

ISSA Proceedings 2010 - The Appeal For Transcendence: A Possible Response To Cases Of Deep Disagreement



1. *The emphasis on agreement*

It is almost a truism in argumentation studies that productive disagreement must be grounded in agreement. Shared understandings of the goal, shared commitment to particular procedures, and shared adherence to basic truth-claims are thought to be necessary in order for arguers to engage each other rather than to talk past each other. Among the many writers who offer some version of this postulate are Perelman and Olbrechts-Tyteca (1969: 65), who say, “The unfolding as well as the starting point of the argumentation presuppose indeed the agreement of the audience. ... from start to finish, analysis of argumentation is concerned with what is supposed to be accepted by the audience.” In a similar vein, Ehninger (1958: 28) wrote, “Debate is not a species of conflict but of co-operation. Debaters ... co-operate in the process of submitting a proposition to rigorous tests. ... They believe ... not so firmly that they are unwilling to put their convictions to a severe test and to abide by the decision of another concerning them.” These underlying beliefs about purpose and mode of procedure are agreed to by all disputants. Brockriede (1975: 182), identifying indicators of argumentation, includes among them “a frame of reference shared optimally.” Argument is pointless, he suggests, if two people share too much in their underlying presuppositions, but it is impossible if they share too little. And MacIntyre (1984: 8) notes the impossibility of reasoning with one another when there are no shared standards to undergird rational talk. These are only four representative examples.

It is not hard to see why there would be so much agreement on the need for agreement. First, as Aristotle acknowledged, we do not argue about matters that are certain. But claims that are not self-evident must be evaluated by reference to some standards to determine whether they are strong or weak, better or worse. Second, though, neither the foundationalism of traditional philosophy nor

the universal standards of formal logic and mathematics encompasses ordinary argumentation. So consensus of the arguers about standards becomes the substitute for formal validity.

2. Deep disagreement

But what happens when this underlying stratum of agreement is, or is thought to be, lacking? Then any claim advanced by one arguer can be challenged by the other, in a potentially infinite regress, because there is no point at which the interlocutor, by virtue of his or her own prior commitments, is obligated to accept any standpoint. This state of affairs was first characterized by Robert J. Fogelin (1985) as deep disagreement. Each arguer's claims are based on assumptions that the other arguer rejects. Deep disagreement is the limiting condition at which argumentation becomes impossible. Most discussions of *deep disagreement* assume that it is a relatively rare occurrence that hardly denies the utility of argumentation for enabling ordinary arguers to resolve their disagreements peacefully. And because many discussions of argumentation presume a dialogue framework, deep disagreement is often dismissed as if it had no serious consequences beyond the immediate dialogue participants.

Both of these assumptions are dubious: the first because of the growth of fundamentalism and the second because deep disagreement has been found politically useful. The past generation has seen the increased appeal of fundamentalism within many of the world's major religious traditions - ultra-Orthodox Judaism, evangelical Christianity, and radical Islam. Fundamentalism rejects the modernist assumption of human fallibility and the resulting tolerance of diverse viewpoints. Fundamentalists believe that it is possible to know God's will for sure. God has made it clear, and the Divine Word can be read and understood by anyone willing to try. Deviation from God's word in order to demonstrate tolerance to misguided others is not only unnecessary but perverse, implicating the righteous in the sins of the godless.

Because of the conflict between fundamentalism and modernism (or, even more so, postmodernism), many disagreements are understood by one side in moral and religious terms and by the other in pragmatic and secular terms. This is true not only with respect to matters of personal identity and rights, such as abortion, feminism, and gay rights, but increasingly to issues ranging from taxation and fiscal policy, to protection of the environment, to theories of criminal justice and penology. Even when shorn of an obviously religious dimension, public

discussions of health care, economic stimulus, and financial regulation seem with increasing frequency to devolve very quickly to bedrock assumptions about the rights of the individual and the role of the state, assumptions on which agreement seems impossible. So advocates on either side of these issues talk increasingly to the like-minded, and the belief that argumentation can be used productively to resolve differences is hollowed out and withers. The difficulty may be more pronounced in the U.S. because of the greater influence of fundamentalism there. Yet from what I read about the immigration issue, the economic integration of the EU, and the question of whether religion has a public role, it seems that Europe is moving in the same direction.

The second assumption also is questionable. If deep disagreement is politically useful, it may affect all who are interested in the policy that is at issue. This has happened in the United States particularly over the past twenty years. The minority party often has seen more advantage in simply opposing the administration in power than in working cooperatively to solve problems. They have behaved as if the two parties were in a state of deep disagreement, and this produces an impasse in public deliberation. Issues will be unsolved or will be settled by numbers, money, or force, rather than by reasoned discourse.

If anything, this tendency has become more pronounced since the election of Barack Obama. Republicans in the Senate and House of Representatives have voted almost unanimously against most of the president's initiatives, delaying or obstructing their passage and making it necessary for Obama to make old-fashioned political deals to hold the Democrats together. This may not be a true case of deep disagreement, although it is argued as if it were. When Obama has incorporated into his legislation initiatives that Republicans previously had supported, they have changed stance and voted against them. They have portrayed Obama's center-left positions as "socialism" and have seen the contest as one between extending the reach of government and protecting the liberty of the people - ostensibly a sharp clash between incompatible world-views. The Obama administration has not been the unique object of such partisan division, although it does seem to be more extensive and systematic than under either George W. Bush or Bill Clinton.

If deep disagreement is prevalent and consequential, then argumentation studies should pay more attention to it. Nearly a decade ago, Nola Heidlebaugh (2001: xi) explored these concerns in depth. As she posed the question, "Without consensus

on standards of reason, how can we have good public argument? And without the eloquence and enriched conversation of good public argument, how can we reason together in order to reach consensus on the issues before us?" These questions give argumentation scholars an interest in exploring means to surmount deep disagreement and get deliberation back on a productive track.

3. Incommensurability: end or beginning of analysis?

Heidlebaugh observes that in a case of deep disagreement, the competing positions are incommensurable. They cannot be compared because they do not rely on the same rule-based way of making and legitimizing judgments. But if incommensurability makes further discussion impossible for the logician, she says, for the rhetorician the fun is just beginning. One or more of the arguers must find a way to transcend the deadlock and pursue the argument on another basis. As Heidlebaugh (2001:74) describes it, "the rhetor has to find something to say that will aid in solving a particular problem perceived by the rhetor." Incommensurability is not something to be "cured" but a situation calling for practical wisdom. The arguer's task is to discover "a particular vantage point from which new similarities and differences emerge," because doing so "places value on discovering new things to say" (Heidlebaugh, 2001: 128). Although Heidlebaugh combs the tradition of classical rhetoric and claims that commonplaces, topics, and *stasis* offer resources for the task of invention, she does not identify particular strategies of transcendence. I would like to do that now, by way of speculation based in experience and in the analysis of case studies.

4. Possibilities for overcoming deep disagreement

I group these possible strategies in pairs under the headings of inconsistency, packaging, time, and changing the ground. Each of these moves reflects the assumption that advancing one's own claim in an ordinary manner will be unproductive in breaking the impasse because it is not commensurable with the other's standpoint. One must think in different ways about the clash between standpoints.

4.1. Inconsistency: hypocrisy and the circumstantial ad hominem

The first two moves attempt to get inside the opponent's frame of reference and discredit it on grounds of inconsistency. They rely on the law of non-contradiction, that a soundly reasoned claim cannot be at odds with itself.

The charge of *hypocrisy* is that the advocate now maintains a position that is inconsistent with one he or she has maintained previously. In the absence of any explanation for the change, the reasonable implication is that the advocate is being hypocritical and represents only expediency, not principle.

In early 2010, some leading Republicans in the U.S. opposed more government funding to stimulate the economy because it would add to an already large budget deficit and swell the national debt. Many of the same Republicans, however, had voted for even larger deficits during the Bush administration, to support the costs of the war in Iraq or the prescription drug benefit for senior citizens, or as a consequence of tax cuts that were enacted without comparable spending reductions. A Democrat might respond to the Republican complaints about deficit spending as follows:

1. You are bothered by the deficit now.
1. But you were not bothered by it when your party was in power.
2. [There is no apparent explanation for the change in your position.]
3. Therefore you are a hypocrite. Your concern is not with the deficit but just political expediency. You just want to insulate yourself from the Tea Party supporters and to shore up your political base.
4. Therefore your argument is not sustained by any principle and should be rejected.
5. Since your standpoint cannot satisfy the consistency test and your standard is in conflict with mine, my standpoint prevails by the process of elimination.

Not all of these steps will be articulated explicitly, but these are the steps in the move. My standpoint is advanced not by my supporting it with additional reasons but by my demonstration that yours cannot withstand the test of consistency.

Of course, this strategic move is vulnerable. It depends on the unstated assumption that there is no apparent explanation for the change in position. People generally do not knowingly maintain inconsistent positions that will open them to the charge of hypocrisy, so the opponent will work hard to distinguish between the positions. It may be that deficit spending is justified for national security but not for economic stimulus. Or perhaps it is all right if it stimulated the economy by putting more money in individuals' hands but not if it involves government spending. Or maybe it is acceptable if targeted to senior citizens but not if it supports the general population. Any of these explanations would need support, of course, but the burden of proof would be light precisely because we

assume that advocates generally do not advance hypocritical claims.

Related to the charge of hypocrisy is the *circumstantial ad hominem*. This is not a personal attack on the opponent's character. Rather, it is an assertion that the adversary's expressed standpoints are at odds with his or her own behavior in a specific situation. On the commonplace belief that "actions speak louder than words," the inference is that one's actions reveal one's true commitments far more than do one's words (Walton 1998: 2-6,108-112). So the standpoint fails because it cannot be supported by the arguer's own actions. Since my standpoint is the alternative to yours, mine prevails, again through residues. Johnstone (1959) has gone so far as to suggest that all valid philosophical argumentation is of this type.

Suppose that A is a lawyer for whom protection of civil liberties is a prominent value. A spoke out against the efforts during the Bush administration to expand the president's powers in response to terrorism, believing that these measures unduly violated individuals' rights to privacy. Yet A accepts an invitation to argue before the Supreme Court in defense of those expanded powers when the Obama administration seeks to retain them. "You must not really be committed to civil liberties," a critic alleges, "when you abandon that commitment for a chance to appear before the Supreme Court to defend President Obama." A's actions reveal his true commitment - to the Obama administration - and discredit A's professed commitment to civil liberties. That position having lost, the alternative position prevails by elimination: A thinks that defense of the nation against terrorists outweighs protection of civil liberties, at least with regard to the case at hand - the hierarchy that A's interlocutor is trying to discredit.

As in the hypocrisy example, the opponent's likely response will be to distinguish between the two situations, placing statements and actions on two different planes. He or she might oppose new restrictions on civil liberties and yet maintaining that removal of existing restrictions would convey to other nations the impression that the U.S. was weak. Or the opponent might want to keep the current restrictions because of trust that Obama will use them judiciously and as a last resort, trust that was lacking with respect to President Bush. If the adversary can succeed in distinguishing between the situation in which one made commitments and the situation in which one is called to the test, then the *circumstantial ad hominem* will lose its force and the perception of deep disagreement will be maintained. Alternatively, the opponent might claim that he

or she is just doing the job of a lawyer, seeing that each client receives the strongest possible defense.

4.2. *Packaging: incorporation and subsumption*

A second pair of strategies has to do with packaging arguments. One is *incorporation*, in which an advocate includes incommensurable arguments (and the proposals that accompany them) into a larger package. The success of this strategy depends upon a perception by both advocates that simply perpetuating the impasse is intolerable. Neither advocate is willing to concede but neither is willing to prolong the stalemate. The Obama administration attempted this approach in fashioning its health-care bill, when it incorporated some Republican proposals, such as “tort reform” to curtail lawsuits for malpractice. Obama’s supporters did not concede their own standpoints about the causes of health-care costs – indeed they maintained that “tort reform” would address only a very small part of the problem – but they included some degree of “tort reform” in the bill so that Republicans could act consistently with their professed principles and still support health care reform.

This effort clearly failed, and the failure exposes the difficulty with the strategy of incorporation. Both advocates must desire to overcome the impasse. In this case, passage of health-care legislation was not an important priority for the Republican opponents unless it could be passed on their own terms. Even though tort reform was part of the bill, they did not have enough incentive to swallow other elements of the bill that they found objectionable. Some actually preferred to vote against the bill while others, noting that the administration wanted desperately to get a bill passed, could hold out to see whether their hard-line stance would yield even more concessions.

Related to incorporation is *subsumption*, a strategy which seeks to subsume both of the irreconcilable standpoints within a larger frame. One advocate initiates the move, inviting the other to cooperate. The standard form of the argument would be something like this:

6. Our positions X and Y appear to be incommensurable.
7. If you support X, you should support Z because it will advance the cause of X.
8. If I support Y, I should support Z because it will advance the cause of Y.
9. So we can subsume the disagreement about X and Y under our agreement on Z.

The difference between incorporation and subsumption is that incorporation aims

only to overcome the impasse in arguments whereas subsumption also aims to develop positive identification with the common term Z.

The abortion controversy offers an interesting example of an attempt at subsumption. The controversy between “pro-life” and “pro-choice” quickly reaches an impasse; the competing standpoints reflect incommensurable world-views and differ on such basic questions as whether we are in control of our own bodies. But arguers may be willing to subsume these differences under the question, How can we best prevent unwanted pregnancies? Both sides have an interest in this question, because it will reduce the circumstances under which the moral dilemma of abortion presents itself. As a practical matter, it might work.

Then again, the phrase “as a practical matter” is a warning signal. The dispute between “pro-life” and “pro-choice” does not take place on the ground of practicality but as a matter of principle. One can imagine the dispute playing out almost the same way regardless of whether the two sides support a program to reduce unwanted pregnancies. Either side could accept the reduction of unwarranted pregnancies as well and good, taking that benefit off the table, and then immediately revert to its standpoint rooted in incommensurable principles and world-views.

Incorporation and subsumption can be combined. A famous example is the U.S. Senate debate over the Compromise of 1850, originally presented as an omnibus bill to resolve all outstanding disputes over slavery. Incompatible goals were somewhat incorporated into a package, but these individual actions were subsumed under the rubric of finality. Those on either side could see the appeal of settling the controversy, regarding every square inch of U.S. territory, once and for all. Both political parties committed themselves in their 1852 election platforms to the Compromise of 1850 as the final resolution of the controversy. Yet the compromise was vulnerable. Over time each side could (and ultimately did) think it gave up more than it gained, suffering a raw deal. This is approximately what happened during the years leading to the American Civil War.

4.3. Time: Exhaustion and urgency

The third pair of strategic moves deploy time and timing as a way to break the argumentative impasse. One such move is the appeal to *exhaustion*. Cases of deep disagreement can remain in an impasse for some time. Eventually, one party may

decide that the duration of the controversy has become disproportionate to its importance and try to entice the other to move on. The original disputants may even have passed from the scene, and their successors may be less disposed to carry on the fight. Or time may have passed the controversy by as the consequences of either participant's position have diminished. Or the impasse may itself become uncomfortable because "life's too short" to obsess over it. For any of these reasons, one party may try to convince the other that the time has come, not necessarily to resolve the deep disagreement but at least to set it aside and move on.

Something like this attitude motivated the late Israeli Prime Minister Yitzhak Rabin in the early 1990s to make overtures toward peace negotiations with the Palestinians. Bitter enmity over the years had exacted a terrible toll. The Palestinians had not become Israel's friends, but as Rabin pointedly noted, one does not need to make peace with one's friends.

Like some of the other moves, the pitfall of this one is that it depends upon a mutual state of exhaustion. The party making the argument must convince the other to feel the same way. Otherwise one arguer may see the other's appeal to exhaustion as a confession of weakness. If the non-exhausted party will just hold on, the other may lose heart and give up the fight. This is about what happened in the case of the Vietnam war.

More often than appealing to exhaustion, though, advocates will appeal to *urgency* caused by a crisis in order to get beyond a deep disagreement. The suggestion is that while deep disagreement is a luxury to be tolerated during normal times, we cannot afford it now; time is of the essence and the severity of the situation demands a prompt response.

During the fall of 2008, the U.S. financial system was threatened with implosion, with major repercussions likely around the world. To avert disaster, the Bush administration advocated massive infusions of cash and loan guarantees in order to restore confidence in the U.S. economy. These proposed "bailouts" were castigated by many in Bush's own party who were convinced of the resilience of an unaided free market. Even President Bush acknowledged that he was uncomfortable with the measures he was proposing and that in normal times he would not suggest them. But the belief that a major crisis was looming required him to set his ideological commitments aside. Not so for many Republicans in the

House of Representatives.

Not prepared to accept that the U.S. faced financial meltdown, they initially defeated the proposed bailout. Only when the stock market plunged in response did they reassess their position and pass a modified version of the bailout bill.

Recognizing a state of affairs as a crisis is in the eye of the beholder. If one party holds out and refuses to regard the situation as a crisis, the argument from crisis will be ineffective and perhaps even counterproductive. On the other hand, the perception of a situation as a crisis is a powerful impetus to action. This perhaps is the reason that White House Chief of Staff Rahm Emanuel reportedly said, “never let a crisis go to waste.”

4.4. Changing the ground: Interfield borrowing and frame-shifting

The final pair of moves may be the most ambitious in that they focus on shifting the ground on which the deep disagreement takes place. One such move is what Willard (1983: 267-270) called *interfield borrowing*. Willard observes that argument fields have distinctive standards of evidence and modes of reasoning, but also observes that many disputes cannot be assigned uniquely to a particular field. Euthanasia, for instance, is both a scientific and a moral issue, but scientists and moralists will be likely to see the question differently. Deep disagreement will result unless one set of advocates is willing – for the sake of the argument – to invoke the other field’s standards for the purpose of defeating the adversary on his own terms. With respect to accounting for human origins, for example, moralists might “borrow” the scientific understanding of evolution and then attempt on scientific grounds to reduce evolution to the status of an unproved theory. Or, conversely, the scientist may take on the persona of a moralist in order to contend that a Biblical account of creation is not at odds with judgments regarding evolution.

The point of “borrowing” from another field is to put both sides of the argument onto the same plane and then to discredit the “other” field on its own terms. But the borrower never will be as knowledgeable as the person who genuinely occupies the field from which the advocate borrows. The second party can find reasons that the borrowing is not genuine or fair, or allege that the borrower has a stereotyped and limited notion of the other party’s field.

The other strategic move related to changing the argumentative ground is *frame-shifting*, in which one party will seek to move the argument from one context or

frame of reference to another. The famous Lincoln-Douglas debates of 1858 offer an interesting example. The central issue was whether it was right or wrong to permit slavery to spread into new territories. Lincoln believed that it was wrong because slavery itself was wrong and it made no sense to say that it was right to expand what was wrong. His standpoint was defended with a substantive moral argument (Zarefsky 1990). But for Douglas the real question was who should decide whether slavery was right or wrong. It was a complex moral question on which good people disagreed, and he did not presume to make the decision for the people who actually would go to the territories and live with the results. Accordingly, he championed “popular sovereignty” and his standpoint was buttressed by a procedural argument. The substantive and procedural positions were incommensurable. This may be why arguments about the morality of extending slavery occupied such a small portion of the debate time. Instead the two candidates disputed about, among other things, what the nation’s founders would have done about the issue if they were alive. The candidates thus shifted the debate from a moral frame to a historical one. Here there could be shared standards, because both men venerated the founding fathers and both believed that their insight could inform present deliberations. And there could be argument, because the question could not be answered conclusively. The founders never were confronted with the question at hand, so one would need to infer their likely position from statements made and actions taken on other topics over the years.

Frame-shifting was helpful to the Lincoln-Douglas debates because both candidates could accept the surrogate frame, each believing that it worked to his advantage. But this is not always the case. The advocate who tries to shift the frame of reference might encounter resistance. For example, Lincoln or Douglas could have insisted that historical speculation was an irrelevant distraction from the issues of the moment. Or the candidates might have experienced deep disagreement about what was the relevant historical evidence or whether it was being understood correctly.

5. Two case studies

It should be noticed that each of these eight strategies for moving beyond deep disagreement is an available option with probative force but that none is assured of success. Like all rhetorical moves, they must be adapted to the particular situation. Sometimes an advocate will be able to show that they fit well and

sometimes another advocate will succeed in showing them to be inapplicable. This will be clear from two brief case studies, one a success and the other a failure.

5.1. Johnson on education

In the U.S., elementary and secondary education traditionally has been seen as a responsibility of state and local governments and of the private sector. While there have been some exceptions, such as federal subsidies for schools located near military bases that add to their enrollment, general federal aid to education did not become government policy until the 1960s even though a majority of legislators and of the population supported it. Part of the reason was that supporters were divided on the question of whether federal aid should be extended to religious schools. Some said that to do so would be to dissolve the separation between church and state, creating an establishment of religion in violation of the U.S. Constitution. Were such a provision in the aid to education bill, they would oppose the legislation, even though they supported federal aid to education in principle. But it was no solution simply to keep religious schools out of the bill, because other legislators were convinced that omitting it would be discriminatory, denying equal protection of the laws to those families who sought a religious education for their children. Their tax money would be used to support education but they would be unable to receive the benefit. This, some legislators said, was interference with the free exercise of religion – also a violation of the U.S. Constitution. Meanwhile, the minority who opposed federal aid to education under any circumstances hardly needed to defend their standpoint since supporters of federal aid were in deep disagreement over a subsidiary question.

So matters stood at an impasse until the ascendancy of Lyndon Johnson to the presidency of the United States. Johnson successfully engaged in frame-shifting. He urged that the matter be seen not as aid to either secular or religious schools, but to children (Dallek 1998:197). His proposal involved aid formulas that were based on the number of children in a jurisdiction whose families had incomes below the poverty line. Figuratively, the children would take the aid to whatever school they attended. In practice, schools acted as agents for the children, applying for aid based on their number of qualifying children. This reformulation of the issue, shifting the frame, satisfied both groups who previously were at an impasse. Both sides could view the reformulated proposal as consistent with their strongly held convictions.

5.2. Zarefsky on abortion

My second case study has a less salutary result, particularly since it involves me. Some years ago I produced an audio- and videocourse on argumentation for commercial sale (Zarefsky 2005). In one of the early lectures I made the point that argumentation presumes uncertainty because there is no need to dispute matters that we know for sure. One of my examples was that there was no way to know for sure when human life began; I said that this was a major reason that the abortion controversy was so intractable.

Some time later I received a group of nearly identical letters from several home-schooled teenagers in Minnesota. The letters took strong exception to my statement that there was no way to know when human life began. Of course there is, they replied. Everyone knows that human life begins at conception; it says so in the Bible. They quoted what they thought were applicable Biblical verses. So abortion is murder, they told me. Some people apparently believe that it is acceptable for society and the government to condone murder of the unborn. That's why there is a controversy.

I could have ignored these letters, but I wanted to recognize their serious and respectful tone. So I wrote the students back. I tried interfield borrowing - specifically, to use the Bible, their source of privileged evidence - to argue that the origin of human life was uncertain. I quoted passages from Exodus saying that if a man struck a pregnant woman and she died, the man would be punished for murder. If the woman lived but miscarried, there was a lesser penalty limited to monetary damages. The fetus was valued less than a living person. Here was evidence, I said, that challenged their view that the Bible regarded abortion as murder. My goal, remember, was not to deny their claim outright but only to argue that its status was uncertain, because the point at which human (as distinct from animal) life began was itself uncertain. It seemed like a relatively weak burden of proof and I thought I had shouldered it.

I was surprised when I received a reply not from the students but from their teacher. She thanked me for writing to the students but complained that I was misleading them. Her translation of the Exodus text distinguished between the expulsion of a live fetus and the death of the fetus on the womb. She said that monetary penalties applied in one case but capital punishment was warranted in the other. Since my translation did not make this distinction, she said, it was erroneous if not fraudulent, and for the sake of my own enlightenment I should obtain a better text and recant my heresy. She prayed for my soul. (I note in

passing that she did not ask or seem to care what my text was.)

I am not a sophisticated Biblical scholar, but I think the problem here is that the original Hebrew verb is ambiguous with respect to whether the fetus is expelled alive or dead. I have some reason to think that my translation was more authoritative than hers, since it reflects usage conventions at the time the Biblical text was redacted. But all I was trying to establish was that the matter was uncertain and hence a fit and necessary subject for argument.

At this point I abandoned the discussion. My correspondent's attack on my source without ever knowing what it was suggested to me that her world-view would brook no uncertainty. Counter-evidence would be dismissed in advance so that the argument was self-sealing. This was a case of fundamentalism vs. modernism. My position depended at its root on uncertainty; hers on certainty; and there seemed no way to bridge the two. My effort at interfield borrowing was unsuccessful because in her view I could not establish my *bona fides* within her field.

Now perhaps I did the wrong thing. Maybe I should have tried harder, whether by defending my choice of text, or trying to find a passage in her own translation that worked against her claim, or perhaps even looking for different ground than the authority of the Bible. But I thought such efforts would be futile, I had other things to do, and so I left the discussion agreeing to disagree. I would not change the statement in my lecture that when human life began was uncertain, and she would not abandon her conviction that this statement in my lecture was inaccurate. Remaining at an impasse was a harmless outcome for an interpersonal dialogue between two individuals. As I have suggested above, though, it is not so innocuous when multiplied many times over and when it affects social policy as well as individual judgment.

6. Conclusion

In models of dialogical argument, the outcomes generally affect only the individual arguers. In models of rhetorical argument, however, there is a third party, an audience that is affected by the exchange. As Schmitt (2010: 10) recently wrote, "The consequences of this apocalyptic rhetoric and all-or-nothing politics fall on the rest of us when government can't act." The audience is ill served by continued deep disagreement. Its demand to advance the discussion can put external pressure on the disputants to overcome their impasse. Currently

in the U.S., audience dissatisfaction with stalemated political argument is widespread. But it is manifested in an unsophisticated and, in my view, unhelpful way: as largely indiscriminate right-wing populism symbolized by the Tea Party and its demands to “take our government back.” It has unleashed a widespread prejudice against incumbent office-holders and a political discourse in which inexperience is exalted as a virtue. This popular prejudice of the moment stymies efforts to work collaboratively for compromise solutions, because that represents consorting with the enemy. And fear of being accused of such treachery further deepens the sense of fundamental disagreement between the dominant U.S. political parties. But there is a sizeable if underrepresented middle ground consisting of people who also are unhappy with the current impasse but who are unwilling to yield to the oversimplification and further polarization exemplified by Tea Party supporters. They are the ones who must be aroused to demand that our political discourse move past the polarization of deep disagreement to recover the tradition of deliberation through public argument. Some of the strategic moves I’ve discussed here, if skillfully executed, might be means to accomplish that goal. At least they are places to start.

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