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Deep disagreements: A meta-argumentation approach

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ABSTRACT: This paper examines the views of Fogelin, Woods, Johnstone, etc., concerning deep disagreements, force-five standoffs, philosophical controversies, etc. My approach is to reconstruct their views and critiques of them as meta-arguments, and to elaborate the meta-argumentative aspects of radical disagreements. It turns out that deep disagreements are resolvable to a greater degree than usually thought, but only by using special principles and practices, such as meta-argumentation, ad hominem argumentation (in Johnstone's sense), Ramsey's principle, etc.

KEYWORDS: ad hominem argument, complex argumentation, controversies, disagreements, fair-mindedness, Fogelin, Johnstone, meta-argumentation, open-mindedness, Woods

1. INTRODUCTION: THE META-ARGUMENTATION APPROACH

A meta-argument may be defined as an argument about one or more arguments (cf. Krabbe 2003: 641). On the other hand, a ground-level argument is one which is not a meta-argument, or which in a particular discussion is at a lower level as compared to some other higher-level meta-argument. And in general, an argument is a set of statements that attempts to justify a claim by supporting it with reasons or defending it from objections (cf. Johnson 2000: 168; Finocchiaro [2003; 2005a: 292-326]).

Meta-arguments deserve more study than they have received, for they are ubiquitous in a way that may not be *prima facie* apparent.

The most obvious point in this regard is perhaps the fact that meta-arguments occur commonly when *evaluating* ground-level arguments. For example, we can easily reconstruct as meta-argumentation what goes on when one uses what Krabbe (1995; 2003) has called the methods of "counterexample-situation" and of "formal paraphrase" to show the formal invalidity of an argument; and when one employs what Govier (1985) has called the technique of "refutation by logical analogy" to show that there is some flaw in an argument; and when one is engaged in considerations of what Woods and Hudak (1989) have called "parity of reasoning" to show that an argument is as bad or as good as another (cf. Finocchiaro 2007a; 2007c).

Less obviously and more controversially, there is the question whether meta-argumentation should be regarded as an *aspect* of all argumentation, instead of or in addition to being regarded as a special type of argumentation. It may be argued that meta-

argumentation is a tier like the illative and the dialectical tiers of argument, always potentially present, but not necessarily actually exhibited.¹

There are other topics that such a research agenda could include. One would be the exploration of the general relationship between meta-argumentation and the *theory of argumentation*, for one might ask (rhetorically perhaps) whether a theorist of argumentation does or can do anything above and beyond arguing about arguments (cf. Finocchiaro 1980a: 299-302; 1996; 2005a: 92-105; 2011).

Additionally, one could survey contributions to the study of meta-arguments from other fields. For example, there is a *branch of computer science* that focuses on the meta-cognitive aspects of argumentation and reasoning. Now, the potential relevance of this work may be seen from the fact that some authors have developed a formalization of meta-arguments which takes as its “starting point the view that arguments and dialogues are inherently meta-logical processes. By this we mean that the arguments made by protagonists in a debate must refer to each other” (Wooldridge, McBurney, and Parsons 2005, section 1; cf. Perlis 1988 and Costantini 2002).

Furthermore, one could study *famous* meta-arguments, by which I mean arguments such as the following. One of these is Socrates’s argument about misology in Plato’s *Phaedo* (88A-91D), replying to those who despair of the value of reason and argument in determining whether or not the soul is immortal. Another famous meta-argument is found in Galileo’s “Considerations on the Copernican Opinion” (Galilei 2008: 148-67). There, before discussing particular arguments for and against the earth’s motion, Galileo criticizes some meta-argumentative claims, i.e., argues for their falsity; the first pair of these is that the earth’s rest has been *conclusively proved* true and that the earth’s motion is *indemonstrable*.

A third famous meta-argument occurs in Mill’s *Subjection of Women*. Most of this work consists of an illative tier of reasons against the subjection of women, namely for Mill’s conclusion that the principle and practice of the subordination of women should be replaced by that of equality. A shorter part amounts to a dialectical tier of criticizing objections to this conclusion. And another short part (Mill 1988: 1-22) is best seen as the meta-argument that women’s liberation should be argued on its merits (supporting it with reasons and defending it from objections), because the universality of subjection derives from the law of force (which is logically and morally questionable) and hence provides no presumption favoring its correctness (cf. Finocchiaro 2007b).

A fourth famous meta-argument is Hume’s criticism of the design argument for God’s existence, in *Dialogues Concerning Natural Religion*. The analysis of Hume’s argument is immediately relevant by way of the first point made above, namely the meta-argumentative import of argument evaluation. However, such an analysis is also extremely promising in light of the interpretation formulated in a recent study of great logical sensitivity and sophistication. This is Stephen Barker’s (1989) reconstruction that Hume’s *Dialogues* is a (1) powerful (2) non-inductive (3) meta-argument (4) by analogy claiming that the design argument is an (5) inductive ground-level argument by analogy, which is (6) weak because (7) it is similar to many other arguments by analogy that are obviously weak and (8) it is dissimilar from many other arguments by analogy that are obviously strong (cf. Finocchiaro 2009).

¹ For more details on the “tiers” of argumentation, see Blair (1995) and Johnson (2000: 150, 165-69). And for an account along the particular line suggested here, see Finocchiaro (2003: 21-25; 2005a: 295-300; 2006; 2007b).

One area that is suffused with meta-arguments is the phenomenon of “deep disagreements” (Fogelin 2003; 2005) and the cluster of directly related cognitive phenomena that have been discussed under such labels as “intractable quarrels” (Friemann 2002; 2003; 2005), “standoffs of force five” (Woods 1992; 1996), and “fundamental philosophical” controversies (Johnstone 1959; 1978). The aim of this essay is to study this cluster of topics from the point of view of meta-argumentation.

This phenomenon continues to attract scholarly attention, as a number of forthcoming studies suggest (Freeman forthcoming; Kraus forthcoming; Memedi forthcoming; Zarefsky forthcoming). However, these are beyond the scope of this paper. Similarly, it would take us too far afield to discuss here all cognitive phenomena that are indirectly related to “deep disagreements,” although such a discussion would be useful. Here, I am thinking especially of what Kuhn (1962; 1970: 150-53) calls “scientific revolutions.” But again, such phenomena are best left to some other occasion, after some order has been brought into the domain of deep disagreements as such.

2. FOGELIN ON DEEP DISAGREEMENTS

The meta-argumentative character of Fogelin’s argument is obvious from his own summary: “deep disagreements cannot be resolved through the use of argument, for they undercut the conditions essential to arguing” (2005: 8). It is important, however, to understand its full complexity. Fogelin’s meta-argument may be reconstructed as follows.

- [F12111] normal argumentation “takes place within a context of ... shared beliefs and preferences ... [and] procedures for resolving disagreements” (6);²
- [F12112] deep disagreements are those when the contending parties do not share any relevant beliefs, preferences, or resolution procedures (7);
- [F1211] therefore, deep disagreements lack the conditions of normal argumentation, i.e., they make normal argumentation impossible (7), i.e., they “undercut the conditions essential to [normal] arguing” (8);
- [F121] therefore, “deep disagreements cannot be resolved through the use of argument” (8);
- [F12a] therefore, deep disagreements “are not subject to rational resolution” (11);
- [F12b] they are amenable only to “persuasion” (9) and “persuasion techniques” (11);
- [F11] but there are important disagreements that are deep;
- [F1111] for example, the controversy over abortion reduces to the issue over the moral status of the fetus, and there are no common grounds about that,
- [F111] so it is a deep disagreement (8-9); and
- [F1121] the controversy over affirmative action reduces to the question the existence of groups rights, above and beyond individual rights, and there are no common grounds about that,
- [F112] so it is a deep disagreement (8, 10, 11);
- [F1] therefore, there are important disagreements that are not subject to rational resolution, but only to rhetorical persuasion (11).

² In this section, numerals in parenthesis are references to the page numbers in Fogelin (2005).

The structure of this argument should be apparent from the usual reasoning indicators explicitly used, and can be made completely clear from the standard labeling I have used to name its various propositions. That is, here and in the rest of this essay, the numbering system for the propositions in my argument reconstructions is a variation of the system presented by various authors when they discuss the representation of complex argument by means of structure diagrams in the shape of either tree branches or tree roots.³ The key idea is that if a given claim within an argument is labeled *n*, then the premises that directly support it are labeled *n1*, *n2*, *n3*, etc.; and if proposition *nm* is also part of another subargument, then the premises directly supporting it are labeled *nm1*, *nm2*, *nm3*, etc.

Besides clearly portraying the logical structure of Fogelin's argument, another advantage of such a reconstruction is that it enables us to find our way in the maze of the many comments and criticisms which Fogelin's argument has received. To them we now turn.

3. CRITIQUES OF FOGELIN'S ARGUMENT

3.1 *The Dynamics of Rationality (Lugg 1986)*

In 1986, Andrew Lugg was the first to advance a criticism of Fogelin. It may be reconstructed as follows: [1111] "Reason may not be sufficient to decide a particular issue here and now but it may still contribute significantly to its resolution later on" (Lugg 1986: 48). This can happen in several ways. [11111] "Individuals who disagree deeply may still be able to narrow the distance between themselves by dint of argument, debate, inquiry, and research ... [11112] Individuals can also bring about a shift in one another's allegiances by demonstrating hidden strengths of their own views and by eliciting hidden weaknesses of alternative views. [11113] Furthermore, they may find themselves having to shift ground as a result of their discovering things *wrong* with the views that they accept and things *right* with the ones that they reject" (Lugg 1986: 48). It follows that [111] even if deep disagreements are not subject to rational resolution *immediately*, this does not mean that they are not subject to rational resolution *later*. [11] Fogelin fails to distinguish immediate resolution and later resolution, and this failure amounts to [1] presupposing a "static" conception of rationality and failing to appreciate a "dynamic" conception.

Lugg's criticism amounts to a meta-argument that focuses on Fogelin's propositions F121, F12a, and F1. Lugg argues that Fogelin's argument embodies an ambiguity, such that these propositions may be justified in one sense, but are not justified in the other sense. This criticism strikes me as being cogent.

3.2 *The Power of Internal Criticism (Davson-Galle 1992)*

In 1992, Davson-Galle criticized some of Lugg's criticism and expressed some appreciation of Fogelin. That is, "contra Lugg and in support of Fogelin, [2] rational discussion might be futile and futile in more cases of disagreement than even Fogelin seems to allow" (Davson-Galle 1992: 154). [21] One type of case involves "putting the other cogni-

³ Cf., e.g., Angell (1964: 369-93); Scriven (1976: 41-43); Finocchiaro (1980a: 311-31; 2005: 39-41); Eemeren and Grootendorst (1984: 87-93); Eemeren, Grootendorst, and Krugier (1984: 17-36); Freeman (1991); Snoeck Henkemans (1992).

tive agent into a situation where a primitive epistemic act occurs” (Davson-Galle 1992: 150), for example, [211] “persuading someone to accept that it’s raining by opening a blind so that he can see that it is so” (Davson-Galle 1992: 150).

While I do not see that this affects Lugg’s point about the dynamics of rationality, it does appear to strengthen Fogelin’s proposition F12a. Davson-Galle’s point is that some disagreements are not subject to rational resolution, meaning resolution by reasoning and argument, because they must be resolved through simple observation. This may be so, but if a disagreement can be resolved by simple observation, then it is not a deep disagreement by Fogelin’s definition (proposition F12112), which explicitly excludes procedures for resolutions among the common grounds. Thus, appearances to the contrary, there is no reinforcement of proposition F12a.

At any rate, Davson-Galle also raises an objection to Fogelin: “yet rational persuasion might be more powerful in other ways than Fogelin allows ... one might rationally persuade someone of the error of his/her ways by tracing distasteful consequences (to him/her but not to you)” (Davson-Galle 1992: 154). This point may be interpreted as the meta-argument that [3] proposition F121 does not follow from proposition F1211; for [31] even if deep disagreements cannot be resolved through what Fogelin calls “normal” argumentation (i.e., even if proposition F1211 is true), it may happen that they *can* be resolved through some special kind of argument (i.e., proposition F121 may be false), such as [311] showing that the opponent’s thesis leads to consequences not acceptable to the opponent.

This is an extremely important point, and the criticism is essentially correct. Although Davson-Galle does not elaborate or give illustrations, the point has been elaborated in other contexts by others. In fact, this other special kind of argumentation corresponds to “ad hominem argument” according to a conception that goes back to Galileo and Locke, passes through Whately, and culminates with Henry Johnstone Jr. (cf. Johnstone 1952, 1959, 1978; Finocchiaro [1974; 2001; 2005: 277-91, 329-39]; Eemeren and Grootendorst 1993). This conception should not, of course, be confused with the ad hominem fallacy of ordinary language and contemporary textbooks; it states that an ad hominem argument is one which criticizes a thesis by arguing that it implies consequences not acceptable to its proponent. I shall elaborate later, when I discuss Johnstone’s position in more detail.

3.3 *The Rationality of Suspending Judgment (Feldman 2005)*

Next, let us review the critiques found in the special issue of *Informal Logic* published in 2005 and devoted to the discussion of Fogelin’s original essay.

Feldman (2005) objects that one kind of rational resolution is the one that results in suspension of judgment after a critical analysis of the arguments and counter-arguments, and that deep disagreements are often rationally resolvable in this manner, such being the case in Fogelin’s own example about affirmative action.

Here, Feldman is pointing out an ambiguity in the notion of rational resolution. One kind of rational resolution occurs when it is possible to show that the arguments favoring one side of the two disagreeing parties are better than the arguments on the other sides, and so the disagreement can be resolved in favor of the former and against the latter. But another kind of rational resolution occurs when it is not possible to show that the arguments on one side are better than those on the other; this means that the arguments on

the two sides are equally good or equally bad; and such an evaluation implies that one ought to suspend judgment.

The meta-argument here is this: [41] Fogelin's argument embodies an ambiguity with regard to the notion of resolution, for [411] this term has two different possible meanings that might be labeled the strong and the weak sense of resolution, and [412] this ambiguity is present in propositions F121, F12a, and F1. [42] Even if these propositions were justified in the strong sense, they would not be justified in the weak sense of "resolution." Indeed, [43] when a disagreement cannot be rationally resolved in the strong sense, this failure implies that it *is* rationally resolvable in the weak sense. Therefore, [4] in that sense the argument for F1 is self-contradictory.

This meta-argument strikes me as being essentially correct.

3.4 The Power of Complex Argument (Turner and Wright 2005; Campolo 2005)

The next objection in this sequence is advanced by Turner and Wright (2005). They criticize Fogelin by stressing that there is a difference "between his relatively modest claim that some disputes cannot be resolved through argument and his more radical claim that such disputes are beyond rational resolution" (Turner and Wright 2005: 25). They seem to strengthen the modest claim, insofar as they point out that much argumentation is "epigrammatic" (Turner and Wright 2005: 28) reason-giving, and certainly some disputes involve much more than that. However, "we often change our minds about something as the result of education and experience the significance of which cannot be captured in a sentence or two ... [and] to stigmatize ... [this] as irrational demeans the concept of rationality" (Turner and Wright 2005: 33; cf. Wright [1995; 1999; 2001a; 2001b; 2002] and Campolo and Turner 2002.).

I interpret this criticism as an objection to Fogelin's inference from proposition F121 to F12a. Turner and Wright are arguing that [5] this inference is incorrect. Their meta-argument is that on the one hand [51] proposition F121 is essentially true, because [511] arguing often consist of brief reason-giving, [512] which indeed cannot resolve deep disagreements; on the other hand [52] this inference assumes that brief "epigrammatic" reason-giving is all there is to rationality, but [53] this assumption is false since [531] rationality often depends on time-consuming education and long experience.

This meta-argument is largely acceptable, but with some provisos. Turner and Wright are focusing on what may be called simple argumentation, admitting its limitations with regard to deep disagreements, and advocating that rationality should not be reduced to simple argumentation. So far so good. However, their own argument suggests that not all argumentation is, or need be, epigrammatic reason-giving consisting of one or two sentences. Sometimes argumentation is complex, consisting of multiple or long chains of constructive reasoning, as well as equally complex chains of destructive or critical objection-answering.⁴ What they call education, experience, and reflection essentially involve such complex argumentation. Thus, although we may agree with Fogelin, Turner,

⁴ At its simplest, a complex argument may be defined as one which has at least one intermediate proposition which is the conclusion of one subargument and the premise of another subargument. However, as should be expected, the complexity of argumentation can quickly become a very complicated business. See, for example, Angell (1964: 369-93), Finocchiaro (1980a: 313-31), Freeman (1991), and Snoeck Henkemans (1992).

and Wright that deep disagreements cannot be resolved by means of simple argumentation, this is not to say that they cannot be resolved by means of complex argumentation; indeed, complex argumentation is often the key to the rational resolution of the dispute.

A point of view similar to Turner and Wright is expressed by Campolo (2005). However, his view of argumentation and rationality is applied primarily to reinforce Fogelin's argument-limitation thesis, claim F121, rather than refuting his rationality-limitation thesis, proposition F12a.

Campolo's argument can be reconstructed as follows: [6] Deep disagreements, indeed, cannot be resolved through the use of argument because [61] argumentation is essentially "reasoning together," that is, reason-giving and reason-assessing; and [62] reasoning together "depends on a variety of resources and skills" (Campolo 2005: 38); "but [63] the path to expertise, competence, and intersubjectivity is paved with training, practice, study, apprenticeship, immersion in a tradition or way of doing something. [64] Reasoning together, on its own, cannot bring about any of this" (Campolo 2005: 45). [641] It is only "a way of repairing small gaps in intersubjectivity" (Campolo 2005: 47).

My criticism of Campolo's meta-argument is similar to my criticism of Turner and Wright's. That is, besides the simple and brief reasoning and argumentation of which Campolo speaks, there is long and complex argumentation. The training, practice, study, apprenticeship, and immersion in tradition of which he speaks can be seen as ways of learning and mastering complex argumentation.

3.5 The Importance of Being Open-minded and Fair-minded (Friemann 2005)

The next critique is *prima facie* very different since it is an attempt to inject into the discussion ideas from psychotherapy and its treatment of "intractable quarrels." This has been done by Friemann (2002; 2003; 2005) both in his contribution to the special issue of *Informal Logic* and other related papers. Intractable quarrels are emotionally charged disagreements typically between married persons over such issues as money, sex, and children. Such quarrels usually cannot be resolved by the persons involved, but are helped by psychotherapists. In so doing, psychotherapists act as mediators or third parties and try to instill in the quarreling persons the skills and attitudes of openness, empathy, and identification. The meaning of these notions seems to be this. Openness is the willingness to listen to the views, complaints, and reasons of the other party. Empathy is the readiness to show some appreciation for and sympathize with those views, complaints, and reasons. And identification is the willingness to accept the correctness of those views, complaints, and reasons. Despite the fact that strong emotions usually accompany intractable quarrels, but need not accompany deep disagreements, Friemann defends the similarity between intractable quarrels and deep disagreements on the grounds that "feeling is not really distinct from thinking" (Friemann 2005: 53, 59).

Friemann's position can be reconstructed as the following argument: [711] Deep disagreements are analogous to intractable quarrels because [7111] "feeling is not really distinct from thinking" (Friemann 2005: 53, 59). [712] Intractable quarrels are resolved with the help of psychotherapists insofar as the contending parties learn to practice openness, empathy, and identification. Therefore, [71] deep disagreements can be resolved insofar as the contending parties practice openness, empathy, and identification. [72]

Openness, empathy, and identification are ideals that are part of rationality. Hence, [7] deep disagreements can be rationally resolved, i.e., proposition F12a is false.

The first step of this argument (subargument 711, 712, 71) is, of course, an argument from analogy, and could be questioned in the usual manner by questioning the strength of the analogy on the basis of the significance of the similarities and the dissimilarities. The second step (71, 72, 7) is a slight amplification that connects Friemann's argument more explicitly with Fogelin's. Furthermore, if we relate this argument to Fogelin's proposition F121, it seems that Friemann is essentially agreeing that deep disagreements and intractable quarrels cannot be resolved through normal argumentation, namely argumentation *not* guided by the ideals of openness, empathy, and identification.

In my view, the idea of having argumentation guided by various principles of rationality is extremely important. As we shall see later, other scholars (e.g., Woods 1992; 1996) have discussed it. For now, two points deserve mention. First, we should examine carefully what is involved in such guidance. My hunch is that it is essentially meta-argumentation, that is, argumentation about whether the ground-level arguments that define the deep disagreement or intractable quarrel are in accordance with some principles of rationality. Second, the detection and formulation of such principles is a challenging task. And here is it worth raising the question whether the ideal of identification belongs to such a list. In fact, I do not think it does.

In a commentary on one Friemann's papers, Nosich (2001) has argued that although openness and empathy are important, identification has no place, even in a therapeutic context. I agree with this claim, but my own argument is slightly different. I would argue as follows. I would begin by stressing an argument-theoretical conception of openness and empathy. I would define openness, or open-mindedness, as the willingness and ability to learn and listen to the arguments favoring the other side, i.e., the arguments against one's own view. Empathy would be the willingness and ability to understand the details and appreciate the strength of these contrary arguments; this notion corresponds to what various informal logicians have called charity in the sense of the principle of charity, or fair-mindedness, which are the terms I would use (cf. Ennis 1996: 171; Fisher 1991; Fisher and Scriven 1997: 90-91, 137-43; Paul 1990: 110, 111, 198; and Scriven 1976: 71-73, 166-67). Then I would stress the value of open-mindedness and fair-mindedness, both on empirical historical grounds and theoretical philosophical grounds.⁵ In this context, identification would be the acceptance by one party of the other party's evaluation of the arguments. Of course, this will resolve the disagreement if the ideal is practiced by only one side; but if both were to try to comply with it, the attempt would be merely the joint switching of sides, and the disagreement would remain. In short, identification is an incoherent ideal: whereas one has the duty to know, understand, and appreciate the arguments advanced by the opposite side, one can have no duty to share the opposite side's evaluations of those arguments.

⁵ By empirical historical arguments I mean arguments based on the practice and accomplishments of past great thinkers, e.g., Galileo; in this regard, see Galilei (1997: 339-56, 376, 388) and Finocchiaro (1980a: 114-15, 134-35, 177). By theoretical philosophical grounds I mean arguments based on general conceptual considerations, such as those found in chapter 2 of Mill's *On Liberty*; see, for example, Mill (1997: 52-84) and Finocchiaro (2005b; 2007d).

3.6 The Meta-cognitive Awareness of Deep Disagreements (Adams 2005)

Let us now go on to the last critique in that special issue of *Informal Logic*. In an essay revealingly entitled “Knowing When Disagreements Are Deep,” Adams (2005) advances a beautiful argument that deserves extended quotation:

the logic of deep disagreements makes it impossible to specify *a priori* conditions such that, for any disagreement, satisfaction of just those conditions would be necessary and sufficient epistemically to conclude that the disagreement is deep. The only way for the parties to know whether such a state of affairs obtains is by continuing to work through an attempt at rational discourse, and this because the question of whether a given disagreement is deep can only be settled by exhausting the possible resources of normal discourse. All of this means that the only way for the parties to establish that their disagreement is deep is to reject the very path of non-rational persuasion recommended by Fogelin and concentrate instead on their collective efforts at mutual persuasion by reasons. The only way, in other words, to come to know whether discourse is normal is to proceed as if it is. (Adams 2005: 76)

That is: [81] there is no *a priori* way of knowing when a disagreement is deep; [82] the only way of finding out is by a process of argumentation yielding the result that every argument advanced by one side fails to convince the other side, or is criticizable by the other side; therefore, [8] argumentation is essential in a deep disagreement. Or: [91] either the disagreement is deep, or it is not; [92] if not, then the two parties should engage in argumentation in order to resolve it; [93] if the disagreement is deep, the two parties should engage in argumentation in order to find out that the disagreement is deep; therefore, [9] the two parties should engage in argumentation in any case.

This is an elegant argument, and its most striking feature is its *ad hominem* character, in Johnstone’s sense of the term. From plausible premises that are or should be acceptable to Fogelin, Adams reaches a conclusion (proposition 8 or 9) not acceptable to Fogelin. In particular, Adams’s conclusion clearly contradicts Fogelin’s claim about persuasive techniques, F12b. It does not conflict with Fogelin’s denial of rational resolution (F12a) or of resolution by argument (F121), because it implies nothing about resolution, but only about discussion, i.e., that deep disagreements are rationally discussable and amenable to argument.

Adams’s conclusion also appears to conflict with Fogelin’s undercutting thesis, F1211. But here we must be careful. This undercutting thesis does seem to follow from the premises of its subargument, the theses about the conditions of normal argumentation (F12111) and of deep disagreements (F12112), and these premises appear to be true. And yet, what Adams seems to be doing is to start with those same premises, add the other considerations of his own argument, which are plausible and unobjectionable, and arrive validly at the thesis of the necessity of argument (proposition 8 or 9).

Perhaps the way out of this apparent paradox is to distinguish ground-level argumentation and meta-argumentation. In all three propositions of that subargument, Fogelin is obviously talking about ground-level argumentation. But Adams is talking about meta-argumentation since a key claim in his argument is that every argument advanced by one side fails to convince the other side, and this is obviously a meta-argumentative claim. On the other hand, such meta-argumentation is dependent on ground-level argumentation, and so the necessity of meta-argumentation requires the presence of the ground-level argumentation. Thus, it is not only meta-argumentation that is essential in

deep disagreements, but ground-level argumentation is also essential, and so deep disagreements cannot be undercutting the conditions of arguing, as claimed by Fogelin. It follows that his proposition F1211 remains problematic.

3.7 *In-principle vs. In-practice Resolution (Phillips 2008)*

After these 2005 critiques of Fogelin, Phillips (2008) has published a more recent contribution that advances a new criticism and reinforces some already discussed.

One of Phillips's criticisms is that "we cannot measure the success of an argument merely by whether the issue is rationally resolved on the spot. Argument can also prove effective by beginning a process of reflection leading to eventual resolution, even if the argument's advancement is thwarted in the short-term" (Phillips 2008: 88). This is essentially identical to Lugg's (1986) point, discussed above, that we must distinguish between static and dynamic rationality, and that a deep disagreement may have a rational resolution from the point of view of the latter, even if it does not have a resolution from the point of view of the former.

Phillips also objects that

the possibility of rationally resolving a disagreement does not, in theory, require any antecedent common beliefs about the topic at hand. It does, however, require certain joint procedural commitments and competencies with respect to the argumentative exchange itself. For instance ... the willingness of arguers to subject challenged beliefs to rational appraisal is a crucial requirement for the successful progression of argument. (Phillips 2008: 97)

This corresponds to the criticism which earlier I extracted from Friemann (2002; 2003; 2005), to the effect that in deep disagreements appealing to evidence is insufficient, but appealing to methodological principles is necessary. Here Phillips is mentioning a principle that is more basic than Friemann's principles of open-mindedness and fair-mindedness, and he attributes this principle to Eemeren and Grootendorst (1988; 2004: 191). I would call it the principle of rational-mindedness (cf. Finocchiaro 2010: xli, 132-34). I would add that, although rational-mindedness may be necessary and more fundamental than open-mindedness and fair-mindedness, by itself it is not sufficient and not especially helpful for the resolution of a deep disagreement. On the other hand, open-mindedness and fair-mindedness are more helpful, since they include rational-mindedness and go beyond. Such interrelationships will be further clarified below, in our reconstruction of Woods's standoffs of force five (section 4.2).

Phillip's main criticism is based on a distinction between two senses in which a disagreement may or may not be subject to rational resolution: in theory and in practice; i.e., in principle and *de facto*. He argues that Fogelin's own arguments and examples (and those of his followers) do not show that deep disagreements are not rationally resolvable in principle, but rather that they are very difficult to resolve in practice: "what makes productive argument seem impossible in many of the examples given by Fogelin and his supporters, then, is merely a problem of execution. Interlocutors are frequently unwilling or unable to rationally assess certain beliefs, to communicate sincerely, or to recognize where their differences lie" (Phillips 2008: 101). I believe Phillips's distinction between resolution in principle and resolution in practice is very important, and it will re-emerge later in our criticism of Woods's argument (section 5.4).

Fourthly, Phillips advances a positive constructive thesis, to the effect that the practical difficulty affecting deep disagreements actually enhances the importance of argumentation: “being conscious of those barriers and working to overcome them where possible is perhaps the most crucial step to enhancing the power of argument in our world” (Phillips 2008: 101). This claim is analogous to the one I extracted from Adams (2005) earlier: there the claim was that argumentation is essential in deep disagreements insofar as only argumentation can reveal if and when a disagreement is deep; here the claim is that argumentation is essential insofar as only argumentation can enable us to overcome the undeniable practical difficulties of deep disagreements, which difficulties we know can in principle be overcome.

From these four claims in Phillips’s critique, one could elaborate a more explicit reconstruction of his meta-argument. The procedure would involve doing things such as the following: for each critical claim, determining which proposition or inferential step of Fogelin’s reconstructed argument is affected and how; determining what reasons Phillips gives or would give for each of his critical claims; determine whether any one of the four claims supports any one of the others; and determining whether the four claims or some subset of them could be combined to yield some more general or overarching criticisms of Fogelin’s argument. However, there is no need in this case to undertake such an explicit reconstruction of Phillips’s meta-argument, and the task may be left as an exercise for the reader.

3.8 Proving the Existence of Deep Disagreements

Finally, this is perhaps the proper place to raise a difficulty about another part of Fogelin’s argument, the part supporting the claim (proposition F11) that there are (or have been) in fact deep disagreements. He gives the examples of the controversies over abortion and over affirmative action. The structure of this subargument was reconstructed above. This difficulty is indirectly addressed by Adams (2005), who in the course of his general argument about how to show that a disagreement is deep examines the depth of some actual controversies, such as the Terri Schiavo case over life support for comatose patients. And at least one other author mentions this difficulty in passing when, with regard to the controversy over affirmative action, he writes: “even granting that the debate reduces to a fundamental clash of views concerning the cogency of appeals to the rights of groups (as Fogelin plausibly argues), there remains the possibility of settling the issue one way or the other by mounting arguments that are neutral with regard to the question of group rights” (Lugg 1986: 48).

My criticism starts by focusing on Fogelin’s claim that the controversy over affirmative action reduces to the issue over the existence of group rights (in proposition F1121). The term *reduces* hints at the fact that in this controversy there are other arguments that are advanced based on other considerations, as indeed is the case. The reduction claim is asserting that all these apparently different arguments can be reformulated, without loss of meaning, as arguments about group rights. Or perhaps the claim is asserting that those other arguments are correct if and only if the group-rights argument is correct. Now, these assertions are generalizations about a class of arguments. To justify them, one must examine each such argument and show that and how it is equivalent to some argument hinging on group rights. I wonder whether this has ever been done by anyone. But even if it had been done, such a justification would be meta-argument about

this class of arguments and their relationship to group-rights arguments. Obviously the reduction claim cannot be just asserted without justification, nor can it be proved by merely formulating and defending a group-rights argument. Thus, Fogelin has not adequately shown that the affirmative-action controversy is indeed a deep disagreement.

The same applies to the abortion controversy. My conclusion is two-fold. First, Fogelin's existential claim (proposition F11) has not been adequately justified. Second, meta-argumentation would be required in order to adequately justify it.

Let us now summarize. Fogelin famously argued that deep disagreements are incapable of rational resolution, because they lack the conditions of normal argumentation (shared beliefs, preferences, and procedures) and hence cannot be resolved by argument; and since some important disagreements are deep, it follows that some important disagreements are incapable of rational resolution. His critics have advanced the following objections. First, rationality is dynamic rather than static, and so even if Fogelin's skeptical conclusions (F12a, F1) were true at a particular time of cultural evolution and intellectual history, they might be falsified at a later stage. Second, rationality ought to be aware of its own limitations, and so when a deep disagreement cannot be rationally resolved in favor of one side and against the other, the rational thing to do may be to suspend judgment. Third, rationality cannot be equated with argumentation, but includes other activities, such as education, experience, training, practice, study, apprenticeship, and immersion; thus, when a deep disagreement is not resolvable through argument alone, it is often resolvable through argument combined with some of these other elements of rationality. Fourth, argumentation should not be limited to the simple case of brief, epigrammatic, reason-giving based on shared or common grounds about the subject matter being disputed, but rather should also include other kinds of arguments: for example, ad hominem arguments (in Johnstone's sense) may be effective, but do not rely on common grounds; complex argumentation is a way of incorporating the results of long experience and practice, and it may work even if simple argumentation does not; and meta-argumentation may accomplish what ground-level argumentation cannot, by appealing to such principles as open-mindedness and fair-mindedness and determining whether the disagreement is a deep one in the first place. Finally, Fogelin has not shown that any existing disagreement, e.g., the controversies over affirmative action and abortion, is deep in his sense, and this could not be shown merely based on the existence of some argument that does not resolve a given controversy and the unproven assertion that all other arguments in the controversy reduce to it.

4. WOODS ON STANDOFFS OF FORCE FIVE

4.1 A Limitation Theorem

We have already seen that some scholars have discussed under other labels some of the issues examined by Fogelin under the heading of "deep disagreements." For example, as described above, Friemann has studied "intractable quarrels" and argued that there are similarities between them and deep disagreements, such that we may extrapolate to the latter some of the lessons from the former. Another example of such similarity of content or problem under different terminology or framework is found in Woods's (1992; 1996) account of "standoffs of force five."

Both the similarities and the differences are immediately apparent from the preliminary remarks with which Woods introduces his discussion:

Standoffs are described in that branch of logical theory which deals with the rational adjudication of conflict, itself a branch of dialectic. Dialectic is, among other things, the logic of negotiated rational acceptance. It lies open to a limitation theorem roughly as follows. Disagreements sometimes yield to ascending strata of intractability and so approach a limit at which they go into a dialectical black hole, to speak voluptuously, whereupon conditions for further negotiations lapse. (Woods 1992: 98)

And his concluding remarks show the same identity in difference, while displaying the same inimitable eloquence:

It cannot be denied that the dominant elites' handling of the Canadian abortion mess is dialectically malodorous in all sorts of ways. But it must not be said of these dialectical felonies that they commit the further crime of displacing intellectually pure procedures for rational consensus. They are not capable of doing that. For recall, we have a limitation theorem. No such procedures are available. (Woods 1992: 108)

4.2 *Degrees of Depth*

An important improvement which Woods introduces into the discussion is that he distinguishes five different kinds of deep disagreements depending on the degree of their depth. He calls them standoffs of force one through five, which is meant to be reminiscent of the classification of hurricanes into categories one through five, depending on rain intensity, wind speed, and destructiveness. Woods's definition is cumulative in the sense that a standoff of force $n+1$ is defined as a standoff of force n when an additional condition $n+1$ is present. Thus the definition of a force-five standoff has five conditions, each of which corresponds to one kind of standoff in the cumulative progression just described. That is, a standoff of force five is a disagreement such that:

- “(ia) no consensus exists ... which settles the matter with regard to [the disputed claim] S; and
- (ib) no consensus exists ... about procedures that would or might establish such a consensus” (Woods 1992: 98);
- “(ii) there is no honorifically procedural consensus to let things drop” (Woods 1992: 98);
- “(iii) there is no explicit agreement to send the dispute to third-party determination” (Woods 1992: 99);
- (iv) there is no “presumption of prior consent to a legislated solution by a lawfully constituted government, recognized as such” (Woods 1992: 103); and
- (v) the participants do not “acknowledge that the opposite opinions are ‘real possibilities’” (Woods 1992: 103), and in that sense are “closed-minded” (Woods 1992: 104).

And as previously suggested, a standoff of force four is one that satisfies conditions (i)-(iv); a standoff of force three is one that satisfies conditions (i)-(iii); a standoff of force two, conditions (i)-(ii); and a standoff for force one, condition (i), which of course has two parts, (ia) and (ib). Several other points are worth noting about this conceptual framework.

Condition (i) amounts to the absence of common grounds regarding factual claims, normative preferences, and resolution procedures, and so it is essentially equivalent to the definiens of Fogelin's definition of a deep disagreement; it follows that what Fogelin's calls deep disagreements correspond to what Woods calls standoffs of force

one (despite what Woods [1992: 104 n. 20] himself suggests). In fact, each additional condition amounts to defining an additional potential difference that increases the depth of a disagreement or the force of a standoff; for example, condition (iii) explicitly excludes the third-party idea which Friemann claims to be one of the main remedies to intractable quarrels. Thirdly, each additional higher-force condition could be reformulated in more cognitive sounding terminology; for example, condition (ii) is equivalent not only to saying that there is no agreement to disagree, but also to saying that there is no agreement about the significance or insignificance of the dispute. Similarly, condition (iv) is equivalent to saying that there is disagreement about whether the controversy is political or moral; here, a political dispute is one that can be properly resolved through the legislative making, executive application, or judicial interpretation of laws by the legitimate authorities; and a moral dispute is one that includes the question of whether positive public law has any role and if so what.⁶

Condition (v) deserves special attention. In fact, Woods himself goes to great lengths in elaborating it. My own interpretation of his complex analysis is this. To begin with, at the level of nominal definition, some connections are clear. Open-mindedness is the acknowledgment that the position of the opposite party is a “real possibility.” Closed-mindedness is the unwillingness to acknowledge that the opposite position is a real possibility, i.e., the denial that the opposite position is a real possibility; i.e., the claim that the opposite position is *not* a real possibility. I believe these definitions imply not that open-mindedness and closed-minded are contradictories, but rather that they are contraries, in the technical sense of contradiction and contrariety. That is, two contradictories can be neither both true nor both false, but must be one true and the other false; whereas contraries cannot be both true, but can be both false. In fact, if we do not lose sight of the fact that we are in the context of a controversy and that both open-mindedness and closed-mindedness are attitudes or dispositions of one side toward the other, then we can see that both have something in common. Both the open-minded and the closed-minded disputants reject the opposite position, i.e., regard it as false; but at the same time they regard it as a possibility, i.e., admit that it is logically possible for it to be true. In short, in both open-mindedness and closed-mindedness, one regards the opposite position as false, but not necessarily false. Their difference comes with regard to whether or not the possibility is a “real” or serious one.

Woods (1992: 104) starts with an explicit definition of the negative case, when a position is *not* regarded as a real possibility. His definition is mostly in terms of the notion of knowledge and belief, which I will try to rephrase into argumentation terminology. The first step of my reformulation would yield that to claim that the opposite position is not a real possibility is to claim that (a) the position is false; (b) there are good arguments against it; and although (c) it is possible that these arguments are bad, (d) this possibility is not a good reason to think that these arguments are bad. Although this makes some sense as it stands, it is not clear that this captures the notion of closed-mindedness; moreover, the non-satisfaction of these four conditions would yield nothing approaching the notion of open-mindedness.

To remedy this, we can start by dropping condition (a), leaving it implicit, it being understood, as mentioned before, that both closed-minded and open-minded proponents of one side think that the other side’s position is false. Next, let us rephrase condi-

⁶ Here I am adapting Woods’s (2002: 103) own distinction between a political and a moral standoff.

tions (c) and (d) in terms of what is likely to be their underlying rationale; (c) can be rephrased as the claim that there are arguments in favor of the opposite position, and (d) as the claim that these (contrary) arguments are not (necessarily) good. Combining the two modified conditions, we get that there are no good arguments in favor of the opposite position. In other words, to think that the opposite position is not a real possibility is to think that there are good arguments against it and no good arguments in favor. Then, to think that the opposite position is a real possibility would be to think that either there are no good arguments against it or that there are some good arguments in favor of it. However, the latter still does not capture the notion of open-mindedness, in the sense of an open-minded opponent of a position; rather it captures the notion of a *proponent* of a controversial position.

To get at the root of this difficulty, I believe we need to admit that there is a third property shared by closed-mindedness and open-mindedness. This is in addition to the two mentioned earlier, namely that both closed-minded and open-minded disputants think that the opposite position is false, but not necessarily false. This third property is that they both think that there are good arguments against the opposite position, i.e., good arguments in favor of their own position. Given that they share these three characteristics, one possible difference might be that the open-minded disputant admits, and the closed-minded disputant denies, that there are good arguments in favor of the opposite position. But this is still insufficiently precise because although it will work as a conception of closed-mindedness, the implication for the definition of open-mindedness is implausible. The implication would be that open-mindedness means to think that there are good arguments against the opposite position and there are good arguments in favor. However, the more plausible formulation would be to admit that there are some good arguments in favor of the opposite position, but to claim that there are better (or much better) arguments against it. In other words, it would be preferable to define closed-mindedness as claiming that there are good arguments against the opposite position and no good arguments in favor, i.e., good arguments in favor of one's own position and no good arguments against it; whereas open-mindedness would be claiming that there are some good arguments in favor of the opposite position and better arguments against it, i.e., some good arguments against one's own position and better ones in favor of it.

However, although these definitions would be consistent and viable, open-mindedness so defined would include what I earlier called fair-mindedness, but it is useful to distinguish these two cognitive traits. To do so, we can start with the closed-minded disputant's characteristic claim that there are no good arguments in favor of the opposite position (i.e., against his own position). This obviously includes two possibilities: that there are no contrary arguments, and/or that the contrary arguments are worthless. Similarly, in the other definition there are two parts in the clause that there are some good arguments in favor of the opposite position (i.e., against one's own position): that there are some such contrary arguments, and that some of these contrary arguments have some worth. Now, an important and common intermediate attitude is to claim that there are contrary arguments, but that they are completely worthless; and this is an attitude that is not closed-minded because of the admission of the existence of contrary arguments, but which is not open-minded (in the Woodsian sense extracted above). What label should we give to this intermediate disposition? I prefer to call it open-mindedness (in a different sense than the Woodsian meaning), and relabel fair-mindedness the Woodsian notion just elaborated.

These considerations yield the following framework, which I believe is in the spirit (not the letter, to be sure) of Woods's discussion, as well as in accordance with the intuitions which I expressed apropos of Friemann's critique. In controversies of various kinds, deep disagreements, intractable quarrels, and standoffs of various forces, normally the advocates of one side claim that the position of the other side is false, refutable by good arguments against it, albeit not necessarily false but logically possible. With this in the background, then there are three distinct cognitive stances. To be closed-minded means that one also claims that there are no contrary arguments, i.e., arguments in favor of the opposite position or against one's own. To be open-minded means that one also acknowledges that there are contrary arguments. To be fair-minded means that one acknowledges not only that there are contrary arguments, but also that some of them have some worth (although less than the good arguments favoring one's own position or against the opposite one). It is obviously possible to be open-minded but not fair-minded, although if one is fair-minded one is already open-minded; that is, fair-mindedness implies (includes) open-mindedness, but not conversely. Moreover, closed-mindedness (as now defined) is the contradictory ("the opposite") of open-mindedness, but not of fair-mindedness, for obviously open-mindedness affirms and closed-mindedness denies that there are any contrary arguments, whereas both closed-mindedness and fair-mindedness could be absent if and when one claimed that there are contrary arguments but that they are worthless. On the other hand, the relationship between closed-mindedness and fair-mindedness is one of contrariety, for if either one of them is present then other one is not.

4.3 Appealing to Methodological Principles

Be that as it may, another important improvement which Woods introduces into the discussion is the explicit consideration of appeals to methodological principles to resolve disagreements or standoffs. That is, when it appears as if one is involved in an intractable disagreement and argumentation seems powerless to resolve it, a worthwhile possible remedy is to "look for a heretofore unrecognized 'tie-breaking' methodological principle, one on which the protagonists might be expected to agree, and apply it" (Woods 1992: 100). The principles considered by Woods make up a rich collection pregnant with meaning.

One principle is called Ramsey's Maxim. In fact, Woods (1992: 100) quotes it from Ramsey's book on *The Foundations of Mathematics*: "in such cases it is a heuristic maxim that the truth lies not in one of the two disputed views, but in some third possibility which has not yet been thought of, which we can only discover by rejecting something assumed as obvious by both disputants" (Ramsey 1931: 115-16).

One example suggested by Woods is the following. In the abortion controversy, pro-choice advocates tend to formulate their position as the claim that the choice whether or not to abort should always be available to a woman (i.e., should never be curtailed), and that pro-life advocates tend to formulate theirs as the claim that abortion is always wrong (i.e., never permissible). Now, it is probably the case that a common assumption of both sides is that the issues over abortion, choice, and life should be resolved by means of absolute, categorical, universally valid principles speaking of what holds always or never. If this is so, then one could apply Ramsey's Maxim by rejecting this assumption and claiming that one should look for qualified and nuanced claims about what is sometimes the case and try to explore and formulate appropriate conditions under which life ought to

prevail over choice and other conditions under which choice ought to prevail. Of course, this may not work, but it would cast the debate in a new light.

This example is also an illustration of another methodological principle, “a second maxim, the Maxim of Moderation: Avoid extreme answers” (Woods 1992: 101). In this case, extremism would be the tendency to formulate one’s position by means of universal generalizations asserting what is always or never the case. And moderation would be the focus on the nuances allowed by the existential quantifier “sometimes.” Woods is clear that the Maxim of Moderation and Ramsey’s Maxim are not equivalent, but it is equally clear that they have an area of overlap.

A third methodological principle is what Woods calls the Fundamental Law of Collective Bargaining. This is the “suggestion that disputes should always be settled by taking a middle position—and this we might note is the Fundamental Law on collective bargaining” (Woods 1992: 101). In other words, this principle stipulates that one split the difference that separates the two positions in a standoff.

Fourth, Woods considers what he calls the Pascalian Minimax Strategy. This principle enjoins us to “so constrain public policy that, of the options in question, it is best to back the one of least morally harmful consequences should it prove to have been the mistaken option” (Woods 1992: 103). In other words, we should “settle the issue in such a way as minimizes the realization of the greatest possible cost. The higher the cost the more it is mandatory to minimize the possibility of its exaction” (Woods 1996: 654). As the name suggests, the basic idea is to minimize the maximum possible harm.

Finally, there is the Last Gasp Dialectical Response in which the government and the dominant elites appeal to the citizens to keep the critical discussion going and not resort to violence. In Woods’s words:

LGDR: *Last Gasp Dialectical Response*, ‘Citizens ... What is at risk is that minimal social harmony which is the very condition of a good and peaceful life [and, more to the point, of the general practice of dialectical felicity]. The Government urges that the collective self-interest requires that tensions be lessened and that the most serious consideration be given by all to settling this matter [say, by a free vote in the House of Commons].’ (Woods 1992: 105)

Woods comments that in such an appeal to rationality, “the Government is openly proposing the voluntary collective downgrading of the dispute from a force five standoff to a force three standoff which fulfills the conditions on being a (merely) political disagreement. In this proposal, it is not suggested that people change their values but that, out of consideration for the commonwealth, they not act on them intractably or unlawfully” (Woods 1992: 105).

The last comment underscores both the power and the limitations of such methodological principles. Their power stems from the fact that such principles are explicitly formulated to deal with standoffs or disagreements that have reached an impasse when the participants attempt to revolve them by means of normal argumentation, which appeals to shared facts, preferences, and procedures. Their limitations are obvious from the fact that the nature of some standoffs is such that by definitions the participants rejects some of these principles. Obviously we cannot resolve a disagreement that involves the rejection of the means to resolve it; we cannot convince someone who refuses to be convinced. This enables us to see the plausibility of Woods’s “*Limitation Theorem*: Standoffs of force five are logically irresolvable” (1996: 655), taking logic here to refer to both normal argumentation and appeal to methodological principles. And this also allows us to

appreciate what I shall call Woods's Rhetoric Corollary, namely the thesis that quite properly "logic now defers to rhetoric" (Woods 1996: 655).

4.4 *An Appreciation of Rhetorical Persuasion*

About rhetoric, Woods has many insightful and wise things to say, and they constitute a third great improvement which he introduces into the discussion of deep disagreements and intractable quarrels. He is, of course, aware that philosophers in general, and logicians in particular, tend to dismiss rhetoric, under the influence and legacy of Socrates and Plato's hostility to sophists and sophistry. However, Woods's argument is difficult to fault:

If concerning any issue there should happen to be a fact of the matter, then it would be oddly illogical not to want to present the truth persuasively, that is in ways that maximize the chance of getting others to see that it is true. More interesting are those cases concerning which no consensus exists with regard to the question of truth. For wide ranges of such issues, giving up on critical discussion and going fishing is not a realistic option, and we are left with the hard question of what to do in the wake of intractable disagreement. Some issues require the fixation of belief, never mind that the matter at hand is underdetermined by the agreed-upon evidence ... So a central task of rhetoric is to specify measures for the fixation of belief about matters underdetermined by the agree-upon evidence and to establish that (and in what sense) such measures are acceptable. (Woods 1992: 107 n. 25; 1996: 655, n. 6)

Woods is also aware of the voluminous literature on the "social technology of persuasion" (1992: 106; 1996: 655), and of the fact that that it tends to be negatively critical of rhetoric. And he acknowledges that such literature in part reflects a modern social reality characterized by the phenomenon of the manipulation of beliefs and the "manufacture of consent," to use Noam Chomsky's expression (Herman and Chomsky 1988). And Woods admits that "there is evidence enough of thought-control to warrant our concern and chagrin" (1992: 107; 1996: 656). However, he is perceptive and judicious enough to realize that "much of the mass media bashing of recent years is half-baked, paranoid and politically self-serving" (Woods 1992: 107; 1996: 656). Or as I would put it, Chomsky's "manufacture of consent" is itself a good example of the problem against which he himself inveighs.

For Woods, the real challenge is to describe (and perhaps analyze and systematize) the rhetorical techniques and strategies that become common and necessary when a disagreement is so deep that it resists logical or rational resolution. And such an account should do so without adding to, or exacerbating, the problem. Nor should it make facile and gratuitous assumptions about conspiracies by government officials, business leaders, or media moguls. In regard to the abortion controversy in Canada, Woods mentions the following rhetorical strategies used by dominant elites to defuse its force or depth:

1. Discredit the leaders as extremists ...
2. Demoralize the population ...
3. Marginalize the visible protagonists ...
4. Trivialize the contending values ... Invoke the non-cognitivism of moral principles. Emphasize their relativity.
5. Adjust the taxonomy. These extreme positions are also religious positions, fine as long as they do not intrude and, in any event, subject by implicit prior consent to the sanctity of the separation of Church and State.
6. Saturate communications with euphemisms, the more vapid the better. (Thus 'pro-choice', 'pro-life'). Keep disclosure of clinical details to a minimum ... Be tasteful.

7. Guilt by association. (Woods 1992: 107-8; 1996: 656-57)

This list is not meant to be exhaustive or definitive. Moreover, the various items would deserve more discussion not only than that quoted here (where I have omitted some parts), but also than that provided by Woods in his account. However, they do give us a sufficient idea for what he has in mind by rhetorical persuasion, as distinct from appeals to methodological principles and from logical argumentation. This is sufficient for the purpose of us glimpsing at his main line of argument. In fact, we are now in a position of being able to state a reconstruction of his main argument.

4.5 Reconstruction of Woods's Argument

Woods's argument may be reconstructed as follows: [W1] There are some disagreements that are not subject to rational resolution, but only to rhetorical persuasion. For [W11] there are disagreements that are standoffs of force five, [W111] such as the abortion controversy in Canada. Now, [W12] standoffs of force five are controversies where the two contending parties disagree about (i) particular facts, values, and procedures to which they might appeal to settle the issue; (ii) overlooking the disagreement; (iii) the propriety of third-party determination; (iv) the propriety of a political solution legislated by the government; and (v) whether the opposite position is a real possibility. And [W13] such standoffs are not subject to rational resolution because [W131] they are not resolvable by dialectical, or logical, argumentation, and [W132] they are not resolvable by appealing to methodological principles. However, [W14] such standoffs are amenable to rhetorical persuasion, partly because rhetorical techniques are [W141] unavoidable and [W142] desirable when rational methods (of argumentation and methodology) fail.

This may be interpreted as a stronger argument than Fogelin's in support of the same conclusion. Its superior strength derives partly from the greater strength of Woods's standoffs of force five, as compared to Fogelin's deep disagreements. For as mentioned earlier, Fogelin's deep disagreements basically correspond to standoffs of force one, and Woods's standoffs of force five are four levels deeper or stronger; that is, they are characterized by four additional conditions, each of which blocks a potential route to rational resolution. The greater strength of Woods's argument also derives from the fact that he explicitly considers appealing to methodological principles as a possible means of rational resolution, and explicitly argues for their ineffectiveness in the case of force-five standoffs. Finally, a third merit of Woods's argument is that he makes an explicit attempt to support the rhetoric part of the main conclusion, and his attempt involves a serious and nuanced view of the pitfalls as well as inescapability of rhetoric.

5. CRITICISM OF WOODS'S ARGUMENT

5.1 Logical and Methodological Rationality of Rhetorical Persuasion

Despite these strengths, there are difficulties with Woods's argument. One is that, as I shall argue next, rhetorical techniques can be interpreted in large measure as appeals to methodological principles, or as special cases of normal argumentation, and hence their use does not fall outside the scope of rationality. Another difficulty is that Woods under-

estimates the power of appeals to methodological principles, especially Ramsey's Maxim, and to show this I will soon discuss an important and substantial example of the utilization of this maxim. Thirdly, appeals to methodological principles can be seen as special cases of argumentation, namely meta-argumentation, and hence such appeals do not really fall outside the domain of the logic or dialectic of dispute resolution either. Fourth, what really follows from Woods's argument is not that some standoffs are incapable of rational resolution, but rather that they are not *de facto* resolved, because their participants are incapable of rational behavior. Finally, Woods too neglects the existence of *ad hominem* argumentation (in Johnstone's sense) and its power in the rational resolution of disputes by dialectical, logical, or argumentative means; I shall have more to say about this when I discuss explicitly Johnstone's account of philosophical controversies.

Let us begin such criticism by focusing on Woods's Rhetoric Corollary. This is the claim that in standoffs of force five "logic ... defers to rhetoric" (Woods 1995: 655), which in turn corresponds to proposition W14 in the above reconstruction of his argument. Given his nondismissive, nuanced, and appreciative conception of rhetoric, it seems to me that this claim cannot be construed as a skeptical or anti-rationalist position. And this, in turn, should be apparent from the way I have reconstructed the supporting subargument (W141, W142, W14). Even so, Woods may not be doing full justice to the nature and role of rhetorical persuasion. For if we look at his own examples of rhetorical techniques, taken from the abortion controversy in Canada, it is not obvious that they really fall outside the scope of rationality in the sense of methodology and argumentation. Let us examine those techniques.

The first one is to "discredit the leaders as extremists" (Woods 1992: 107). It seems obvious that this can be interpreted as a straightforward application of Woods's own Maxim of Moderation.

The second rhetorical technique is to "demoralize the population" (Woods 1992: 107). Here we must first elucidate the meaning of this notion, which is relatively obscure in his earlier discussion (Woods 1992). However, later Woods (1996: 658) explains that he means demoralization not in the ordinary sense of a lowering of the spirits, but rather in the etymological sense, stemming from the French Revolution, which is tantamount to "de-moralization." That is, to demoralize the population with regard to a given issue is to manage to have the population abandon the moral or ethical standing or problematicity of the issue, together with the concomitant tendency to be absolutistic and not to compromise. Thus, it seems to me that this technique is in accordance with Woods's own Last Gasp Dialectical Response, which attempts to downgrade a moral standoff (of force four or five) to a political or lower standoff.

The third technique is to "marginalize the visible protagonists" (Woods 1992: 107). Here, Woods himself elaborates it as an application of Ramsey's Maxim, when he says: "Take care to identify Ms. X as a member of the Feminist Caucus and Mr. Y as a Mormon bishop. For all its dialectical limitations, endorse and promote Ramsey's Maxim: the most sensible solution is a compromise. It sounds *so* right" (Woods 1992: 107). Although Woods mentions explicitly only Ramsey's Maxim, his talk of compromise suggest that perhaps what is in operation is also the Fundamental Law of Collective Bargaining.

Fourth, to "trivialize the contending values" (Woods 1992: 107) can also be seen as an application of the Maxim of Moderation and/or the Last Gasp Dialectical Response. This emerges from Woods's own elaboration: "Trivialize the contending values, not only

as extreme but as *moral*. Thus moral choices are private, a matter of personal opinion only, are not to be taken up invasively ('forcing your personal values upon me'). Invoke the non-cognitivism of moral principles. Emphasize their relativity" (Woods 1992: 107). It should be noted that here I am not claiming that moral absolutism is incorrect and moral relativism correct; rather I am saying that the rhetorical technique of "trivializing" values is an example of the methodological strategy of appealing to the Maxim of Moderation and/or the Last Gasp Dialectical Response.

Fifth, there is Woods's (1992: 107-8) technique of adjusting the taxonomy. For example, in the abortion controversy, one might argue that the pro-life position is a religious doctrine, insofar as it is based on Holy Scripture; that the pro-choice advocacy of a legislated solution that protects individual freedom of choice is a political position; and the principle of separation of Church and State dictates the rejection of pro-life prohibitions and the adoption of freedom of choice. I am not claiming that this argument is conclusive or correct, but only that it is an argument, and that it involves a re-adjustment of the issues, insofar as it is based on the separation of Church and State—a principle which is perhaps not the most obvious one to appeal to in this particular controversy. It follows that such "re-adjustments" are legitimate argumentative strategies, and so this rhetorical technique can be seen as falling within the scope of rationality by way of logic or dialectic, that is, even more directly than if it were by way of methodology.

The sixth rhetorical technique is a cluster that involves such practices as using euphemisms, minimizing the discussion of repulsive or sickening clinical details, and complying with standards of tastefulness. These practices can be interpreted as special cases of the avoidance of extremes of various kinds, and hence as applications of Woods's Maxim of Moderation. Of course, sometimes such devices may be carried too far, and thus become potentially self-referentially inconsistent violations of this maxim; or they may be problematic in other ways. However, once again, the question here is not whether or not the Maxim of Moderation is being used in a justifiable or correct manner, but whether or not it is being appealed to or used. And while the answer to the former question is unclear or debatable, the answer to the latter question is obviously positive.

Finally, Woods (1992: 188) mentions "guilt by association." The example he gives is very revealing. In Romania in the 1980's, "President Ceaucescu ran a monstrous tyranny. He imposed absurd and burdensome reproduction targets on Romanian women, in an effort to increase the population substantially. Abortions were also forbidden" (Woods 1992: 108). My hunch is that here we have an incorrect or illegitimate attempt to criticize the pro-life position on the grounds that Ceaucescu's Romania subscribed to it. However, the attempt is an argument. Even if this is a weak, worthless, or incorrect argument, it is still an example of argumentation. The argument could be reconstructed in various ways, as an argument from analogy, an inductive generalization, and an argument against the person; here, I am taking the latter in the sense of the inverse of an argument from authority (cf. M. Salmon 2002: 122-26; W.C. Salmon 1984: 101-4). Once again, this makes guilt by association an argumentative strategy, and hence subject to rational adjudication.

5.2 *The Power of Ramsey's Principle*

My next criticism is that Woods does not do full justice to the power of appealing to methodological principles in general, and to Ramsey's Maxim in particular. This maxim

is the principle that in deep disagreements one should explore the possibility that the truth lies in the denial of some assumption presupposed by both sides. Let us recall that Woods quotes a version of this maxim advanced by Ramsey in a work on foundations of mathematics and the philosophy of logic. Ramsey was discussing the dispute between Bertrand Russell and W.E. Johnson about whether general terms can be subjects as well as predicates of atomic propositions. This context is no accident. In fact, the foundations of a discipline typically involve fundamental issues, so fundamental as to generate intractable disputes and apparently irresolvable disagreements.

However, as mentioned above, Woods illustrates this maxim with an example from the abortion controversy, in which both sides tend to advocate theses having the form of universal generalizations that are unqualified or exceptionless. Thus the solution proposed by Ramsey's Maxim, namely to formulate one's theses as nuanced existential generalizations, turns out to be an illustration of the Maxim of Moderation as well. Although it is clear that Woods realizes that these two maxims are distinct and merely overlap rather than being equivalent, it is equally clear that it would be desirable to discuss some examples of Ramsey's Maxim that are independent of the Maxim of Moderation.

Now, there happens to be a brilliant discussion of such examples in the context of the philosophy of the social sciences. It is found in Piotr Sztompka's (1979) *Sociological Dilemmas* (cf. also Agassi 1977). Sztompka does not even mention Ramsey's name, but rather follows an approach which he labels "dialectical," in the Marxian or Hegelian sense of this term. However, terminology aside, the similarity or identity of what Woods calls Ramsey's Maxim and what Sztompka calls a dialectical approach is clear and unmistakable, as can be seen from the following summary (cf. Finocchiaro 1980b).

The sociological dilemmas examined by Sztompka are the following six controversies: science versus humanities (or the naturalism question); science of man versus science of society (or the reductionism issue); knowledge versus action (or the activism controversy); detachment versus bias (or the axiologism problem); man as object versus man as subject (or the determinism dispute); and society as a whole versus society as an aggregate (or the collectivism controversy). Sztompka formulates these dilemmas as follows. The naturalism dilemma is not about the true character of the natural sciences, but about the general character of the relationship between the social and the natural sciences. The reductionism problem is not about the ontological status of individuals and collectives, which is a separate issue, but about the relationship between the sciences of psychology and of sociology. The activism dispute is not about whether a social scientist may get involved in extrascientific activities as an ordinary citizen, or whether he has an ultimate practical motivation, or whether effective social action needs to be grounded on sound knowledge, or whether applied sociology is a legitimate branch, or whether sociological research is itself a type of practice, which are all uncontroversial matters; what is not uncontroversial is whether pure sociological theories should contain practical elements. The axiologism dilemma is easily confused with the previous one; the difference is that the present issue concerns whether or not sociological research can avoid making extrascientific value judgments. The question of determinism is neither whether mankind has a universal nature or merely a history, nor whether human action is determined internally or externally, nor whether it is determined consciously or subconsciously, nor whether it is impulsive or deliberate, but rather whether human action is or is not controlled by human beings. The collectivism dilemma is neither the moral-political question

of the value of individual rights vis-à-vis society, nor the issue of liberalism and totalitarianism, nor the psychological problem of two opposite personality traits, but rather the question of the ontological status of supra-individual entities.

Having defined the problems, Sztopka proceeds toward their solution as follows. He first identifies what he calls “common meta-assumptions” which both contending parties make, that is the presuppositions they both share. Both naturalists and anti-naturalists presuppose (Sztopka 1979: 69) that the two classes, natural sciences and social disciplines, have pronounced internal similarities and pronounced external divergences; that the potential methodological models are only within the class of natural sciences; that methods have an inherent value independent of the problems that need solving; and that the methods of the natural sciences constitute a monolithic unit to be accepted or rejected in toto. Similarly, both reductionists and antireductionists assume (Sztopka 1979: 114-15) that psychology and sociology are internally homogeneous and externally heterogeneous; that there is only one relevant direction of reduction, sociology reduced to psychology; that reduction would have to be complete; and that it must be a matter of principle rather than being contingent; moreover, it is also presupposed that definitional reduction of concepts and explanatory reduction of laws go hand in hand. The meta-assumptions common to both contending parties in the activism controversy (Sztopka 1979: 165-66) are that the social world exists independently of the thinker or agent, as nature does; that it exists as a constant, static, and unchanging entity; that it exists “out there” external to those who want to understand it and to those who want to change it; that understanding and practical action are separate dichotomous activities; and that there is a dichotomy between descriptive and normative statements. In the axiologism dilemma, both parties presuppose (Sztopka 1979: 219) that objectivity is an abstract property of scientific research and results determinable by an analysis of their internal structure; that it consists of lack of bias; and that bias is essentially related to value-judgments. In the determinism dispute, both parties assume (Sztopka 1979: 272) that mankind and the environment are separate entities, and that human nature is definable in terms of abstract rather than relational properties. Finally, both collectivists and individualists (Sztopka 1979: 305) conceive of social entities as substances rather than structures.

The next crucial step in Sztopka’s approach is to reject these presuppositions by arguing in favor of principles contrary to them. The new principles dissolve the dilemmas, make possible a distinct model of sociological inquiry, and yet contain in each case elements from both sides of the dilemma. His principle of “integralism” states that the social sciences can and should apply the methods of empirical science, but not those of natural science (Sztopka 1979: 76). His principle of “separatism” claims that the *meaning* of sociological concepts can be reduced to that of terms pertaining to individuals and their activities, but that sociological *laws* are not derivable from psychological ones (Sztopka 1979: 119). What he calls “constructivism” holds that a sociological theory must contain information about the regularities existing in the world and contribute directly to its transformation (Sztopka 1979: 172); moreover, it must contain both “categorical” and “normative” propositions (Sztopka 1979: 173-74). His principle of “commitment” asserts that sociology cannot and should not avoid value-judgments, but that both its methods and its results can be unbiased (Sztopka 1979: 222). According to the principle of “creativism” man enters into creative, productive relationships with his natural and social environments, but these relationships are shaped under the impact of

specific and historically varied contingencies over which he has no control (Sztompka 1979: 273-74). Finally, “structuralism” holds that there is no specific social substance, only individual human beings, and special social structures, representing the network of human relations (Sztompka 1979: 308-9).

Sztompka claims that this type of social inquiry is correct in the sense that it represents the most promising and fruitful paradigm. He also claims that such sociological inquiry resolves the dilemmas, and does so through a “dialectical overcoming” (Sztompka 1979: 34) of them. Here my point is not to say that Sztompka’s approach to sociology is flawless, nor to claim that his conception of Hegelian dialectic is the most tenable one.⁷ Rather I want to say that his analysis of sociological dilemmas is sophisticated, intelligent, and well-argued. Further, I want to stress that Sztompka’s method of dialectical overcoming consists of (a) the identification of meta-assumptions common to the two sides of a controversy and (b) their rejection through the adoption of principles contrary to them. Finally, I want to point out that Sztompka’s principle of dialectical overcoming corresponds to what Woods calls Ramsey’s Maxim.

5.3 The Meta-argumentative Rationality of Methodological Appeals

My third criticism of Woods’s argument is similar to my first. That earlier objection was that rhetorical appeals, such as the ones mentioned by Woods, if analyzed properly, can often be seen to be either methodological appeals or appeals to reasons and evidence; and so they fall within the scope of rationality. Similarly, now I want to stress that although appeals to methodological principles represent an important level of rationality, they are often instances of argumentation, specifically meta-argumentation.

Let us see this by reference to some of what Woods himself says regarding the Maxim of Moderation and the abortion controversy. In appealing to this maxim, one step is to note that the pro-life or anti-abortion position is often stated in terms of the universal generalization that abortion is *always* wrong. Another step notes that the pro-choice or pro-abortion position is typically stated as the universal generalization that the freedom to choose whether to have an abortion is inalienable, i.e., *always* legitimate. The advocate of moderation then says that the arguments on both sides are weak or flawed insofar as their conclusions are extreme theses of this sort. Next, the moderate claims that if one’s conclusion is formulated in a qualified or nuanced manner, then it becomes self-consistent to claim that abortion is *sometimes* right and *sometimes* wrong. Additionally, such a moderate conclusion can be justified by means of arguments that are revisions of the previous extremist arguments when the latter have been stripped of their untenable extremist pretensions. Now, such considerations are an argument for the moderate position based in large measure on an interpretation and criticism of the typical pro-choice and pro-life arguments; and clearly such an argument is a meta-argument.

The same point can also be made by reference to the principles of open-mindedness and fair-mindedness. These normative principles prescribe that in controversies one should have these attitudes. Recall that to be open-minded means that one

⁷ For some criticism (together with an appreciation) of Sztompka’s account, see Finocchiaro (1980b). For an account of what I regard as the most adequate concept of (Hegelian) dialectic, see Finocchiaro (1988; 1992; 2005a: 207-30).

acknowledges that there are contrary arguments. To be fair-minded means that one acknowledges not only that there are contrary arguments, but also that some of them have some worth (although less than the good arguments favoring one's own position or against the opposite one). Practicing such principles involves, respectively, requiring of oneself that one learn and master the content and structure of the contrary arguments, and that one make an effort to appreciate their strength before attempting to refute them. Appealing to these principles may involve pointing out to one's opponents that they do not know the arguments favoring one's own side, or that they know those contrary arguments but have misunderstood them or failed to appreciate them in some particular way. All this clearly is argumentation consisting of identification, interpretation, and evaluation of ground-level arguments; and that's what meta-argumentation is.

5.4 *De Facto vs. Rational Resolution, Again*

My fourth difficulty with Woods's argument may be elaborated as follows. Here it should be noted that my criticism of Woods is similar to Phillips's (2008) main criticism of Fogelin, discussed earlier. Recall that force-five standoffs are disagreements in which one or both of the contending parties are closed-minded. Recall also that closed-mindedness is the unwillingness or inability to acknowledge that the opposite position is a real possibility, i.e., to take seriously the opposite position, i.e., to acknowledge the existence of contrary arguments (namely, arguments in favor of the opposite position or against one's own). I believe that what really follows from this is not that such standoffs are incapable of rational resolution, but rather that they are definitionally incapable of *actual* resolution. For insofar as we can plausibly claim that closed-mindedness is a questionable attitude from the point of view of rationality and that open-mindedness and fair-mindedness are desirable requirements of rationality, we can also say that if the contending parties of a force-five standoff were more or fully rational, their disagreement could probably be rationally resolved. In short, force-five standoffs are not subject to resolution if, insofar as, and because the contending parties behave irrationally; they are a reminder of the empirical existence of human irrationality, not a limitation on the normative ideal of rationality.

This criticism can be analyzed as follows. Let us focus on the following subargument of Woods's over-all argument: [W13] such standoffs are not subject to rational resolution because [W131] they are not resolvable by dialectical, or logical, argumentation, and [W132] they are not resolvable by appealing to methodological principles. I am saying that [W133] in a sense it is true that force-five standoffs are not resolvable by dialectical or logical argumentation, in the sense of argumentation guided by the attitude of closed-mindedness but not by the attitude of open-mindedness or fair-mindedness. Similarly, [W134] it is true that such standoffs are not resolvable by appealing to methodological principles, as long as we do not include open-mindedness and fair-mindedness among our methodological principles. However, it is also true (or at least it could be argued) that [W135] the attitude of closed-mindedness is irrational; that [W136] open-mindedness and fair-mindedness are requirements of rationality; and that [W137] dialectical or logical argumentation guided by the principles of open-mindedness and fair-mindedness would be likely to resolve the disagreement. What follows is that [W13'] force-five standoffs (as defined by Woods so as to include closed-mindedness) are by definition not susceptible to *de facto* resolution, but the disagreements underlying such

standoffs are such that it is rational to treat them with open-mindedness or fair-mindedness and thereby to resolve them. It follows further that although proposition W13 is true in a literal, but inconsequential and insignificant, sense, in its substance it is false and its opposite true.

This analysis is meant to elaborate the *ad hominem* character of this criticism, *ad hominem* in Johnstone's sense. That is, this criticism is an argument that attempts to derive a conclusion critical of Woods's proposition W13 (and so not acceptable to him in that sense) from premises that are relatively uncontroversial (and so are acceptable to him in that sense) but go beyond the premises in the original argument. And this characterization brings us to my fifth and last criticism of Woods's argument, but also to the long anticipated topic of Johnstone's account of philosophical controversies, which also deserves examination for its own sake.

6. JOHNSTONE ON PHILOSOPHICAL CONTROVERSIES

6.1 Definition, Examples, Theses

Let us begin by showing that Johnstone is addressing the same problem as those scholars who have dealt with deep disagreements, intractable quarrels, and force-five standoffs, albeit with slightly different but partially overlapping terminology.

For Johnstone, "fundamental philosophical" disagreements are disagreements such that each of the two contending parties thinks that (a) it is inconceivable "what it would be like for his opponent's statement to be true" (Johnstone 1959: 1); (b) "his [own] position includes all the relevant evidence" (1);⁸ (c) "no statement adducing evidence against it [one's own position] is possible" (1); (d) "to attack [his] view by appealing to [counterinstances] is to beg the question" (1-2); (e) one "can reduce any allegedly [disconfirming] factor to a [confirming] factor" (2); (f) one cannot "interpret the disagreement as consisting of the fact that the other has made a statement incompatible with the one he has made" (1); (g) one cannot without great difficulty understand the position of the other party (1); and (h) one's own view "is thus not logically commensurate with views that oppose it" (2).

Even without much analysis of these defining conditions, it seems obvious that fundamental philosophical disagreements so defined are at least one level deeper than Fogelin's deep disagreements, one category stronger than Woods's force-five standoff, and one way more unmanageable than Friemann's intractable quarrels. For Johnstone's talk of inconceivability, unfalsifiability, incomprehensibility, and incommensurability suggests that the contending parties cannot even communicate meaningfully and effectively with each other, let alone resolve their differences rationally. But perhaps such talk is an exaggeration (or an inflated conceptualization), even from his own point of view, that is, from the point of view of the disputes he has in mind.⁹

⁸ In this section, unproblematic or unambiguous references to Johnstone (1959) will be given by means of simple numerals in parenthesis.

⁹ On the other hand, the notion of incommensurability has also been a natural one to use for other scholars trying to come to grips with some radical disagreements occurring during scientific revolutions. See, for example, Kuhn (1962) and Feyerabend (1962).

In fact, examples of fundamental philosophical disagreements given by Johnstone are the disagreements over whether “the individual is the product of his heredity and environment” (1); over whether existentialists are right that “authentic existence is more important than technological progress” (2); over the viability of naturalistic epistemology, namely the view that knowledge is merely a natural process in which the human organism copes with the environment (69-70); over whether empiricists are right as against idealists, that all ideas derive from sense impressions (Johnstone 1978: 1); and over realism versus functionalism in logical theory and the philosophy of logic (Johnstone 1978: 46-51).

Regarding such fundamental philosophical disagreements, Johnstone holds three main theses of increasing specificity. First, [J1] “the only proper response to disagreement as radical as that found with respect to philosophical positions is participation in genuine controversy” (3). Second, [J2] “not only is it impossible to cross the abyss that separates opposing philosophical positions unless the partisans of these positions are willing to argue with each other, but also argument is the sole medium through which a position can communicate its content” (3). Third, [J3] “the abyss that separates conflicting philosophical systems precludes any use of *argumentum ad rem* [i.e., argumentation other than *ad hominem*] ... Thus every valid philosophical argument is *ad hominem*” (3-4).

6.2 Philosophical Controversies as Bilateral and Argumentative

To justify the first thesis, Johnstone undertakes a series of critiques of alternative views. First, “the simplest sort of theory is that on which the apparent disagreement is purely verbal ... But ... it fails in not being able to account for the disagreement ... between those who maintain that philosophical disagreement results from [verbal preferences] and those who maintain that it does not” (10).

The second theory claims that philosophical disagreement “is really a kind of game; the motive is to win the game” (10). But this theory is inadequate because “a philosophical dispute, rather than being governed by fixed rules [as is the case for games], represents the effort of each disputant to enforce his own rules” (12).

Third, there is the view that philosophical “disagreement between two persons arises from the fact that each speaks a different language ... [and so] the disagreement is only apparent” (12). The merit of this theory “lies in the fact that it begins to do justice to the systematic nature of philosophical commitment” (12). However, “disagreeing philosophers do not literally speak different languages. For to the extent that different languages are genuinely different, two persons who cannot speak each other’s language cannot disagree” (12).

Next, some have argued that philosophical disagreements “are occasioned not by the situation in which one disputant misunderstands another, but rather by that in which at least one disputant misunderstands the grammar of the philosophical terms he employs” (13). This account contains the insight that “the criticism of disagreements has come to be seen as a normative inquiry” (13). Unfortunately, the account has the serious drawback that “the aspect of controversy has now disappeared” (13) from philosophical disagreement, for “in identifying criticism with correction, the theory in question does not correctly construe the grammar of ‘correct’; it is inadequate by its own criterion of adequacy” (14).

According to the fifth theory, in philosophical disagreement “criticism assumes the form of dialectic, the co-operative attempt to attain an articulate grasp of the ideal by

finding through argumentative discussion a universe of discourse common to the philosophical statements whose apparent opposition initiated the discussion” (15). The difficulty with this is that “dialectical discussion as such involves no guarantee that the ideal universe of discourse to which it conducts its practitioners will in every case be the same” (15), and so it can lead to “radical pluralism ... an expressive or emotive view of metaphysics” (16). Hence, this theory “fails to do justice to the factor of negation occurring in all genuine disagreement” (16).

Now, “the effort to restore negation, and to criticize philosophical commitment while maintaining its idiosyncratic nature, results in the transformation of intuition into pure reason [in the Kantian sense of] the extension of reason beyond the bounds of possible experience” (16). This account too has merits: “one undeniable virtue of this critical theory of philosophical disagreement is its articulation of the insight that every philosophical thesis is disputable” (17). However, it too is inadequate, for it betrays “a systematic failure to afford any basis for distinguishing between controversy and contentiousness. When disagreement poses a threat [as it does in genuine controversy], that is a serious business which contrasts with the sportive or splenetic activity of disagreeing for the sake of disagreeing” (17).

For Johnstone, this difficulty is inescapable “so long as the object of philosophical commitment is taken to be merely a thesis” (17). What is needed instead is a step in the direction of argumentation. That is, “if commitment to a philosophical thesis is understood as resulting from the attempt to solve a problem, then, even though the thesis as such may bear no internal relationship to the personality of the individual committed to it, the fact of commitment is essential to the person” (18). But, “one does not express one’s commitment at all except in communicating it to others capable of taking issue with it” (19). It follows that “the committed individual must therefore act in such a way as to maintain both the integrity of his own expression and his respect for his interlocutors” (19). In conclusion:

Here, then, is a confirmation of the *bilateral* aspect of philosophical disagreement. This is a defining characteristic of controversy, as distinct from instruction, persuasion, correction, contentiousness, or the mere disparity of points of view. And once philosophical controversy has been so characterized, it becomes clear that it can originate only from the collision of beliefs that are *systematically* structured. For the mutual respect on which it depends is an appreciation on the part of any one interlocutor of the commitment of each of the others as a coherent whole, rather than as a set of independent tenets. (Johnstone 1959: 19)

It is important to stress a number of features of this argument for Johnstone’s first thesis, J1. It consists of a series of criticisms of alternative views. Although these views are rejected, they are also typically appreciated as containing some merit, virtue, or insight. Indeed, he constructs his own theory in large measure based on the insights extracted from the rejected views. This is an elegant way of incorporating both open-mindedness and fair-mindedness into one’s own argumentation. The argument has another neat feature: the alternative views are typically criticized on their own terms, for failing to satisfy some of their own requirements. This means that Johnstone’s argument has a key aspect of *ad hominem* argumentation, in the sense of Galileo, Locke, and Whatley. From another point of view, the argument is also an attempt to practice the (bilateral, argumentative, and genuinely controversial) theory of philosophical disagreement which Johnstone is

elaborating and justifying in this very context. That is, the argument is self-referentially consistent in a way that suggests the general desirability of such a feature.

If there is a weakness in Johnstone's argument, it is that here his open-mindedness does not go far enough, for it does not encompass the reasons that have been given or might be given for the alternative views. However, this criticism is itself in accordance with Johnstone's principles, and so to the extent that it is cogent, it reinforces an essential element of his overall position. In short, this is an *ad hominem* argument, in Johnstone's sense, against his first argument.

6.3 *Communicating One's Position*

Johnstone's second thesis is that [J2] argumentation is the only means of communicating the content of one's own position in a fundamental philosophical disagreement. His argument is the following.

He begins by defining and clarifying what it means for the truth of a statement to be *relative to argument*. "The truth of a statement is *relative to argument* when it is impossible to think of the statement as true without at the same time thinking of an argument in its favor, and it is impossible to think of it as false without at the same time thinking of an argument against it" (23). Scientific statements are *not* in this category. For example, consider the statement that the Earth revolves around the Sun in the period of one year; we can think of its truth and falsity independently of any confirming and disconfirming arguments. Mathematical statements are not in this category either. In mathematics, this claim can be supported in part by Gödel's theorem. However, Johnstone clarifies, the truth of mathematical statements is relative to *assumptions*, e.g., the truth of the Pythagorean theorem is relative to Euclid's parallel postulate.

Next, Johnstone examines a number of philosophical statements which are, have been, and can be the subject of disagreement. They are statements such as the following: "the good is the object of desire, all men are created equal, every event has a cause, the real is the rational, and the universe exhibits design" (25). Then he argues that the meaning of such statements cannot be understood "merely by analyzing the words that occur in them" (29), for this analysis will lead to either tautology, inconsistency, or infinite regress. On the other hand, he also explains how such statements can be understood on the basis of how they originated, of the problems they were meant to solve, and of the arguments justifying them. He concludes that "the argument for a philosophical statement is always a part of its meaning ... [and] the argument against a philosophical statement is always a part of its meaning" (32).

At this point one could object that Johnstone's account implies that "philosophical statements in reality belong to formal science" (33). His answer relies on his previous thesis about the genuinely controversial nature of philosophical disagreements, which implies that "philosophical arguments must have a controversial aspect" (37), which the formal sciences presumably do not have.

A crucial aspect of this argument is an inductive generalization from the examples of philosophical statements which Johnstone examines. Therefore, this aspect of his argument depends on how typical or representative they are of the class of philosophical statements. My judgment is that they are indeed typical of a *subclass* of philosophical statements, which belong to such branches of philosophy as first philosophy, speculative philosophy,

theoretical philosophy, and metaphysics. However, they are not typical of such branches as philosophy of science and of art, applied ethics, and the historiography of philosophy.

Moreover, Johnstone's argument depends on equating the notions of the origin of a philosophical statement and the problem which it was intended to solve with the notion of an argument justifying the statement. I do not think he could be correctly charged with committing the genetic fallacy. However, this aspect of his argument could stand more elaboration.

6.4 *The Effectiveness of Ad Hominem Argument*

Now, given that fundamental philosophical disagreements must be argument-centered (in order to be bilateral and genuinely controversial), and that they must be communicated through arguments (in order to be over the truth or falsity of philosophical statements), so far it is an open question whether and how the abyss that separates the contending parties can be bridged, i.e., whether and how the disagreements can be resolved. And here lies the function of Johnstone's third thesis that [J3] the resolution lies with *ad hominem* argumentation, although admittedly it is beyond the power of argumentation *ad rem*.

Johnstone's argument (57-80) for this thesis consists of an analysis of three cases: the disagreement between Aristotle and Eudoxus over whether pleasure is the chief good; the disagreement between Berkeley and the materialists over whether external bodies are the causes of human ideas; and the disagreement between naturalists and anti-naturalists over the naturalistic basis of all knowledge. Johnstone reconstructs Aristotle's key critical argument against Eudoxus, Berkeley's main critical argument against the materialists, and the chief anti-naturalist critical argument against naturalism. In each case he shows (argues) that the critical argument is successful and that it is *ad hominem*. It follows that *ad hominem* arguments of this sort are a rational means of resolving fundamental philosophical disagreements. And more generally, *ad hominem* arguments can rationally resolve (or at least go a long way toward resolving) deep disagreements, force-five standoffs, and intractable quarrels.

Here it must suffice to examine only the disagreement between Aristotle and Eudoxus. Eudoxus had held that [E1] pleasure is the chief good, on the grounds that [E11] "any good thing—e.g., just or temperate conduct—is made more desirable by the addition of pleasure" (64). Aristotle criticized Eudoxus by pointing out that a similar argument had been advanced by Plato to show that [P1] *wisdom* is the chief good; for [P111] "the pleasant life is more desirable with wisdom than without" (64), and indeed [P11] "if wisdom be added to *any* good thing—not just to the pleasant life—the result is more desirable" (64). So far, Johnstone has just given an interpretation of a passage in Aristotle's *Nicomachean Ethics* (1172b, 9-35). Next, he advances an evaluation.

Johnstone's evaluation is that "Aristotle's criticism is devastating" (64) insofar as the effect on Eudoxus's position is that "there does not even seem to be any way in which he could *revise* it to meet the criticism" (64). In other words, Aristotle's criticism is "maximally forceful" (65), insofar as "he shows that Eudoxus has defeated his own purpose" (65).

To justify this judgment, Johnstone's main argument consists of a reconstruction of Aristotle's criticism as an argument having the form of a *reductio ad absurdum*. Johnstone's reconstruction can in turn be reconstructed as follows: [A111] if Eudoxus's argument is correct, then pleasure is the chief good, because [A1111] the premise of his

argument is indeed correct. But [A1121] if Eudoxus's argument is correct, then so is Plato's (i.e., the argument from P11 to P1), because [A11211] they have the same form. Now, [A1122] if Plato's argument is correct, then wisdom is the chief good, because [A11221] the premise of his argument (proposition P11) is correct. And [A1123] if wisdom is the chief good, then pleasure is not. Therefore, [A112] if Eudoxus's argument is correct, then pleasure is not the chief good. Hence, [A11] if Eudoxus's argument is correct, then pleasure both is and is not the chief good. Therefore, [A1] Eudoxus argument is incorrect.

This seems to be a plausible reconstruction of Aristotle's criticism, and so indeed it seems to be devastating and maximally forceful. In short, Aristotle's criticism is indeed successful.

But what is the structure of Aristotle's criticism? Obviously it is an argument, and a *reductio ad absurdum*. It is also a good example of a type which Johnstone labels *ad hominem*. This terminological choice has a long and important historical pedigree, which includes such thinkers as Galileo, Locke, Thomas Reid, and Richard Whately (cf. Johnstone 1959: 73 n. 12; Finocchiaro [1974; 2005, 329-39]; Eemeren and Grootendorst 1993). Whately's definition, often quoted by Johnstone is that "in the *argumentum ad hominem*, the conclusion which actually is established, is not the absolute and general one in question, but relative and particular, viz. not that 'such and such is the fact', but that '*this* man is bound to admit it in conformity to his principles of reasoning, or consistency with his own conduct, situation', &c." (Whately 1838: 196; quoted by Johnstone 1959: 73).

Johnstone (1978: 134) rephrases Whately's definition by saying that "*argumentum ad hominem* ... is precisely the criticism of a position in terms of its own presuppositions," in which he subsumes both propositions and arguments under the label of "position"; this formulation makes explicit the fact that *ad hominem* argument corresponds to a type of criticism that is usually called "internal." He also states that in philosophy an *ad hominem* argument is "an argument against a philosophical thesis [attempting to] exhibit that thesis as inconsistent with its own assertion or defense, or with principles that must necessarily be accepted by anyone who maintains the thesis" (Johnstone 1978: 45); because of its stress on inconsistency, this formulation makes explicit the logical aspect of *ad hominem* arguments. Finally, these formulations are meant to be equivalent to a still different one using the notion of a "self-defeating" position, as can be seen from this claim: "an argument that [purportedly] shows that a statement or argument defeats its own purpose is, to my way of thinking, precisely an *argumentum ad hominem*" (Johnstone 1959: 82).

Obviously, an *ad hominem* argument in this sense should not be confused with the other type of argument denoted by the same term, that is the criticism of a claim by criticizing the circumstances or character of the arguer rather than the argument, reasons, or evidence advanced to justify that claim. Johnstone takes this to be so obvious that he hardly mentions this fact. On the other hand, there is another distinction which he is constantly making, namely that between *ad hominem* arguments and arguments *ad rem*. Johnstone is clear that an argument *ad rem* is not a particular type of argument, but rather that "*argumentum ad rem* is a purely negative phrase. It denotes the entire spectrum of arguments other than *argumentum ad hominem*, or at least all those that are not obviously fallacious" (Johnstone 1978: 53). In positive terms, an argument *ad rem* is an "appeal to evidence" (Johnstone 1959: 3) or to allegedly "objective facts" (Johnstone 1959: 76).

Aristotle's criticism of Eudoxus is also a meta-argument. This is overwhelmingly obvious in my reconstruction of Johnstone's reconstruction, although less so in his

own reconstruction *per se*.¹⁰ However, not all *ad hominem* arguments need be meta-arguments. Almost all versions of his definition explicitly mention that the criticism may be directed at a particular thesis or assertion, as well as at its defense or supporting argument. Nevertheless, even in the former case, the *ad hominem* argument advances claims about the presuppositions of the thesis or its consistency with the assertion of the thesis, and such claims would also involve arguments, albeit less directly.

7. CONCLUSIONS

I began by calling attention to the concept of meta-argumentation, to the subterranean or implicit ubiquity of the practice, and to the growing literature on the topic. And I proposed studying meta-argumentation in the context of the cluster of cognitive phenomena that have been variously called deep disagreements, intractable quarrels, standoffs of force five, and fundamental philosophical controversies.¹¹

The first step was to reconstruct Fogelin's argument that deep disagreement are not subject to rational resolution but only to rhetorical persuasion. His argument could thus be seen to be a meta-argument and to have some complexity.

Then I undertook a critical analysis of the many critiques that have been made of Fogelin's argument. Lugg (1986) argued that Fogelin's argument presupposes a static conception of rationality (which is incorrect) and fails to appreciate a dynamic conception (which is correct); Lugg's argument was interpreted as a meta-argument and evaluated as cogent. Davson-Galle's (1992) most telling point was that Fogelin overlooks the existence and power of internal criticism, in which one derives a conclusion not acceptable to an opponent from claims acceptable to him; this was regarded as an important insight, and indeed an intuitive formulation of a thesis elaborated at great length by Johnstone, who uses the label of *ad hominem* argument for such internal criticism. Feldman (2005) argued plausibly that Fogelin commits a fallacy of equivocation by trading on the ambiguity of the notion of rational resolution (which can mean resolution of the disagreement showing that one side is right and the other wrong, and also suspension of judgment in light of the demonstration that the arguments on both sides are equally good or equally bad); and hence resolution in the latter weak sense is available when the former strong resolution is not feasible. Turner and Wright (2005) argued that Fogelin presupposes an untenable conflation of rationality with argumentation; I argued that this criticism is essentially correct insofar as by argumentation they (Fogelin as well as Turner and Wright) mean simple argumentation, but that the other elements of rationality stressed by Turner and Wright (experience, training, and education) are in large measure construable as complex argumentation. Campolo's (2005) argument was similar in content to that of Turner and Wright, but opposite in intent insofar as he tried to reinforce Fogelin's argument; that is, Campolo also stressed the distinction between argumentation and rationality, in order to strengthen Fogelin's thesis on the limitations of argumentation, rather than undermine his thesis on the limitations of rationality; but the distinction between simple

¹⁰ Johnstone (1959: 67) even goes so far as to question the meta-argumentative construal of Aristotle's criticism by saying that "Aristotle's argument is not *about* Eudoxus' argument, but rather *in terms of* it." But I have de-emphasized this aspect of his analysis because I find little plausibility in it.

¹¹ But note the qualifications I made in the introduction regarding forthcoming works and indirectly related phenomena.

and complex argumentation can also be applied to Campolo's argument with similar consequences as for the case of Turner and Wright. Friemann (2005) criticized Fogelin's argument based on an analogy between deep disagreements and intractable quarrels, arguing that deep disagreements can be rationally resolved (or at least become more tractable) by the help of a third party and the adoption of attitudes such as empathy and openness; I judged Friemann's argument cogent and important insofar as it stresses the existence, significance, and power of norms of rationality such as open-mindedness and fair-mindedness. Adams (2005) argued that argumentation is essential and desirable in deep disagreements, in order to determine that a given disagreement is indeed deep; this argument was deemed correct and elegant, and it was interpreted as showing that meta-argumentation is essential and desirable for this purpose. Phillips (2008) argued primarily that deep disagreements are very difficult to resolve in practice, but resolvable in principle, and so complex argumentation guided by proper principles is needed to overcome the practical difficulties; I found this distinction between practice and principle important and fruitful. Finally, I objected that Fogelin has not shown the real existence of any disagreements that are deep in his sense, and that his supporting subargument is fundamentally flawed; for he merely asserts that some actual controversies (such as the one over affirmative action) reduce to disagreements over irreconcilable principles (such as the existence of group rights), without doing the hard meta-argumentative work of showing that all other arguments in the controversy reduce to that one.

Next, I examined Woods's reflections on what he calls standoffs of force five. I reconstructed them as a complex meta-argument for a thesis that is essentially identical to Fogelin's, i.e., that there are some disagreements that are not subject to rational resolution but only rhetorical persuasion. However, Woods's argument is novel insofar as he argues that such disagreements are standoffs of force five, which are four levels deeper than Fogelin's deep disagreements. In fact, standoffs of force five are controversies in which the disputants disagree over (i) whether they share particular facts, values, and procedures to which they might appeal to settle the issue; (ii) whether to agree to disagree; (iii) whether to let a third party adjudicate; (iv) whether a political solution legislated by the government is appropriate; and (v) whether the opposite position is a real possibility. On the other hand, Fogelin's deep disagreements basically correspond to standoffs of force one, for which only condition (i) applies. Thus, Woods's argument is stronger than Fogelin's insofar as standoffs of force five contain several additional obstacles to the rational resolution of the disagreement. Woods's argument also has the additional merit that it explicitly considers a possibility overlooked by Fogelin, namely that of resolving disagreements by means of suitable methodological principles, and Woods explicitly argues that standoffs of force five cannot be resolved by appeal to methodological principles. Finally, Wood's argument is valuable insofar as, unlike Fogelin's, Woods explicitly argues for the rhetorical-persuasion clause of his main conclusion, and in doing so he displays a nuanced and sophisticated appreciation of rhetorical persuasion.

However, despite these strengths, Woods's argument is open to several criticisms, all pointing in the direction of weakening its main conclusion about the rational irresolvability of really deep disagreements, i.e., his limitation theorem on rationality. First, his own examples of rhetorical persuasion from the abortion controversy in Canada can be viewed as appeals to methodological principles or argumentative appeals to reasons, subject to various degrees of correctness or incorrectness; it follows that when logic

defers to rhetoric (to use Woods's own eloquent expression), there is less deference than it may appear and the rational practices of appealing to reasons and to methodological principles may be continuing unabated. Second, the methodological principle introduced by Woods himself and credited to Ramsey, is much more powerful as a means of resolving disagreements than Woods realizes; this can be seen by examining a significant utilization of it by Piotr Sztompka in the context of the philosophy of the social sciences; it follows that, again, rationality is less limited than Woods's limitation theorem suggests. In my third criticism, I argued that although methodological principles constitute an important level of rationality having some autonomy of its own, methodological appeals can be interpreted as instances of argumentation, specifically meta-argumentation. Finally, I objected that if we focus on the closed-mindedness that (by Woods's own definition) characterizes the participants in a force-five standoff, then what really follows from his argument is not that such standoffs are *rationally* irresolvable, but rather that they are *de facto* irresolvable and that they could be rationally resolved if the ideal of open-mindedness were followed.

Finally, I undertook an examination of Johnstone's account of fundamental philosophical controversies. The motivation for this undertaking was rooted in the previous investigations in several ways: fundamental philosophical controversies have some obvious similarities with deep disagreements, intractable quarrels, and force-five standoffs; Davson-Galle's most telling objection to Fogelin's argument amounted to pointing out that he neglects the power of ad hominem argumentation in Johnstone's sense of this notion; Adams's main objection to Fogelin (about knowing when disagreements are deep) was itself an elegant and cogent instance of ad hominem argumentation in Johnstone's sense; and another instance of Johnstonian ad hominem argument was my fourth criticism of Woods's argument, to the effect that what really follows from his argument is that force-five standoffs can be rationally resolved if but only if the participants adopt the rational ideals of open-mindedness and fair-mindedness.

The analysis of Johnstone's work revealed the following results. His definition of a fundamental philosophical disagreement is intended to apply to controversies common in the more speculative and abstract branches of philosophy, such as metaphysics. There are three main theses and corresponding arguments. First, he argues that such philosophical disagreements are, or ought to be, characterized by a bilateral or dialectical interaction of the disputants and by a systematic or argumentative elaboration of their view; his argument consists of criticism and appreciation of several alternative theories of philosophical disagreement. Second, he argues that in philosophical disagreements arguments are required in order to communicate one's own position in the first place; this argument consists of an elaboration of the consequences of the claims that philosophical disagreements are disagreements over the truth of philosophical statements and the meaning of philosophical statements is argument dependent. Third, he argues that ad hominem argumentation (in Whately's sense) can rationally resolve philosophical disagreements; his argument has the form of an inductive generalization from historical examples of disagreements in which one philosopher was able to devise a successful ad hominem argument against another. So reconstructed, Johnstone's account and arguments have considerable plausibility and promise, although my exposition makes clear that some qualifications and improvements are needed.

The upshot of this manifold analysis is unified regarding the end result and the methodological approach. The end result is that radical disagreements are less intractable than commonly believed; that is, they are rationally resolvable to a greater degree than usually thought. To deal with them more effectively one should learn and master principles and practices such as the following: Ramsey's Maxim and the art of moderation and compromise which it involves; the attitude or disposition of open-mindedness, namely learning and understanding contrary arguments; the attitude or disposition of fair-mindedness, namely showing some appreciation for contrary arguments before refuting them; internal criticism of the opposite position or *ad hominem* argumentation against it, *ad hominem* in Johnstone's sense; complex argumentation, consisting of multiple and long chains of supporting reasons and answers to objections; and meta-argumentation, namely to learn and master the art of arguing about arguments with as much care as that which many people advocate and display when arguing at the ground level about concrete or lower-level topics. This last point of the end result substantiates the meta-argumentation approach by revealing the meta-argumentative aspects of deep disagreements. However, it is obvious that that approach is also substantiated by the fact that my analysis has proceeded by reconstructing as meta-arguments the views of Fogelin, Woods, Johnstone, and their critics.

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Commentary on “DEEP DISAGREEMENTS: A META-ARGUMENTATION APPROACH” by Maurice Finocchiaro

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1. INTRODUCTION

Maurice Finocchiaro’s paper “Deep disagreements: A meta-argumentation approach” works on a number of important levels. On one level, it offers a study of meta-argumentation “in the context of the cluster of cognitive phenomena that have been variously called deep disagreements, intractable quarrels, standoffs of force five, and fundamental philosophical controversies”(talk).¹ At another level, it offers its reader a series of rich, textured and thorough meta-argumentative analyses of the various treatments which deep disagreements (and their near-cousins) have received in the argumentation literature. In the end, Finocchiaro (talk; cf. p. 33) seeks to reassure the theorist and the arguer alike with the optimistic view that “deep disagreements are less intractable than commonly believed,” and to supply (or at least to note) through his analyses a set of resources, tools and skills which can be employed to more effectively deal with deep disagreements. Among these are the skills of meta-argumentation itself.

In what follows, I revisit a particular view of deep disagreements considered by Finocchiaro, namely that of Turner and Wright (2005) and the related view of Campolo (2005). (Collectively I’ll label these TW&C.) TW&C offer a view of the root causes of depth in disagreement which, if correct, has important consequences for the kind of role reason can play in its resolvability. Roughly, TW&C locate the depth of disagreements in the absence of a shared practice (or set of practices) in which argumentation has its place. As I understand him, Finocchiaro does not disagree with TW&C’s account of the root causes of deep disagreements, but instead interprets them as not-impassible impediments to their rational resolution through argumentation, on the grounds that they can be categorized and treated as kinds of *complex argumentation*. Against this, I suggest that the activities and practices (the shared background of agreement) identified by TW&C as absent in deep disagreements are *preporatory* to argumentation; they are not a kind of (sustained) argumentation, but are rather a set of practices in which argumentation takes its

¹ The presentation Finocchiaro delivered to the OSSA audience is, indeed, merely a summary of the much more expansive paper which appears in the proceedings. These comments primarily address the material presented to that audience, and to the issues arising there-from—though they aim to speak to matters which are both indigenous and central to the main themes of the longer paper. Finocchiaro graciously provided me with a text copy of the talk to be read at OSSA, and this commentary will cite both from the longer proceedings paper and the talk. Specific page references will refer to the paper in the proceedings, while “talk” citations will refer to, and sometimes quote, passages in the presented paper. Wherever possible, I have cross-referenced these “talk” citations with page references to the proceedings version of the paper.

place, and so they set the groundwork for it. In my view, Finocchiaro misconstrues the nature of the shared background which is missing in cases of deep disagreement. Because of this, I raise some doubts about the prospects of meta-argumentation as an antidote.

2. META-ARGUMENTATION

Finocchiaro (talk; cf. p. 1) defines meta-argumentation as follows:

Meta-argumentation is defined simply as argumentation about argumentation, and a meta-argument is an argument about one or more arguments; they contrast to ground-level argumentation and ground-level arguments.

Meta-arguments, Finocchiaro suggests, “deserve more study than they have received, for they are ubiquitous in a way that may not be *prima facie* apparent,” perhaps most obviously because “meta arguments occur commonly when *evaluating* ground level arguments” (p. 1). This idea that meta-arguments are undervalued factors significantly in Finocchiaro’s conclusions concerning the rational-resolvability of deep disagreements.

The upshot of this manifold analysis is unified regarding the end result and the methodological approach. The end result is that radical disagreements are less intractable than commonly believed; that is, they are rationally resolvable to a greater degree than usually thought. To deal with them more effectively one should learn and master principles and practices such as the following: ... meta-argumentation, namely to learn and master the art of arguing about arguments with as much care as that which many people advocate and display when arguing at the ground level about concrete or lower-level topics. This last point of the end result substantiates the meta-argumentation approach by revealing the meta-argumentative aspects of deep disagreements. (talk; cf. p. 33)

3. TWO WAYS OF CONCEIVING OF DEEP DISAGREEMENT

Fogelin’s original paper (1985) distinguished between two kinds of disagreements or argumentative exchanges. Normal (or near-normal) arguments (p.3) share two characteristic features: (i) they occur within a background context of broadly shared beliefs and preferences and (ii) there exist shared procedures for resolving them. Deep disagreements lack both of these properties. Thus, Fogelin’s paper suggests two ways of defining deep disagreements.

- (1) Deep disagreements are defined as non-normal disagreements. That is, they are identified by two distinguishing, contextual characteristics: They are disagreements which (i) lack a broad background of shared beliefs and preferences, and which (ii) lack a set of resolution procedures.

The second way of defining deep disagreements is to simply define them as impervious to rational resolution. As such:

- (2) “deep disagreements [by definition, are disagreements which] cannot be resolved through the use of argument, for they undercut the conditions essential to arguing” (1985, p. 5)

If the second definition is adopted then there is no controversy concerning *whether* deep disagreements can be rationally resolved, for by definition they cannot. (Though, there might still remain a question of whether reason can *contribute* to their resolution.) Instead, the only question concerns whether there actually *are* any deep disagreements, and this is simply an empirical question. (Though if Davidson-Galle (1992) is correct then pragmatically it is always imprudent to *treat* or *approach* a disagreement as though it were deep.)

On the other hand, if deep disagreements are defined as being non-normal disagreements, then Fogelin's thesis becomes: that their rational irresolvability is a consequence of their non-normalcy. Importantly, Fogelin specifically excludes the ignorance or intransigence of arguers as defining characteristics of deep disagreements, and thereby as *causes* of any unique imperviousness to rational resolution which they might have. Looking at the issue this way, there is an open, interesting, and controversial theoretical question as to *whether* deep disagreements can be rationally resolved, and *what role* reason has in their resolution.

Finocchiaro's analysis suggests, and quite rightly I think, that the former definition is the more lucrative. Fogelin's claim is that rational irresolvability is *due to* the lack of shared background commitments and shared resolution procedures *because* these are the conditions essential to arguing—these are necessary conditions for reasons to have purchase.

4. "A KIND OF DISAGREEMENT ON WHICH WE WILL ALWAYS TURN OUR SPADE" (CAMPOLO 2007: 1)

Bill Brenner and I (2010) recently sought to understand what might be at the root of disagreements having the character of depth in an attempt to make sense of the thesis that a lack of background agreement and decision-procedures could cripple the very operation of reason. After all, the normal employment of reason and argumentation occurs when things are no longer 'business-as-usual'—when there is some impedance in normal operations or our ordinary activities. Typically, argumentation is occasioned by the impasse of disagreement, and the employment of reason occurs when we are 'held up' because an opinion, decision or resolution does not strike us as readily apparent. Why should these same characteristics, taken in the extreme, render reason itself impotent?

We (p. 45 ff and *passim*) suggested that deep disagreements are best understood in the context of what Wittgenstein called a *Weltbild* (roughly, "world-picture"). For Wittgenstein, a *Weltbild* is a view of the world which we come to have when, and as a result of, learning a native language. In becoming sapient concept users, we become enculturated into a rich tapestry of activities and practices which collectively are our form of life. Among the activities we learn, we learn how to do things with words, and among those doings we learn a number of *paradigms of judgement*. The very activity of judgement and concept application is characterized by the fact that we make certain judgements rather than others *in paradigmatic cases*. These paradigms of judgement are not supported or justified by reasons. Rather they form part of the conceptual framework in which reasons are composed, transacted and evaluated. In making such paradigmatic judgements, Wittgenstein claims, we are not *using* (i.e., applying) concepts, rather we are *learning* or *demonstrating* their (proper) use (or application). Such paradigmatic judgements are demonstrative of, and partly constitutive of, the meanings of the concepts themselves. These paradigmatic judgements are linked not only to the concepts employed

in judgement but to the very activity of judging itself through the grammar of language. Drawing upon a metaphor due to P.M.S. Hacker (1996: 302-303), considerations such as these led Brenner and me (p. 76) to characterize deep disagreements as “rooted in differences in concepts (measures, understood as the determination of sense or conceptual content) rather than judgments or opinions (measurements, understood as the application of concepts).” This is how we sought to understand Fogelin’s (p. 4, emphasis added) claim that “the *significance* of all of our argumentative devices is internal to normal (or near normal) argumentative contexts.”

As we understood TW&C, the conclusions Brenner and I reached about the relation of deep disagreements to *Weltbilder* ran very much along the lines they had proposed in 2005. Turner and Wright (p. 31, emphasis added) claim that when the shared background of disputants “is not enough to resolve the conflict through the simple giving of reasons against a stable background of understanding and competence, it will require *altering this background in non-incremental ways*, which is *another sort of thing entirely*.” It is in this context that Turner and Wright gesture towards other sorts of activities such as experience, training and education as reparative of deep disagreements. Similarly, Campolo (p. 45) writes:

[T]he path to expertise, competence, and intersubjectivity is paved with training, practice, study, apprenticeship, immersion in a tradition or way of doing something. Reasoning together, on its own, cannot bring about any of this – it first gets its foothold once all of this is already in place.

What TW&C’s perspective stresses is that *reasoning* is just *one* of the many practices we learn in this way. Despite what we might hope or expect, the practice of reasoning does not have a privileged (perhaps justificatory, legitimating or grounding) relationship to these formative (and constitutive) activities. Rather, these formative activities ground reasoning *as a normative practice*, in the same way that all our normative practices are grounded. Reasoning is dependent upon and subsequent to these preparatory activities, rather than independent of, and regulative over them. Thus, as Campolo (p. 41) puts it:

[R]easoning together is not some sort of magically creative act that always produces efficacious results. It is rather a way of drawing on shared resources, and as those resources get thinner, reasoning loses traction.

As such, our reasoning abilities and the success of our reasoning endeavors is just as dependent on those preparatory skills, habits, techniques and practices as any other practice we engage in. Campolo then proceeds to develop an array of examples which show how the skills – including the reasoning skills – that we acquire are *at home* in a situated and contextualized practice, and how these skills can lose their groundedness (and often their reliability) when they are (unwittingly) employed in situational contexts beyond those initial frameworks. A deep disagreement is one in which the reasoning skills we might seek to employ are no longer *at home*. As such reasoning itself is disconnected from, and no longer grounded in or informed by, those other activities on which it is normally grounded. Indeed, in an important sense, while our doings in these moments might appear to us to be familiar activities of reasoning and argument, in an important sense they are

not instances of reasoning or argument whatsoever, at least not in any well-defined sense. Rather, they are *another sort of thing entirely*.²

5. FINOCCHIARO'S CRITICISM OF TW&C

If I have understood Finocchiaro correctly, he reads TW&C quite differently. Firstly, he reads both Turner and Wright's (p.6), and Campolo's (p.7) arguments against the efficaciousness of reasoning and argument to resolve deep disagreements as focusing upon *simple argumentation* understood as "epigrammatic reason-giving consisting of one or two sentences." But, in addition to this, Finocchiaro (p.6) suggests, is *complex argumentation* "consisting of multiple or long chains of constructive reasoning, as well as equally complex chains of destructive or critical objection-answering." And (p.6), "complex argumentation is often the key to the rational resolution of the dispute [i.e., of deep disagreement]."

Furthermore (talk; cf. p. 6), "the other elements of rationality stressed by Turner and Wright (experience, training, and education) are in large measure construable as complex argumentation." And similarly (p. 7) with Campolo: "The training, practice, study, apprenticeship, and immersion in tradition of which he [Campolo] speaks can be seen as ways of learning and mastering complex argumentation."

6. META-ARGUMENTATION & ARGUMENTATIVE RESOURCES

Read in this way, Finocchiaro can be understood as claiming that meta-argumentation (as a form of complex argumentation) offers both the theorist and arguers themselves *additional* resources which are not available to ground-level, ordinary arguers, and that these resources, together with attitudes of moderation and compromise, open- and fair-mindedness, can supply an antidote to deep disagreements. Yet, it is not clear to me what additional resources meta-argumentation can supply.

Consider first meta-argumentation understood as a kind of complex argumentation which is both dialectical and involves long chains of reasoning. First, it must be recognized that, whatever complex argumentation may be in relation to simple (or ordinary) argumentation it is *not* another sort of thing entirely. Rather it is simply *more* of the same kind of thing. Yet, if it is conceded that the activity of ordinary argumentation fails in cases of deep disagreement because of some intrinsic rather than incidental properties (i.e., because it is the wrong *kind* of activity), it is not clear how a more complicated version of that activity should succeed. (If, on the other hand, ordinary argumentation could somehow succeed if the accidental impediments were overcome, then it is not clear how deep disagreements differ substantially from normal ones.) That is, if it is conceded that deep disagreements are the sorts of disagreements where *ordinary reasons don't have purchase*, then it is not at all clear how offering *more of them* could make any difference.

² Brenner and I (2010) attempt to present a picture of what this *entirely other sort of thing* is like, and to argue that it is neither irrational nor non-rational (because, in order for both the disagreement and the pursuant discussion to be *meaningful* it must remain rooted in *the common behavior of mankind* (c.f. Wittgenstein *PI* § 205; cf. *PI* §§ 23, 99)). Rather, we argue that it can usefully be understood as a kind of *rational persuasion*—where "persuasion" is understood as *rhetoric* (i.e., *persuasive discourse*) in the service of *concept formation*.

Consider now meta-argumentation understood on its own terms. According to the definition we are given, the only difference between arguments and meta-arguments is their subject matter: meta-arguments are arguments about arguments. Here again, meta-argumentation doesn't seem like a unique *kind* of activity. Yet, we are told that argument evaluation is meta-argumentative. Accepting, then, that the projects of argument analysis and evaluation are meta-argumentative, perhaps meta-argumentation supplies a set of critical thinking skills (perhaps a set of concepts and techniques which can be used in the analysis and evaluation of arguments) which are somehow absent in ordinary argumentation.

On the other hand, it is not clear that (or how) one could learn how to argue, without also acquiring some meta-argumentative skills. Our learning how to evaluate arguments is simultaneous with our learning how to argue. Ordinary arguing is the business of transacting reasons, and it is not at all clear that reasons can be *meaningfully* or *successfully* transacted unless they can be evaluated. Thus, it would seem that the ordinary activity of arguing necessarily involves some meta-argumentative know-how. Compared to the trained critical thinker, perhaps the 'unschooled' arguer is not as accomplished in these skills, and perhaps his know-how is not as fully articulated. Yet, the point remains, if it is conceded that deep disagreements are the sorts of things in which ordinary reasons don't have purchase (and this not because of any deficit of the arguers themselves), then it is not clear how having a well-articulated set of concepts and techniques for evaluating ordinary argument will help.

Finally, perhaps it might be argued that, in being an inherently *reflective* activity, meta-argumentation might provide arguers with some *understanding* of, and *insight* into, the proper application and development of ordinary reasoning and argument. That is, perhaps meta-argumentation might provide some *rational* direction in the development of ordinary reasoning and argument, such that, when we encounter a kind of environment in which ordinary argument is not *at home*, then meta-argumentation can provide us with a grounded perspective from which to alter our existing concepts and practices so that they might *take hold* in this new territory. While it is true that having a perspicuous and articulate understanding of the operation and foundation of reasoning and argument will help in this type of situation, it is not clear meta-argumentation can do anything more than this. While clarity and perspicuity can save us from confusion, it is not obvious that it can provide us with knowledge (or direction) where none was already to be found. Philosophy, as Wittgenstein says, leaves everything as it is.

For the practice of meta-argumentation to offer sound and authoritative direction in these matters, it would have to be an activity autonomous from ordinary argumentation. Meta-argumentation would have to be *at home* in places where ordinary argumentation is not. That is, it would have to be somehow grounded in a different and independent set of concepts practices than the ground-level practices of ordinary reasoning and argument. Yet, meta-argumentation does not appear to have any such independent foothold in our cognitive lives. Our learning how to argue ordinarily, about things, is not separate from, but rather provides the groundwork for, our learning to argue about arguments. As a normative practice, then, meta-argumentation is not independent of ordinary reasoning and argumentation. As such, it cannot provide any traction in places where ordinary reasoning and argument does not have a foothold.

Thus, it is not clear to me what additional resources meta-argumentation might hope to provide to arguers or theorists to the end of rationally resolving deep disagreements.

COMMENTARY

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