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# The Limits of Dialogue and the Violence in Debate

Hannah Frances Morris (University of Stirling)

*Editor's Note: Although this article does not meet our usual academic standards, the editors have decided that, as it valuably contributes to the meta-debate surrounding the discipline, it was nonetheless philosophically interesting and deserved to be published in these special proceedings of the journal.*

## Introduction

John Stuart Mill, in his famous work *On Liberty*, rallied for free and open debate (2006:41). He believed that every way of life has some inherent good, and by having each give their view in a free and open debate any injustice or falsehood would be found. If a way of life contained falsehoods, rationality would dictate that way of life should not be pursued. Yet, this is not the case.

As part of the structure in Western Society, there is an unfair distribution of power in debate. In epistemic exchange, there is a reliance on stereotypes. This use of stereotypes is common in debate and acts as a shorthand in determining if a person's testimony is justified. However, this can and does go wrong when those stereotypes have unwarranted negative connotations. Instead of all testimony having equal weight, some groups are denied credibility as knowers because of the stereotypes surrounding their identity group. An example I will be using in this paper is the discussion of Transgender individuals in public spaces in relation to the American 'Bathroom Bill' (Fernandez & Montgomery, 2017).

Rationality, traditionally, has been held in the domain of a male stereotype. In countless philosophical works, cis-gendered men have been the ones to hold rational thoughts and discussions. From Aristotle to Sartre, women have always held, either explicitly or implicitly, the position of the emotional and intellectual inferior. To quote Simone De Beauvoir's *The Second Sex*, masculinity is the central, femininity is the Other (1997:16). As rationality holds the stereotype of being of the masculine domain, any individual that is not part of the social group of manhood is denied their capacity as a knower despite the legitimacy of their knowledge. This silences those who hold an identity outside of white heterosexual masculinity, which I will call the 'White Male Ideal', and denies them a voice in discussions that encompass their lives. To deny a person a voice in this kind of discussion invokes the violence in debate.

In this essay, I highlight the discrepancy between the ideal of rational debate in philosophy and the reality. Using Kirstin Dotson's work on epistemic violence as a starting point, I discuss how a debate can become epistemically violent. I follow this by discussing transgender right to public spaces in relation to the American Bathroom Bill. Finally, I indicate that it is this violence that shuts down debate.

## §1 Debate

What is a debate? Usually, by this we mean a discussion between individuals in the search for truth. In free and open debate, the arguments presented by individuals are judged on the sole basis of objective rationality. This ideal form is the structure of debates held in philosophy. However, once it enters a social context between two individuals, it cannot stay this way for long. As with any social context, power dynamics come into play that derail the search for truth. By looking at debate from a perspective outside of itself, we can see instances in which the lens through which we view the content of the debate can be darkened. One such instance is that of identity politics with a focus on LGBT+ individuals.

In a society as tightly constrained as Western heteronormativity, the recent call for intersectionality and diversity has been met with resistance from forces already in power, that being the White Male Ideal. As the force already in power, white heterosexual masculinity can and does control the social contexts that individuals find themselves in. This structural power shapes the surroundings to which debate takes place. Instead of a discussion between two individuals based on the rationality of their arguments, the rationality of an individual is called into question. By looking at the subject of debate, we look at the power structure that permeates every instance of debate. There cannot be a rational debate if the two parties are not on an equal epistemic footing. Instead, it becomes a fight between who gains the power. If one party already holds the power, then this fight becomes futile. Instead of truth, it becomes about survival. In these instances, it is possible for those with marginalised voices to be silenced. To analyse this, we need to look at the debate's function as a search for truth.

## §2 Testimonial Exchange and Epistemic Violence: Trans-people and the Bathroom Bill

The most common method in the search of truth is that of testimonial exchange. Kirstin Dotson (2011) explains this exchange as a co-dependence between hearer and speaker in terms of testimony. In a testimonial exchange, the hearer needs to both: a) hear the speaker; and b) understand them. This is what Dotson (2011:245-248) calls *accurate intelligibility* and *testimonial competence*. If the audience fulfils these two requirements, then the exchange has been effective. If one or both requirements are not fulfilled, then the exchange is unsuccessful. In this instance, there is doubt regarding the credibility of the knower despite the truth-value of their knowledge. This doubt can be held by the audience or the knower, and does not indicate an instance of silencing. An example would be a child not able to understand a lesson in class. The teacher may be providing their testimony with accurate intelligibility, but the competence of the audience is lacking.

Dotson describes 'epistemic violence' as "a failure of an audience to communicatively reciprocate, either intentionally or unintentionally, in linguistic exchanges owing to pernicious ignorance" (2011:242). In terms of ignorance, many instances of ignorance are referred to as reliable or consistent ignorance. For example, if I were to attend a talk about the latest advancements in medicine, with no background in the subject, I would doubt the credibility of my understanding of the content in the talk. The speaker, being an expert in the field, could convey her testimony in a way that is accurately intelligible. The ignorance would come from my competence to understand the subject. I would consistently question myself and wonder if I understood her correctly. This ignorance arrives due to an epistemic gap between myself and the expert. This ignorance can be benign; however, it becomes pernicious ignorance when it harms another person. Ignorance that is benign in one social context can become pernicious in another. It is not that ignorance is inherently harmful, but that it has the capacity for harm.

This ignorance can be seen in debates involving identity politics. One example is that of the debate surrounding transgender individuals being forced to use the bathroom that coincides with their gender assigned at birth. Being able to use the bathroom is a fundamental part of existing as a human being in public space, and despite this trans voices are silenced in favour of the White Male Ideal. Dotson describes this as a practice of *silencing* (2011:242).

One practise is that of *testimonial quieting* (Dotson, 2011:243-244), where a knower's capacity is called into question before she can give testimony. If she is not granted this capacity, then the debate is derailed before it can begin. It is a power dynamic that works to silence individuals or groups that live outside of White Male Ideal. For her to offer testimony, she must first be considered a knower. Transgender

individuals, particularly transwomen, are undervalued as knowers due to the stereotypes surrounding their social group. Common stereotypes include: unstable mental health, confusion, and reckless behaviour. This undervalued capacity as a knower affects the testimony of trans-individuals in debates around issues such as the Bathroom Bill. Despite the discussion centring around a fundamental right to exist in public space, the testimony of trans-individuals is met with unsuccessful testimonial exchange. Debate can only be considered as such when both parties are considered equal in terms of standing, but the power dynamics between trans- and cis-gendered individuals make this an impossibility. Due to the social stereotypes of trans-individuals, they are portrayed implicitly as incompetent or confused. This is set in relation to the stereotype of objective rationality that is held by the White Male Ideal, particularly the image of the white male philosopher.

Simone De Beauvoir described women as being made the 'inessential' to the male essential (1997:17). For one group to be thought of as holding a quality, there needs to be another to hold the opposite quality. For there to be rationality, there needs to be irrationality. By invoking these stereotypes in the social imagination, not only are trans-individuals made to seem incompetent, but any emotion betrayed during a debate is grounds for an immediate dismissal of their testimony. This is due to the misogynistic notion that emotional intuition, commonly associated as female intuition, has no place in philosophical debate. If the subject of the debate concerns or impacts a fundamental aspect of a person's life, then it becomes increasingly difficult for that person to exclude emotional intuition. In the case study at hand, this can violently delegitimise the credibility of the transgender knower; this is because being able to safely use the bathroom is a fundamental aspect of being a human being in a public space, and it is that right which is called into question for these people.

The Human Rights Campaign (2017) has published the names of the fifteen trans-individuals who lost their lives in the first half of 2017 due to violent assault. This violence is perhaps most evident in the debate surrounding the Bathroom Bill, where one concern is that sexual deviants will 'misuse' this access to female bathrooms. This concern has been met with evidence that it is transwomen who are more at risk of suffering violence in male bathrooms than cis-gendered women or children in female bathrooms (Patel, 2017:59). Despite the progress made in terms of inclusivity, there is still an ongoing leniency for epistemic violence in bathroom spaces. In ignoring this evidence, there remains a physical violence that seeps into the debate. By denying trans-individuals a voice in the Bathroom Bill debate, the debate moves from the abstract search for truth and towards a fight for the right to safety in public spaces on behalf of trans-individuals. By bringing this debate down onto a physical 'life or death' level, there cannot be a chance for the objective rationality that philosophy and the ideal of debate demands of its participants. Instead, trans-individuals are expected to first establish that they hold the capacity of rationality that is inherent to the White Male Ideal. When they are working from this disadvantage, any argument they present in a debate would struggle to fulfil one of the two requirements of debate. Despite being accurately intelligible, the testimonial incompetence of the audience would raise questions about the intellectual competence of the individual. When a person's intellectual competence or rationality is questioned they cannot partake in the search for truth. They are counted out before the debate even begins.

### Concluding Remarks

In conclusion, there cannot be a debate where there is violence. Instead of being a search for truth, it turns into a fight for the right to exist. By questioning the right of an identity group to public space, they are denied their capacity as knowers and must fight to be an equal to the White Male Ideal. When the

discussion moves from the search for truth to something that concerns the life and death of an individual, there is no reasonable possibility to expect a level of objective rationality that Western philosophy demands of its participators. Instead, the game is rigged from the start. It is only when the violence in debate is removed can we remove this limit to dialogue.

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