrase its final stage as follows:

A's spouse: "How do *I* know it was your mother you just spoke with?"

Thus reformulated, the challenge is obnoxious, but it is not pragmatically incoherent. Moreover, it seems intuitively plausible that *A's* assertion requires defense, as long as *A* chooses to continue the argument initiated by her spouse.

By restricting attention to "justificatory conversation," rather than reasoned discourse more generally, Leite confers spurious plausibility upon dialectical foundationalism. Once we broaden attention to include all episodes of reasoned discourse, not merely episodes conducted against a background of sincerity and trust, the reformulated Defense Norm becomes much more plausible.

Leite might reply that he cares only about "justificatory conversation," not reasoned discourse more generally, and hence that his foundationalist analysis prevails for the special case that interests him. But my account suggests that we can explain any relevant intuitions about "justificatory conversations" by invoking relevant facets of epistemic context along with two factors: first, the sincerity and trust that govern such conversations; second, the general theory of

"Privacy," in his *The Concept of a Person, and Other Essays* (New York: St. Martin's Press. 1963), p. 64.

reasoned discourse, including the reformulated Defense Norm and the constitutive goal of rapprochement. We do not need a specialized theory of “justificatory conversations” that treats these exchanges as governed by their own proprietary norms. My approach is far more general than Leite’s, and it can explain any relevant intuitions explained by his.

My account invites a natural rejoinder: namely, that “justificatory conversation” is the *paradigmatic* case of dialectical interaction. Although reasoned discourse can occur against a background of mistrust, as in the rock concert example, such cases may appear anomalous.²² Adler deploys this thought to support dialectical foundationalism. He defends the *Default Rule*: “a hearer is to accept a speaker’s assertion, unless he has specific reason to challenge him” (p. 159). Unlike Burge, who offers an *a priori* rationale for the Default Rule, Adler grounds it primarily in empirical background factors, such as our evidence that past testimony was reliable. Adler also attributes both a pragmatic and an ethical dimension to the Default Rule: lacking any special reason for doubt, it is impractical and unethical (or at least uncivil) to withhold judgment in a speaker’s honesty until corroborating it. Adler infers from the Default Rule that “the hearer has the burden of backing a challenge to the speaker’s assertion, not conversely” (p. 159). In my terminology, then, Adler infers the Default-Challenge Norm from the Default Rule.

Many philosophers reject the Default Rule. For instance, Elizabeth Fricker argues that it enjoins irrational gullibility.²³ For the sake of argument, I concede it. I deny that this concession undermines the reformulated Defense Norm. Imagine an interlocutor who lacks any reason to doubt my veracity yet who nevertheless challenges what I say. Grant that her refusal to believe what I say is irrational, impractical, and uncivil. It does not follow that I am any less obligated to respond. *Irrational*, *unmotivated*, and *uncivil* challenges are not necessarily *dialectically*

²² See Austin, “Other Minds,” p. 82; Burge, “Content Preservation”; Dummett, “Testimony and Memory,” p. 423.

ineffective. So the Default Rule does not entail the Default-Challenge Norm. One might consistently hold that there is a default presumption of trust but that this presumption fails to insulate the speaker from challenges once we stop trusting him.

Setting aside the details of Adler's account, there is a more general problem with deploying a default presumption of truthfulness and trust against the reformulated Defense Norm. As we saw in §5, the crucial context for deciding between dialectical foundationalism and egalitarianism is one where I assert a proposition as a premise in defending some *other* proposition. This is a special conversational context, because my interlocutor can always attack my assertion by observing, "Of course *you* would say that, since it supports your position. But how do *I* know that it's true?". Dialectical interaction essentially involves *conflict* between opposing viewpoints. One speaker endorses a proposition *p*, and another speaker either endorses its negation or else declares herself agnostic. Truthfulness and trust may provide the default background for resolving such conflicts, but the inherently confrontational nature of reasoned discourse generates standing pressure to abandon that background. Once we abandon it, any default presumption of trust loses relevance. The speaker's assertions become dialectically vulnerable, no matter how well-confirmed they are for *him*.

Charles Rosen recounts the following episode of reasoned discourse:

The great pianist Edward Steuermann once was approached after a concert by a man who told him that he had written an essay to demonstrate why one cannot play twelve-tone music from memory. "But I do play twelve-tone music from memory," replied

²³ E. Fricker, "Against Gullibility," in B. Matilal and A. Chakrabarti (eds), *Knowing from Words* (Boston: Kluwer, 1994).

Steuermann. The man, dismayed, was silent for a moment, but he finally found a solution: “You’re lying,” he said.²⁴

Rosen’s anecdote amuses for several reasons. By accusing Steuermann of lying, his interlocutor unexpectedly violates norms of social propriety. Moreover, the accusation is quixotic, since presumably Steuermann can respond by playing a twelve-tone piece from memory. The performance would not conclusively settle matters, as it might involve an elaborate hoax, but it would dramatically tilt the dispute in Steuermann’s favor. Yet, even as we mock Steuermann’s interlocutor, must we not admit that he enjoys a temporary dialectical advantage? If Steuermann wants to continue the argument, doesn’t the burden fall on *him* to establish that he can play twelve-tone music by memory? Since his word is evidently not good enough for his interlocutor, shouldn’t he justify his assertion?

Some philosophers will reply that an interlocutor requires *specific* grounds for questioning a speaker’s honesty beyond the *generic* worry that the speaker may lie to win the argument. I disagree. However, even if we were to concede the point, the resulting position seems uncongenial to dialectical foundationalism. To cast doubt upon a speaker’s honesty, one need not provide any reason to doubt *the asserted proposition* or even to doubt *the speaker’s justification* for believing it. One need merely provide some reason to doubt *the speaker himself*. Thus, even if a legitimate challenge requires evidence that the speaker is lying, one can raise a legitimate challenge without impugning the proposition’s truth or the speaker’s justification. This consequence strikes me as closer to egalitarianism than foundationalism.

§9. Prospects for dialectical egalitarianism

²⁴ C. Rosen, “Classical Music in Twilight,” *Harper’s Magazine* (March, 1998), pp. 50-58, at p. 50.

Dialectical foundationalists frequently motivate their position with compelling linguistic intuitions. My discussion suggests that egalitarians can explain many of these intuitions quite satisfactorily. If anything, egalitarianism strikes me as more faithful to the phenomenology of quotidian linguistic interaction. I have tried to bolster this assessment through two detailed case studies: *I have a physical body* and *I have a headache*. A fuller defense would cover additional examples, as well as the notorious “regress of justifications.” My discussion already suggests that the case against egalitarianism is less compelling than many philosophers suppose. Moreover, even if the regress shows that dialectically basic propositions exist, my analysis subverts the method that dialectical foundationalists typically employ to determine *which* propositions are basic.