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Deep Disagreement as Grounds for Intellectual Colonialism

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Abstract: Robert Fogelin has introduced the concept of a deep disagreement as one that makes rational argumentation impossible. People who think of themselves as enlightened may use this concept to dismiss the positions and arguments of those who seem to them misguided. I argue that there is always a basis for a rational discussion between people who disagree. If there are no external impediments to argumentative discussion, it is a form of intellectual colonialism to abandon argument for non-rational persuasion on the basis of a diagnosis of deep disagreement.

Keywords: Conditions for argument, deep disagreement, intellectual colonialism, Ludwig Wittgenstein, non-rational persuasion, persuasion, rational resolution, responses to evil, Robert Fogelin

1. Introduction

In his article “The logic of deep disagreements,” Robert Fogelin maintains that some disagreements are rooted in distinct forms of life—“whole system[s] of mutually supporting propositions (and paradigms, models, styles of acting and thinking)” (1985, p. 6). He argues that the absence of “broadly shared beliefs and preferences” and “shared procedures for resolving disagreements” (p. 3) in such “deep disagreements” makes argument impossible. The parties to such a disagreement have to fall back on techniques of persuasion. “[I]f in the end, and sometimes the end is very near,” he writes, “we have to fall back on persuasion, what's so bad about using these techniques right from the start?” (p. 6)¹

Fogelin acknowledges the origin of these ideas in the thought of Wittgenstein, from whose *On Certainty* he quotes the following passage:

¹ It is not clear whether Fogelin is endorsing the implicit claim that, if in the end we have to fall back on persuasion, it is not so bad to use persuasion right from the start. For he immediately follows his question with the sentence: “There is an answer to this.” The answer is that not all disagreements are deep and that even with deep disagreements people can argue well or badly, but that there are disagreements which by their nature are not subject to rational resolution. Thus Fogelin may not be recommending non-argumentative persuasion in cases of deep disagreement. But he quotes Wittgenstein’s remark, “At the end of reasons comes *persuasion*. (Think what happens when missionaries convert natives.)” (Wittgenstein, 1969, p. 81e). This remark could be read as licensing abandonment of appeal to reasons when one determines that one’s interlocutor sees an issue from within a different “form of life”. Instead of appealing to reasons, one resorts to persuasion by means that missionaries use to convert natives. In addressing such a possible response, I am, as Jian Feng Wang pointed out in discussion, “radicalizing” Fogelin.

608. Is it wrong for me to be guided in my actions by the propositions² of physics? Am I to say I have no good ground for doing so? Isn't precisely this what we call a 'good ground'?

609. Suppose we met people who did not regard that as a telling reason. Now, how do we imagine this? Instead of the physicist, they consult an oracle. (And for that we consider them primitive.) Is it wrong for them to consult an oracle and be guided by it? If we call this "wrong" aren't we using our language-game as a base from which to *combat* theirs?

610. And are we right or wrong to combat it? Of course there are all sorts of slogans which will be used to support our proceedings.

611. Where two principles really do meet which cannot be reconciled with one another, then each man declares the other a fool and heretic.

612. I said I would 'combat' the other man,--but wouldn't I give him *reasons*? Certainly; but how far do they go? At the end of reasons comes *persuasion*. (Think what happens when missionaries convert natives.) (Wittgenstein, 1969, p. 80e-81e; cited by Fogelin, 1985, p. 9).³

As an example of deep disagreement, Fogelin cites disagreement about the moral status of the human fetus, which he says can persist even when there is agreement on both the biological

² Wittgenstein's German original uses a singular: "dem Satze". He could be referring just to the proposition of physics mentioned a few paragraphs earlier, that water boils at about 100°C (604). In personal correspondence, however, Harald Wohlrapp (2020-03-05) has argued that in context the reference is to the propositions of physics as a whole. "[W]hen I consider the whole passage of the text, from 599 up to 608, I would be inclined to accept the translation of Paul and Anscombe. It is true, that in 604 and 605 the subject in question is 'die Aussage' (which is a singular, and, indeed, 'der Satz' in 608 - and already in 599 - refers to the same sentence as 'die Aussage' of 604 and 605). However, it seems obvious, that the sentence is cited only as an example for the sentences of physics. In 602 he speaks about 'die Physik' and asks himself if he knows or believes that it is true. In 603 he mentions 'Fallversuche' (plural) and 'Versuche über den Luftwiderstand' (as well: plural). After that he says that he trusts on these 'Erfahrungen' (experiences - plural) and that I 'richte meine eigenen Handlungen (again: plural)... danach'. And look: This is exactly the phrase which he repeats in 608 in a singular form ('der Satz' und 'das Handeln')".

³ The quoted paragraphs are a translation by Dennis Paul and G. E. M. Anscombe from Wittgenstein's German, which reads as follows:

608. Ist es falsch, dass ich mich in meinem Handeln nach dem Satze der Physik richte? Soll ich sagen, ich habe keinen guten Grund dazu? Ist [es] nicht eben das, was wir einen 'guten Grund' nennen?

609. Angenommen, wir träfen Leute, die das nicht als triftigen Grund betrachteten. Nun, wie stellen wir uns das vor? Sie befragen statt des Physikers etwa ein Orakel. (Und wir halten sie darum für primitiv.) Ist es falsch, dass sie ein Orakel befragen und sich nach ihm richten?--Wenn wir dies "falsch" nennen, gehen wir nicht schon von unserm Sprachspiel aus und *bekämpfen* das ihre?

610. Und haben wir recht oder unrecht darin, dass wir's bekämpfen? Man wird freilich unser Vorgehen mit allerlei Schlagworten (slogans) aufstützen.

611. Wo sich wirklich zwei Prinzipie treffen, die sich nicht mit einander aussöhnen, da erklärt jeder den Andern für einen Narren und Ketzer.

612. Ich sagte, ich würde den Andern 'bekämpfen', aber würde ich ihm denn nicht *Gründe* geben? Doch; aber wie weit reichen die? Am Ende der Gründe steht die *Überredung*. (Denke daran, was geschieht, wenn Missionäre die Eingeborenen bekehren.) (Wittgenstein 1969, pp. 80-81).

facts and relevant moral principles. Those who attribute to the fetus a moral right to life, Fogelin thinks, will argue somewhat as follows:

at conception, or to be delicate, very shortly after conception, an immortal soul enters into the fertilized egg, and with this, personhood is attained. Why should one believe anything like this? Well, this is part of a wider tradition, grounded in revelation, and sustained and deepened by faith. (Fogelin, 1985, p. 5)

With admirable humility, Fogelin confesses that he does not know how well he is doing in representing this position.⁴ His point is only that, when we look into the source of a deep disagreement, we do not find isolated propositions but a whole system of mutually supporting propositions that constitute a form of life. Disagreements rooted in such incompatible networks are not subject to rational resolution.

I was in the audience in 1983 when Robert Fogelin presented his paper at the Second International Symposium on Informal Logic held in Windsor. At the time, I thought that abortion was morally wrong, because I thought that at some point in its development the unborn child becomes a person with a moral right to life. Fogelin's description of the reasons why someone would hold such a view struck me as a caricature of my position. I thought that I belonged to the same moral universe as him and the rest of his audience. For example, I had (and still have) a strong commitment to the basic human rights recognized in international law and was aware of the basic facts about the development of the human embryo and fetus in the womb. By being told that my position was rooted in a distinct form of life that made argument about it impossible, and that the only way that my position could be changed was by persuasion that did not appeal to reasons, I was being excluded from the circle of those more enlightened individuals who did not have the rather strange views that Fogelin attributed to people like me. I was not a person to be reasoned with; rather, it was not so bad to use on me (quite soon) unspecified techniques of persuasion that did not involve the use of reasons. I resented my exclusion from the company of those with whom argument was possible. Since this exclusion gives apparent license to resort to non-rational means of *persuasion* when there is a *diversity* of opinion, the present conference theme, *Evidence, Persuasion and Diversity*, gives me an occasion to give scholarly expression to this resentment.

2. Opportunities for argument when people deeply disagree

The question that I wish to address is the following: 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 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? To put the question another way, is it legitimate (morally, epistemically, politically) in discussion with someone who approaches a question from within a different form of life to abandon appeal to reasons altogether and, instead, seek to persuade them exclusively by means that do not appeal to reasons? My answer is: No, this is intellectual colonialism, which

⁴ In contrast to his treatment of the disagreement over affirmative action quotas (Fogelin, 1985, pp. 6-7), Fogelin does not describe the position of people who do not attribute to the human fetus a moral right to life and does not characterize the form of life to which their position belongs.

should be condemned in the same way and for the same reasons as forcible colonial domination of indigenous populations. Persuasion without the use of reasons colonizes the interlocutor's mind, displacing strongly held commitments without the "free, informed and prior consent" of the sort required for legislative and administrative measures that may affect indigenous peoples.⁵ Someone who approaches an issue from within a different form of life should be respected in interpersonal discussion by being given reasons rather than being manipulated, and by being listened to when they give their reasons.

To begin with, we should be clear about what sorts of disagreements are deep in Fogelin's sense. An enormous amount of contemporary scholarship uses the phrase 'deep disagreement.' For example, at the beginning of 2020, Google Scholar was adding almost one publication a day that used the phrase "deep disagreement" thematically.⁶ But not all of that scholarship uses the phrase 'deep disagreement' in Fogelin's sense. Sometimes the phrase is used to characterize a disagreement about some fundamental principle, such as reductionism in ethics (Ross & Turner, 2005) or naturalism in metaphilosophy (Shieber, 2012), without any necessary implication that rational resolution of the disagreement is impossible, still less that the conditions for argumentation about the issue are not met. Occasionally it is used in epistemology to characterize disagreement among epistemic peers, again without any necessary implication that rational resolution of the disagreement is impossible or that the conditions for argumentative discussion are not met.⁷

For the purposes of the present discussion, I shall adopt Fogelin's characterization of a deep disagreement as 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. Equivalently, in the pragma-dialectical model of a critical discussion, the material and procedural starting-points agreed to at the opening stage will not provide a basis for either party to defend its position in the face of the other party's doubt about it.⁸ I shall not count as part of my definition of deep disagreement the postulation of its rootedness in distinct "forms of life."

⁵ "States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them" (United Nations Declaration on the Rights of Indigenous People [UNDRIP], Article 19).

⁶ As of March 13, 2020, Google Scholar generated a list 55 items in response to a search for publications in 2020 using the quoted string "deep disagreement". As of the same date, a single journal (*Topoi*) had published 25 articles on deep disagreement.

⁷ Feldman (2006) advocates suspension of judgment in all such cases. Christensen (2007) advocates lowering one's confidence in one's position. Kelly (2005) and Elgin (2010) advocate sticking to one's guns. Siegel (2013a, 2013b) notes that the concept of an epistemic peer is vague and variously defined, and that the stricter are the requirements of similarity in the evidence considered, in the degree of epistemic virtue and epistemic ability possessed by the parties to a disagreement, and in their education and training, the harder it is to regard people who disagree as epistemic peers and the harder it is to regard a disagreement between epistemic peers as reasonable. According to Siegel, the only principle that seems to apply to all cases of disagreement among epistemic peers is that one ought to take into account the total available evidence, including evidence that one's epistemic peers disagree with one's position. Otherwise, he urges, the rational response to a disagreement with one's epistemic peer depends on the details of the case.

⁸ The pragma-dialectical model requires a protagonist to retract their point of view with respect to a disputed proposition at the end of a critical discussion in which the protagonist fails to defend it successfully (van Eemeren & Grootendorst, 1984, p. 174; 1992, p. 185; 2004, p. 154; van Eemeren, 2010, p. 7; 2018, p. 57). Hence, if either party to a Fogelin-type deep disagreement tries to defend its point of view against an attack by the other party, it will be obliged at the end of the discussion to retract its point of view, i.e. to externalize a suspension of judgment.

Deep disagreements in this sense do not include disagreements in which the parties lack now, but can obtain through mutually accepted procedures, shared evidence and assumptions from which they can derive a common position on the issue that divides them. For example, a disagreement among people dining together at a restaurant as to how much each person's share of the bill amounts to (Christensen, 2007) is not a deep disagreement because two people who come up with different amounts can redo their calculations. Thus, a restrictive persuasion dialogue (Walton & Krabbe, 1995) in which there is no winning strategy for either of the opposed positions models a deep disagreement if and only if the parties' initial commitment stores include not only their current shared beliefs and preferences but also additional beliefs and preferences that can be acquired through mutually acceptable methods of investigation or source consultation.

For the purposes of this discussion, I assume that no conditions external to the initial commitments of two people who disagree limit or eliminate their ability to reason together. Such external impediments to argumentative discussion include, for example, social and political circumstances that make it too costly personally to express one's disagreement or even prevent one's arguments from being heard (e.g., through censorship or physical confinement). They also include emotional investment in a position, to the extent that either or both parties to a disagreement cannot entertain fairly the other person's position, its supporting arguments, or the other person's objections to their own position. Furthermore, they include a wish to preserve an ongoing personal relationship with a friend who expresses strongly held views with which one personally disagrees. Let us suppose, then, that there are no such external impediments to an argumentative exchange between two people who initially disagree on an issue.

It is of course a truism that, if two such people are to reach agreement on the issue on the basis of the same beliefs, preferences, investigative procedures, observed results, consultation of sources of information, applications of rules of inference and the like, then they must both have the same relevant beliefs and preferences and must both accept the legitimacy of the investigative procedures used, the accuracy of the observations, the legitimacy of the rules of inference that are used, and so on. As a counter to this truism, however, one should acknowledge that two people can reach agreement on an issue on the basis of different material and procedural starting-points; for example, an ardent feminist and a devout evangelical Christian may agree that prostitution should be legally prohibited, even though the frameworks within which they come to this conclusion are quite different and even incompatible. But, if two people are trying to work out a position together on the basis of material and procedural starting-points, they need shared starting-points from which they can derive a common position.

So suppose two people are trying to do so. When should they admit that they have a deep disagreement in Fogelin's sense and resort to persuasive tactics that do not involve an appeal to reasons?

Adams (2005) has given a very strong argument for the answer: "Never." As a healthcare ethics consultant, he has a responsibility, encoded in the code of ethics of his profession, to get the parties who consult him to agree on a course of action by helping to build a morally acceptable consensus. He invites us to consider the disagreement between the husband and parents of a young woman as to whether it is morally permissible to remove the artificial

However, in contrast to the recommendation of some epistemologists (e.g., Feldman 2006) that a person should suspend judgment in the face of disagreement with an epistemic peer, the retraction required by the pragma-dialectical model is only temporary and is specific to the particular discussion in which the protagonist failed to defend their point of view.

hydration and nutrition that was keeping her alive in a persistent vegetative or minimally conscious state. Even with such a stark disagreement, he argues, the parties do not know that their disagreement is deep; they may find more fundamental resources for resolving it. Hence to abandon argument and resort to unspecified techniques of non-argumentative persuasion is problematic in the context of health care ethics consultation. Adams' argument can be extended more generally beyond the sphere of health care ethics consultation: People trying to resolve a disagreement by argument never get to a stage where they know that they have exhausted the resources of argument and reasoning. So a party to such a disagreement is never justified in concluding that it is deep in Fogelin's sense and that they may therefore use persuasive techniques that do not involve an appeal to reasons to get the other person to adopt their point of view.

To support Adams' argument, it is helpful to consider the resources available to people with an apparently deep disagreement who wish to resolve their disagreement rationally, using arguments. One party to a discussion can bring out through argumentation the consequences of another party's procedural and substantive commitments, using those commitments as a starting-point and relying on rules of inference that the other party accepts. The parties can explore together the extent to which they share common ground, thus pin-pointing the locus of their disagreement. Andrew Lugg, in an early response to Fogelin, recommends that:

we take common viewpoints to be what individuals move towards rather than what they fall back to. Instead of thinking of shared belief as a "common court of appeal", we should think of it as a product of discussion, argument and debate. (1986, p. 49)

Argumentation can lead either party, or both parties, to revise their assumptions in a way that moves them to a shared basis for resolving the dispute that divides them. As John Woods puts it, "notwithstanding the persistence of the framework dispute, it might be possible to seek out and find common ground elsewhere which would tip the balance of the ... stalemate" (2004, p. 194).

Finocchiaro (2013, pp. 84-122) has examined with exemplary care the arguments of Fogelin and his commentators about deep disagreement, as well as Woods' remarks about so-called "standoffs of force five" (1992) and Johnstone's account of the role of *ad hominem* argument in fundamental philosophical controversies (1959; 1978). Finocchiaro concludes that "radical disagreements are less intractable than commonly believed; that is, they are rationally resolvable to a greater degree than usually thought" (2013, p. 119). He identifies, through his careful analysis, interpretation, and evaluation of the arguments in this scholarly literature, seven principles and practices that, although neither individually necessary nor jointly sufficient for resolving a seemingly intractable disagreement, are valuable means for increasing the likelihood of a rational resolution. It is worth paraphrasing these principles and practices in enough detail to appreciate what each of them involves:

1. *Ramsey's Maxim*: "In such cases⁹ 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 been thought of, which we can only discover by rejecting something assumed as obvious by both the disputants"

⁹ The case that Ramsey is discussing is a dispute between Bertrand Russell and W. E. Johnson as to whether adjectives can be subjects. Ramsey characterizes each view as subject to objections, but incapable of being disproved.

(Ramsey, 1931, pp. 115-116). Finocchiaro (2013, p. 119) takes this maxim to involve an art of moderation and compromise.

2. *Open-mindedness*: Finocchiaro (2013, p. 90) defines open-mindedness as both a disposition and ability: “the willingness and ability to learn from and listen to the arguments favoring the other side, i.e., the arguments against one’s own view”.
3. *Fair-mindedness*: the willingness and ability to understand the details and appreciate the strengths of the arguments contrary to one’s own views.
4. *Ad hominem argumentation*: internal criticism of the opposite position, i.e. developed argumentation against the opposite position using assumptions that are part of it or that should be acceptable to its proponent, as articulated by Johnstone (1959; 1978) in his analysis of fundamental philosophical disagreements.
5. *Complex argumentation*: “multiple and long chains of supporting reasons and answers to objections” (Finocchiaro, 2013, p. 119), whose development may require time-consuming education and long experience.
6. *Rational persuasion*: a kind of persuasion directed at overcoming a conceptual disagreement, involving reasoning and argument that is “dialectical rather than demonstrative, amorphous rather than uniform, indeterminate rather than binary” (Godden & Brenner, 2010, p. 77).
7. *Meta-argumentation*: “to learn and master the art of arguing about arguments with as much care as many people display when arguing at the ground level about concrete or lower-level topics” (Finocchiaro, 2013, p. 119).¹⁰

Thus there are many resources for dealing rationally with seemingly intractable disagreements. And, however long parties to a disagreement have sincerely deployed these resources in an attempt to resolve their disagreement rationally, they can never be sure that they have exhausted them. Thus there is no justification for either party to give up on attempts at rational resolution and resort to non-rational methods of persuasion.

Further, argument has other purposes than resolving disagreements rationally—that is, other purposes than showing that some position should be accepted or rejected. Blair (2004, pp. 139-141), for example, lists additional uses of argument beyond persuasion: (1) quasi-persuasion, (2) inquiry, (3) investigation, (4) deliberation, (5) justification, (6) collaboration, (7) rationale-giving, (8) edification/instruction, and (9) evaluation. In particular, a common use of argument, often signaled by the use of a phrase like “I think” to qualify the conclusion, is to explain to an interlocutor or audience why one holds the position one does. Exchanges of such explanations can be useful in defusing emotions, in enhancing mutual understanding, and in identifying partial common ground from which some *modus vivendi* can be worked out.

Let us consider Wittgenstein’s (1969) example of a disagreement between a person who consults the propositions of physics to determine the temperature at which water boils and a person who consults an oracle. Before “combating” someone who consults an oracle by giving them reasons and then resorting to persuasion when the reasons are to no avail, I might try to

¹⁰ Godden (2019) explores the extent to which meta-argumentation makes a distinctive contribution to the rational resolution of deep disagreements. He concludes that, to the extent that it makes a distinctive contribution to the rational resolution of a disagreement, the disagreement is normal (in Fogelin’s sense of being resolvable through shared beliefs, preferences and procedures) rather than deep. As a sceptic about whether any disagreements should be treated as deep in Fogelin’s sense, I take this conclusion to have little bearing on the importance of meta-argumentative skill in resolving apparently deep disagreements. There is not space here to examine Godden’s arguments in detail.

understand them. What are the limits within which they take the oracle to have authority? What personal experiences and testimony have reinforced their trust in it? Have any personal experiences or testimony led them to qualify their trust in the oracle? What future experiences or testimony could lead them to change their mind about relying on the oracle? What does the oracle say about reliance on the propositions of physics? Are there any areas of their life in which they in fact rely on propositions of physics, even though they might not be aware of doing so?

And I might invite the believer in the oracle to try to understand me. What are the limits within which I take physics to have authority? What personal experiences and testimony have reinforced my trust in it? What about past changes in the accepted propositions of physics, such as retraction of the postulation of ether as a medium for the propagation of light through empty space or replacement of the long-established laws of Newtonian mechanics by the theory of special relativity? What about ongoing disputes within physics—about dark matter, or about dark energy, or about string theory, or about how to integrate quantum mechanics and the theory of general relativity into a “theory of everything”? In what other propositions of physics am I putting my trust? What future experiences or testimony could lead me to qualify or limit that trust? What does physics have to say about reliance on the oracle? Are there areas of my life in which I rely on something like my interlocutor’s oracle, even though I might not be aware of doing so?

3. Non-rational persuasion

Neither Wittgenstein (1969) nor Fogelin explains what sort of persuasion in an attempt at conversion can take place without the use of reasons. Wittgenstein gives some hints:

609. Instead of the physicist, they consult an oracle. (And for that we consider them primitive.)

611. Where two principles really do meet which cannot be reconciled with one another, then each man declares the other a fool and heretic. (Wittgenstein 1969, pp. 80e-81e; cited by Fogelin (1985, p. 9; 2005, p. 9))¹¹

Thus one means of persuasion that does not involve an appeal to reasons is name-calling: “primitive,” “a fool,” “a heretic,” and so on. Name-calling may not be effective at persuading one’s opponent, but it can persuade third parties. For example, proponents of structural measures to mitigate climate change dismiss, as “anti-climate trolls,” sceptics who cite their travel to conferences as a sign of lacking credibility (Goodwin, 2020, p. 171). “Pro-choice” advocates call their pro-life opponents “hypocrites”¹² rather than address their arguments for the unborn child’s right to life.

Wittgenstein speaks of “what happens when missionaries convert natives.” (1969, p. 81e) It would take some effort to reconstruct what Wittgenstein had in mind when he wrote these words in April 1951. No doubt Christian missionaries in the Americas often appealed to reasons

¹¹ 609. ... Sie befragen statt des Physikers etwa ein Orakel. (Und wir halten sie darum für primitiv.) ... 611. Wo sich wirklich zwei Prinzipien treffen, die sich nicht mit einander aussöhnen, da erklärt jeder den Andern für einen Narren und Ketzer (Wittgenstein 1969, pp. 80-81).

¹² See, for example, *The hypocrisy of the “pro-life” movement* at <https://www.prochoiceamerica.org/campaign/the-hypocrisy-of-the-pro-life-movement/>.

when they tried to convert natives. Sometimes they learned the languages and culture of the natives they were trying to convert and presented Christianity as compatible with, and a completion of, the natives' religion.¹³ But they sometimes assumed that the natives had no culture or religion, made a practice of aiming to convert first the leading members of a tribe, and sometimes threatened war and enslavement if the natives in a chosen village did not convert (Giles, 1992, p. 20). Christian churches ran residential schools in which children as young as six were removed from their parents and indoctrinated into the culture of European Christianity, a practice labelled "cultural genocide" (Truth and Reconciliation Commission of Canada, 2015, p. 1). Cults like Hare Krishna and Scientology separate recruits from family and friends and deprive them of sleep and food. In its early days, so-called "conversion therapy" tried to get men to change their sexual orientation by, among other things, administering electric shock or nausea-inducing drugs during presentation of same-sex erotic visual stimuli, followed by the presentation of opposite-sex erotic visual stimuli after the aversive stimuli ceased (Haldeman, 1991, p. 152). Opponents of vaccination have been induced to vaccinate their children by financial incentives, better monitoring and engagement, and telling stories (Dare, 2016). Combined with a failure to address through argument the apparently deep disagreement between public health officials and principled anti-vaxxers, such gentle methods:

could still be an end-run around moral agency. Really respecting the agency of those who would rather not secure vaccinations probably means either letting them do what they wish or entering genuinely into the conversation, bracketing, at least for the time being, our certainty that we know how the exchange should turn out. (Campolo, 2016)

My arguments against resorting to purely non-rational means of persuasion when disagreements seem deep do not count against combining argument with other forms of morally acceptable persuasion. Gilbert (1994) has pointed out that people can argue with one another in various modes, including not just the "logical" mode of linguistic expression but also the emotional mode of expressing and recognizing feelings, the "visceral" mode of physical activity and the "kisceral" mode of intuitive awareness. Using Gilbert's framework of "multi-modal argumentation," Carozza (2020) has illustrated how intuitive recognition of an interlocutor's state of mind can break a logjam in an attempt to resolve a disagreement; the intuition-guided breakthrough was preceded by extensive exchange of reasons by the parties, and was not an attempt to short-circuit appeal to reasons. I have no objection to such multi-modal face-to-face conflict resolution, as long as it is mutually respectful.

Several listeners to my presentation objected that exchanging reasons was not the only legitimate response to such evils as slavery, Naziism, and white supremacy. I found the objections puzzling, since nothing I said implied that argumentative discussion was the only legitimate response to evils. It is a matter of judgment as to what means are appropriate to confront ideologies that legitimize unjustified harm to classes of human beings. My own view is that coercive measures are a legitimate response to inciting, planning, or carrying out unjustified violence or vandalism. As to ideologies that legitimate such acts or established institutions that carry them out, organized public pressure against them is called for. My thesis is limited to

¹³ The Pluralism Project at Harvard University describes some of these methods in its essay, "First encounters: Native Americans and Christians", available at <https://pluralism.org/first-encounters-native-americans-and-christians>.

situations in which parties that disagree are carrying on an argumentative discussion in a context with no external impediments to exchanging reasons—whether those impediments are social, political, emotional, interpersonal, temporal, or motivational. In such contexts, I maintain, there is always room for argument—at the very least, as a means for the parties to understand each other’s incompatible positions on the issue at hand.

4. Other ways of characterizing basic disagreements

It is instructive to compare Fogelin’s (1969) Wittgensteinian analysis of fundamental disagreements to what Thomas Kuhn (1970/1962) has to say about the incommensurability of competing scientific paradigms. Like Wittgenstein and Fogelin, Kuhn postulates a framework of inter-connected components within which investigation, observation and reasoning take place—a framework that he calls a “paradigm.” Normal science takes place within an accepted paradigm, by which he means a complex of examples, rules and intuitions shared by a scientific community. Occasionally a scientific discipline will face a crisis because of anomalies in its explanations, and a new paradigm will emerge as the result of a scientific revolution—for example, the oxygen theory of combustion that emerged as a replacement for the phlogiston theory, or Einsteinian mechanics that emerged as a replacement for Newtonian mechanics. The two theories, Kuhn claims, are incommensurable:

the parties to such debates invariably see differently certain of the experimental or observational situations to which both have recourse. Since the vocabularies in which they discuss such situations consist, however, predominantly of the same terms, they must be attaching some of those terms to nature differently, and their communication is only partial. As a result, the superiority of one theory to another is something that cannot be proved in the debate. Instead, I have insisted, each party must try, by persuasion, to convert the other. (Kuhn, 1970/1962, p. 198)

Kuhn’s terms “persuasion” and “conversion” echo Wittgenstein, perhaps not coincidentally. But there are important differences. Kuhn claims only that one party cannot *prove* the superiority of their theory to the other. Wittgenstein, and Fogelin following him, claim that reasons and argument are to no avail if two people see things from within a different form of life; for Wittgenstein, it is not just proof but any kind of reason-giving that is useless when one party to the discussion consults a physicist to determine the temperature at which water boils and the other party consults an oracle. Neither Wittgenstein nor Fogelin explains what they mean by persuasion, but it does not involve appeal to reasons; the pejorative labelling of the person who consults an oracle as “primitive” would be an example of such non-reason-based persuasion. Kuhn, on the other hand, takes persuasion to include not only subjective aesthetic factors but also appeal to “the reasons ... usually listed by philosophers of science: accuracy, simplicity, fruitfulness, and the like” (Kuhn 1970/1962, p. 199). Such reasons, he claims, are not decisive, because they are values that are applied differently by the parties to the debate. Each must learn to translate the other’s terms into their own vocabulary; persuasion occurs when one party accepts the other’s theory in translated form, conversion at a later stage when the party that has been persuaded internalizes the other’s vocabulary in a kind of gestalt shift. Persuasion and conversion as Kuhn understands them are not processes of being convinced by a proof. But they are nevertheless rational; they involve an appeal to reasons that can be good reasons. Despite the

incommensurability of their theories, those working within the old paradigm and those working within the new paradigm can argue fruitfully with one another.

Kuhn's examples of incommensurable rival scientific theories are compelling, illustrated as they are by debates in which some proponents of the old theory never gave it up and the new theory triumphed because the proponents of the old theory died out. Wittgenstein's (1969) example of the temperature at which water boils is not similarly compelling. A person who is inclined to consult an oracle rather than a physicist to determine this temperature could be invited to conduct a simple experiment, if necessary endorsed by the oracle, of putting a thermometer in some water and observing the reading on the thermometer when the water is brought to a boil. Wittgenstein himself doubts the power of such experiments: "If I mistrusted this statement what could I do to undermine it? Set up experiments myself? What would they prove?"¹⁴ (p. 80e) This string of rhetorical questions unfairly shifts the burden of proof to the reader who might be inclined to take a position incompatible with the one invited by the questions. I could in fact set up experiments to undermine the physicist's statement that water boils at 100°C. If the water boiled at some other temperature, that would undermine the physicist's statement. It would prove it incorrect.¹⁵ Why is Wittgenstein sceptical about this possibility?

It is instructive as well to compare Fogelin's Wittgensteinian characterization of deep disagreements to Harald Wohlrapp's (2014/2008) discussion of differences between people in how they frame issues and phenomena. He has identified four ways in which people can address in argumentation the challenge that such divergent frames present. *Frame criticism* is justifiable only when one has got beyond the frame, typically through a process of development, as when we now criticize Christopher Columbus for having assumed that the people of the Caribbean whom he met would have the same structure of officials as Spain. *Frame hierarchization* breaks implicit frame differences into explicit aspects, which are arranged hierarchically, as in the decision in Germany to prioritize the proto-human status of human embryonic stem cells over their suitability for research, given that the research can be done in other ways. *Frame harmonization* also transforms the frames into aspects, but combines them laterally rather than subordinating one to the other, as in the decision in some German cities to set aside a section in cemeteries where bodies can be buried according to Islamic rites rather than in the normally required coffins. *Frame synthesis* integrates two competing frames in a third frame, as in the decision of the Supreme Court of Canada in 1998 to recognize aboriginal title to some parts of the land but to restrict aboriginal use of such land to activities in accordance with the traditional lifestyle. Three of these four strategies for overcoming frame differences attempt to accommodate both rival frameworks, and may use reasons to do so, even though the arguments for frame hierarchization, harmonization, or synthesis must fall short of compelling proof. There

¹⁴ "Wenn ich dieser Aussage nun misstraute, was könnte ich tun um sie zu erkräften? Selbst Versuche anstellen? Was würden die beweisen?" (Wittgenstein, 1969, p. 80)

¹⁵ An experiment that proves the statement incorrect is described in an essay with photographs entitled, "Yes, you can boil water at room temperature. Here's how." The accepted statement in contemporary physics is that water boils at 100°C *at standard atmospheric pressure*, which is the pressure of the atmosphere at sea level. At lower pressures, water boils at a lower temperature. At higher pressures, it boils at a higher temperature. To get water to boil at room temperature, put the water in a strong closed container with a vacuum pump to remove the air above the water. When enough air is removed, the air pressure above the water becomes low enough that the water boils. It is still at room temperature, as can be verified by putting one's hand on the container holding the boiling water. See <https://www.wired.com/story/yes-you-can-boil-water-at-room-temperature-heres-how/>.

is no question of looking down one's nose at someone who frames an issue differently, of using persuasion without appeal to reasons to convert the other person.

5. Conclusion

There is much scope for argumentation when two people who disagree do not, at least initially, share substantive and procedural starting-points that they can use to bring about jointly a rational resolution of their dispute. It must be admitted, however, that, no matter how long and well people reason together about an issue that divides them, they may never come through argument to a shared position on that issue. Nor should textbooks and instructors of introductory logic and critical thinking pretend otherwise. Some disputes will continue to be unresolved even if the parties in good faith and with great skill exchange relevant arguments. Even in such cases, argument can help, for example by giving each party a better understanding of the other party's reasons.

What should not be accepted, even as a possibility, is that the commitments of someone who disagrees with one on an issue are so deeply divergent from one's own that the conditions for argumentation are not met—that reasons are pointless and that the only way to get the other person to change their mind is persuasion that does not appeal to reasons. Such an assumption is never justified, mainly because we never know that we have exhausted the resources available to resolve our disagreement. To rely on a diagnosis of a deep disagreement as a basis for eschewing argument is to dismiss the legitimacy of the other person's point of view and arguments, and thereby to fail to respect the other as a person. In the context of disputes between colonizers and indigenous people, such as Wittgenstein's (1969) natives whom the missionaries try to convert, it is a form of intellectual colonialism.

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