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# Commentary in David Hitchcock's, "Deep Disagreement as Grounds for Intellectual Colonialism"

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## **1. Introduction**

At the start here, I make three preliminary remarks. First, I am sympathetic with David Hitchcock's case in support of his thesis that, "there is always a basis for a rational discussion between people who disagree" (abstract). Second, my commentary turns almost exclusively on Hitchcock's paper and also Fogelin's (2005) paper, which is a slightly updated version of his (1985) paper that Hitchcock works from. My commentary does not dig into the literature on deep disagreement, with which I am not familiar. Third, I don't see that Fogelin's 2005 paper provides a plausible case against Hitchcock's thesis.

In what follows, I begin by trying to clarify some of the conceptual terrain working from the papers by Hitchcock and Fogelin. Next, I take a stab at articulating Fogelin's position on the connection between the possibility of argument and deep disagreement. I then explain why I find Fogelin's position lacking in a way that I think is in sync with the case Hitchcock makes in support of his paper's thesis. Finally, I conclude.

## **2. Clarifying the conceptual terrain**

Hitchcock tells us that his paper is devoted to addressing the following question.

Under what circumstances if any is it reasonable for someone engaged in an argumentative exchange with someone else over an issue on which they disagree to decide that the two of them have a deep disagreement in Fogelin's sense, to abandon the use of argument, and to resort to non-argumentative means of persuasion—means that do not involve an appeal to reasons—in an effort to get the other person to adopt their position on the issue? (section 2, p. 3)

I take the question to presuppose, for the sake of argument, that there is such a thing as deep disagreement in Fogelin's sense. Two different questions can be drawn out of the one explicitly posed.

(1) When, if at all, is it reasonable for someone engaged in an argumentative exchange with someone else over an issue on which they disagree to decide that the two of them have a deep disagreement in Fogelin's sense?

Presumably, they must know (or, strongly suspect?) that they are involved in a deep disagreement. This raises question (1a): How does one know that one is involved in a deep disagreement? That is, what, exactly, must be ascertained with a high degree of confidence?

(2) When, if at all, is it reasonable for two people in an argumentative exchange who have decided that they have a deep disagreement in Fogelin's sense to resort to non-argumentative means of persuasion in an effort to get the other person to adopt their position on the issue?

I suppose that plausible answers to 2 call upon relevant argumentation norms that are sensitive to the importance of what is at issue, as well as to other contextual matters, raises another question (2a): When, if at all, is it reasonable for someone engaged in an argumentative exchange with someone else over an issue on which they disagree to resort to non-argumentative means of persuasion in an effort to get the other person to adopt their position on the issue? Quoting Wittgenstein is nice, but, as Hitchcock suggests, it is hard to see how what Fogelin cites motivates an answer to 2a and, therefore, to 2. "Intellectual colonialism" is certainly lurking here.

I take answers to 1 and 2 to be independent. Answering epistemic question 1 doesn't seem to deliver an answer to the normatively loaded question 2. Conversely, it is unclear to me how an answer to 2 serves as a plausible guide to 1.

Clarifying questions 1 and 2 requires getting at the gist of Fogelin's characterization of a deep disagreement and honing in on its significance to the activity of arguing. Drawing from Fogelin, Hitchcock takes a deep disagreement to be a "disagreement in which the parties who disagree lack shared beliefs and preferences from which, using shared procedures for resolving disagreements, they can reason to a shared position on the issue" (p. 4). According to Fogelin, an outcome of such a disagreement is that the argumentative context is not normal or nearly normal (2005, p.7). The significance of this for Fogelin is that "to the extent that the argumentative context becomes less normal, argument to that extent becomes impossible" (p.7), i.e., "the conditions for argument do not exist" (p.7). This raises the question: what are the conditions essential to arguing that are allegedly nullified by a deep disagreement?

### **3. Fogelin's position on the connection between deep disagreement and the conditions for argument**

Fogelin remarks that a deep disagreement arises from a clash of underlying principles (2005, p. 8). What are the relevant underlying principles? Fogelin says that they are "framework propositions," in Putnam's sense, or "rules," in Wittgenstein's sense. We get a deep disagreement when the argument is generated by a clash of framework propositions (i.e., a conflict between them) (2005, p. 8).

The following argument captures my initial understanding of Fogelin's connection between deep disagreement and the possibility of argument.

#### *Fogelin's argument*

1. A clash of framework propositions undercuts an essential condition for arguing.
2. Deep disagreements arise from a clash of framework propositions.
3. Deep disagreements cannot be resolved through arguing.

I take “arguing” here to be the use of argument—in its reason-giving sense—to persuade another of the conclusion. Fogelin’s argument is silent on question 2. However, it partially addresses question 1 by suggesting an answer to question 1a. One knows that one is in a deep disagreement when one knows that there is a clash of framework propositions relative to the argumentative exchange at hand. If I follow Fogelin, symptoms of a clash of framework propositions implicit in a deep disagreement include the disagreement persisting even when normal criticisms have been answered, and that the disagreement is immune to appeals to facts (2005, p. 9).

It is hard to judge the plausibility of premise (1) and hard to understand premise (2) unless the technical notion of a framework proposition is clear. Clearly, “framework proposition” is theory-laden. I confess that I am unfamiliar with the literature on Putnam’s notion of a framework proposition, and I have forgotten Wittgenstein’s notion of a rule. Fogelin doesn’t provide an account of framework propositions to help me out.

#### **4. Fogelin’s position is not persuasive**

Since I am not equipped to bring theoretical considerations regarding framework propositions to bear on Hitchcock’s plausible case against Fogelin’s argument, I rely on Fogelin’s quick examples to get at what a clash of framework propositions is supposed to look like. I take Fogelin to be using these examples to illustrate premise 1. However, it is not clear to me that the examples do illustrate premise 1. I now elaborate.

Fogelin considers an argumentative exchange about whether race-based quotas are ethical (2005, p.10). Pro advances a position that commits Pro to the framework proposition A= social groups can have moral claims against other social groups. Con’s position is associated with the framework proposition A\*= only individuals can have moral claims. The incompatibility (the “clash”) between A and A\* turns on the claim that social groups do not count as individuals. Is it true that argument is impossible regarding what counts as an individual? After all, there is a healthy legal debate on whether corporations are individuals with rights. I am unfamiliar with the literature on the metaphysics of individuals, but it is far from obvious to me that arguing is impossible here.

Fogelin uses the abortion debate to illustrate a “clash of framework propositions necessary for deep disagreements. Is abortion in all cases the killing of a person? Pro believes P=that life begins shortly after conception. Con rejects P. Pro’s reason for her P-belief is that Pro accepts framework proposition F= shortly after conception God implants an immortal soul into the fertilized egg thereby bringing a person into existence. Pro’s acceptance of F derives—in some way—from Pro’s commitment to a way of life as, say, a Catholic. Con does not accept F and does not share Pro’s commitment to a Catholic way of life.

Here I take the example to illustrate that the clash over F generates a deep disagreement in Pro’s and Con’s argumentative exchange about whether abortion in all cases is the killing of a person. Are the conditions for further argument thereby nullified? It seems to me that Fogelin himself leaves open some wiggle-room for a negative response.

[Deep Disagreements] remain recalcitrant to adjudication because the sources of the disagreement—the framework propositions—are allowed to lie in the background, working at a distance. The way to put the debate on a rational basis is [to] surface these background propositions and then discuss them directly. (2005, p. 8)

Why is it necessary that rational discussion in the context of deep disagreement about conflicting framework propositions precludes the possibility of the use of argument in its reason-giving sense? If Pro aims to persuade Con to accept P on the basis of Pro's reasons, then Pro would have to convert Con to the Catholic way of life. Perhaps not a promising dialectical strategy. Nevertheless, with all due respect to Wittgenstein, it is not obvious to me that the use of argument is impossible in the attempt to rationally persuade an individual to adopt the Catholic way of life. Such an attempt doesn't seem immune to facts and isn't obviously invulnerable to "normal" criticisms. The devil is in the details.

In short, I don't see offhand that Fogelin's quick examples of deep disagreement—in his sense—illustrate that deep disagreement necessarily rules out the possibility of arguing. What does seem to be the case in both examples is that in order for participants in the sample argumentative exchanges to directly engage a deep disagreement through rational discussion there is a change of topic. There is a move from the ethicality of race-based quotas to the metaphysics of individuals and a move from the topic of whether abortion kills an individual to reasons for adopting the Catholic way of life.

## 5. Conclusion

To conclude, I see Hitchcock's case against Fogelin turning on the plausibility of rejecting that a clash of framework propositions undercuts an essential condition for arguing, i.e., turns on rejecting premise 1 of what I am calling Fogelin's argument. I think that Hitchcock advances a plausible case against premise 1, but, again, I don't really know what a framework proposition is supposed to be. If there are no such propositions associated with an argumentative stance, then I don't understand the disagreement about deep disagreements—in Fogelin's sense.

Of course, even if Fogelin's examples are bad or easily become caricatures of argumentative exchanges when filled out, that doesn't show that there are no framework propositions or that premise 1 is false. I am reminded of David Lewis' letter to the editors of a collection of papers on the law of non-contradiction (Letter 1, 2004), explaining why he declined their offer to submit a paper in support of his position that the law of non-contradiction is correct. The editors received permission to publish the letter. In it, Lewis writes that he's incapable of writing the requested paper in part because every argument in defense of the law of non-contradiction, that he is aware of, that has a chance to be plausible either appeals to principles in dispute and thus begs the question, or appeals to principles so much less certain than non-contradiction.

Perhaps, we can say that P is a framework proposition relative to an arguer's argumentative stance when the arguer is unable to produce an argument in defense of P that grounds her certainty of P and that is neither circular nor question-begging against the relevant contrary stance(s). This makes it a little easier for me to see how a "clash" of framework propositions can stalemate an argumentative exchange in a way that motivates eschewing arguments without necessarily dismissing the legitimacy of contrary points of view. However, subsequent rational discussion can meaningfully deepen participants' understanding of the involved points of view, which can give rise to new arguments that modify their point of view or extinguish the stalemate. For me, this is a takeaway from David Hitchcock's paper that is valuable because it motivates further thinking about the significance of a diagnosis of deep disagreement—in Fogelin's sense or otherwise.

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