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# Rights, Reasoning, and Dissensus

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**ABSTRACT:** The recent proliferation of rights claims within our moral and political debates poses a threat to our reasoning skills. Rights claims often represent bids to name common ground, and we risk harm to our reasoning skills when we attempt to address dissensus by searching for common ground.

**KEYWORDS:** argumentation, common ground, dissensus, intersubjectivity, reasoning, rights, skills

## 1. THE PROLIFERATION OF RIGHTS

L. W. Sumner (1987, p. 1) begins his book *The Moral Foundation of Rights* with this: “Like the arms race, the escalation of rights rhetoric is out of control.” And in *Life, Liberty, and the Pursuit of Dignity*, Leon Kass (2002, p. 211) writes: “...public discourse about moral matters in the United States is much impoverished by our eagerness to transform questions of the right and the good into questions about individual rights.” I agree, sort of, with Sumner and Kass, and others, who find something very troubling about the way that rights claims are deployed these days (especially in the United States). But after making note of some features of their accounts, I will offer an explanation of the crisis that differs from theirs in important ways. To my mind, the escalation and the impoverishment are symptoms of a degradation of our reasoning skills. This particular sort of degradation, which I will describe more fully below, is just the sort you would expect if, first, you see many contemporary rights claims as (somewhat desperate) appeals to consensus, and if, second, you share my view about how important it is to *refrain* from engaging in reasons-giving unless certain conditions are met. I have argued for the latter view at some length elsewhere (Campolo 2005), but I’ll sketch some of my support for it below. I also hope to show that the former point is not that hard to swallow. But if this all adds up the way I think it does, then we have more profound reasons to be concerned about the proliferation of rights claims than have so far been pointed out. I will explain why I think it does so add up.

But first I should admit that not everyone sees a crisis here. Optimists will concede that rights claims are pressed with ever more frequency and urgency. On its own, this does not bother them. After all, thanks to technology, our range of abilities is expanding rapidly. And thanks to what people call “globalization,” our awareness of threats and competing demands is expanding rapidly. New abilities, threats, and competing demands all seem to call for our moral judgments to be explored and articulated in new directions. Often, worthy articulations of those judgments will invoke

## CHRISTIAN CAMPOLO

rights claims. We face so many new rights claims, our optimist might say, because our world offers so many new possibilities, and these give rise to new understandings of our rights.

There is something to this, but not enough. An ever-new world does need an ever-new articulation of our moral feelings and judgments, just as it needs new laws, new institutions, etc. But that cannot explain the fact that nearly every contemporary social and political question has come to revolve around rights claims. I don't think we need to spend a lot of time on examples here—every applied ethics anthology is full of them. The parents of a child with leukemia claim a right to the fruits of stem cell research, while right-to-lifers champion the right of the embryos created to provide the stem cells. Motorcyclists claim the right to leave their helmets home, while others claim the right to be free from the costs associated with severe head injuries. Opponents of cloning argue that it violates an individual's right to an open future, or to genetic uniqueness, while prospective parents claim a right to have genetically-related children, even if cloning would be the only way to obtain them. Smokers claim a right to smoke and non-smokers claim a right to breathe smoke-free air. The rights of humans to develop the land they own is pitted against claims on behalf of the rights of animals, which stand to lose their habitat. We could list these sorts of competing rights claims all day.

The point of listing them would not be to argue that they are all invalid, obviously. The point would be to recognize that, as Sumner suggests, rights claims have become our weapons of choice—we resort to them reflexively when we wage our moral and political battles. And they can be pretty blunt weapons, leaving no room for compromise, dialogue, negotiation, prioritizing, etc. This forcefulness, of course, is part of their appeal, and that draws us closer to my point. We now *do* moral and political argument by bludgeon, and we can't imagine unilaterally disarming.

The best way to get at what's really wrong with this, I believe, is to see it as both a cause and effect of an erosion of our argumentation skills. Kass and Sumner sort of see this, but since they have different axes to grind, they do not address it directly. Kass (2002, p. 228) writes:

...we face an extension of this rhetoric...beyond the limited area of life in which rights claims are clearly appropriate and indeed crucial. As a result, we face a number of serious and potentially dangerous distortions in our thought and in our practice.

And I agree: we are facing dangerous distortions in our thought and practice. Kass might even accept my claim that a special danger is the one posed to our very ability to argue effectively. But ultimately the proliferation of rights claims troubles him because of what we use them *against*. On Kass' account, a spurious rights claim is most likely to be found in the hands of a liberal who is using it as a "battering ram against the status quo." And since, for Kass, the status quo is full of accumulated wisdom that needs to be protected and honored, we need to stop this barbaric attack in its tracks.

Sumner (1987, p. 8) also brushes up against my concern when he writes:

Where rhetorical weapons are concerned what all sides must fear is a backlash of skepticism or cynicism. An argumentative device capable of justifying anything is capable of justifying nothing.

and later

## RIGHTS, REASONING, AND DISSENSUS

Clearly interest groups which converge on little else agree that rights are indispensable weapons in political debate. This agreement reflects a deeper consensus concerning the preemptory nature of rights. (*ibid.*)

For Sumner, the real worry is that the indiscriminate volley of rights claims engenders a sort of skepticism about the very idea of rights. If they can be formulated everywhere, then maybe they have no legitimacy at all. Since Sumner is interested in establishing the nature and extent of their legitimacy, he undertakes a sustained excavation of their origins and foundations. I think that he worries about a backlash more than he needs to, a point to which I'll return below. But before we leave him to his excavation, I want to linger briefly over his notion that rights claims are argumentative devices. He means, I think, that our assertions of rights claims constitute a certain kind of move in the game of giving reasons. And he suggests that as a kind of move, it may have lost its purchase. I agree with that, and I take my concern to count as a reasonable implication: if we are ever more single-mindedly resorting to a technique that has lost its purchase, then something is wrong with our skills. This is what I take up just below.

But first, let me notice one more thing about what Sumner says. Interest groups—even ones who disagree about everything—agree that rights are indispensable weapons in political debate. They agree, deep down, that rights claims are preemptory. There is more to unpack here than Sumner cares about. Interest groups' consensus on the indispensability and power of rights claims, represents, I believe, a sort of recognition that consensus itself, or at least the *appearance* of consensus, is indispensable in political debate. In other words, it is not just that everyone agrees that rights claims are the weapons of choice, it is that rights claims are themselves assertions of a kind of consensus. The real power in rights claims is the power, as it seems to us as we assert them, to invoke indisputable consensus. I'll be able to explain that better in a bit.

### 2. SKILLS

It will be helpful, to begin with, to think about reasoning, or more properly, the activity of exchanging reasons, as the exercise of a variety of skills. Like any skill-set, reasons-giving has norms and goals. And like any skill-set, these skills can be degraded or distorted. I'm eventually going to claim that the way we assert rights claims is both a result of and further cause of a degradation of our reasoning skills. But first let's just think about this: skills can be degraded. I mean by that just that we can get worse at the things we do. I get worse at knitting when I fail to work on my scarf for a few months—"getting rusty" is one sort of degradation. I also get worse when I try to watch TV while I'm knitting—the way I have to sit and the way I hold the yarn and the way I actually work the needles is different when I'm trying to follow what's happening on the screen. I get into bad habits, both physically and mentally. I hurt my wrists by working the muscles in the wrong directions and holding them in the wrong positions, and I change my needle angle and motion in ways that are more likely to result in misses and tangles. I also lose some of my powers of concentration—my focus becomes intermittent and lazy. The point is just that in various ways, I have gotten worse at this. I would not go so far as to say that I have permanently harmed these skills, though I could imagine that happening eventually. I will say, though, that re-sharpening these skills is not a simple matter. It is definitely not as simple as making a sudden resolution to improve. There are habits of

## CHRISTIAN CAMPOLO

thought to correct, muscles to heal and retrain—this is a slow, complex exercise, not a simple matter of will.

I hope that that is all pretty easy to believe. What I want to say is that our reasoning skills can befall some of the same sorts of misfortunes as our knitting skills. We can become rusty reasoners through lack of practice, and through regular misuse we can distort our skills. And just as with knitting, the degradation can be very difficult, if not impossible, to reverse. If anything, the situation with reasoning is a little bit worse than it is for knitting. For one thing, it is arguable that we currently need healthy reasoning skills more than we need healthy knitting skills. Also, while knitting in groups is merely fun, reasons-giving (on my view) is essentially social. If we degrade our reasoning skills, we at the same time develop a culture of poor practice which hides the problem from us, reinforces our bad habits, and strongly resists our efforts at improvement.

To see how our use of rights claims can have something to do with that sort of degradation, we need to look a bit more specifically at reasoning skills themselves. We give reasons to each other in many different ways, with many different goals. We can exchange reasons to learn about something, to show how smart we are, to embarrass each other, to win bets, to trick each other, to avoid resorting to force, to solve problems, to defend ourselves, to make excuses for ourselves, to learn about each other, to show that we're reasonable people, to make or save money, to express our convictions, to cement friendships, and so on—it is a long list. I am convinced that one of the core ends, if not the essential one, is to re-establish intersubjectivity. That is, I believe that most, if not all, of the purposes to which we put reasoning are forms of, or are derived from forms of, the attempt to reach consensus about what to do or what to believe. For example, if you show me a situation in which two people, A and B, are exchanging reasons, and in which A is secretly thereby trying to trick B into believing something, I will maintain that A is fooling B by allowing B to falsely believe that they are engaged in an attempt to establish intersubjectivity—the trickery is parasitic on the essential goal.

I know that not everyone accepts the notion that reasoning is *essentially* about establishing or re-establishing intersubjectivity, but we can't argue about that right now. I do need to say a little more about the notion of intersubjectivity, though. Intersubjectivity is a sort of consensus, and I'm going to start using the terms interchangeably. When people enjoy intersubjectivity they have, on some question or matter, something like the same understanding about what to think or do. This does not mean that they are committed to thinking or doing precisely the same thing. You and I can be “on board” with a plan to “divide and conquer”: we are committed to different actions, but we have consensus. Further, consensus, intersubjectivity, is a matter of degree. That is just to say that the overlap between the way our understandings run, on a certain matter, can range from practically none to practically complete. Reasoning, again, is one way of closing a gap that exists between our understandings, assuming that we want to close the gap (which is not always the case).

Specifying the skills employed in any complex behavior or activity is a tricky business. Holding the baseball bat correctly is different from swinging it correctly, but they are related in complex ways. The activity of driving a car can be construed as a single skill or a thousand skills, depending on “how you look at it.” Our interests will determine how we construe these relationships and distinctions. My present interest in

## RIGHTS, REASONING, AND DISSENSUS

our reasoning skills allows me to think of them as belonging to a cluster of sub-skills and powers of judgment, small in number and tightly inter-related. And only a few of them come into my story about how the way we use rights claims is related to degradation of our ability to reason well.

One of these, a power of judgment, involves *knowing when* to try reasoning, or rather, when not to try it. For sometimes the desired degree of consensus cannot be obtained at all. Sometimes it can be obtained, but not through exchanging reasons. Recognizing when that is the case requires a collection of pretty subtle discernments. You need to be able to tell, among other things, how far others are from having your understanding, how interested others are in establishing intersubjectivity, how good others are at articulating their understanding, how well you can articulate your understanding (which has a lot to do with gauging your context and audience) and so on.

Not everyone worries much about this sort of judgment, probably because not everyone thinks there could be a disadvantage to trying to reason. Exchanging reasons is the civilized way to overcome our differences, after all. We recognize that the attempt will often fail, especially in difficult cases. And we figure that the activity of exchanging reasons is self-correcting: if the reasons I give you are bad ones, then that will hopefully be pointed out in the normal course of reasoning. In general we seem to think that it is better to try and fail than not to try at all. If am correct, however, that's not true. In some cases, it is much better not to try at all than to try and fail, particularly when the attempt, like my knitting in front of the television, will harm our skills.

An analogy with baseball will help more than one with knitting at this point. The activity of playing baseball includes a sub-skill we call "batting." Batting well, as a skill, includes having what is called "a good eye." To put it simply, you have a good eye when you know when to swing and when to refrain from swinging. But it *isn't* simple: knowing when to swing means being able to tell what sort of pitch is coming; it means knowing very well what sort of pitches you can hit; it means knowing what sort of risks to take, given the count, the number of outs, the bases occupied, the condition of the pitcher, the remaining lineup, the likelihood that the next pitch will be better, the distance to the fences, the strengths and weakness of the various fielders, *and so on*. And notice that these two things, having a good eye and being a good batter, are not separable in practice. Just knowing which pitches you can hit requires knowing a lot about how to hit a baseball in the first place. So you can't have a perfect eye but be a completely terrible batter. Likewise, you cannot be a good batter without a good eye—if you cannot tell which pitches you should attempt to hit, then you may be a lucky batter, but you cannot be a good one. Having a good eye means possessing a set of skills that are related in very complex ways.

As it happens, a batter with a bad eye makes characteristic mistakes. For example, he swings at pitches that he cannot really reach. This may lower his average, but more importantly, it will ruin his ability to swing well. He will lean over too far or reach up too high or bend too low. His arms will be too extended or too contracted. The timing of his swing will be uncertain. Instead of holding to his stance, he will move his feet around in an attempt to get his body in a better position. He will not be able to focus on, or even understand, the options available with each pitch. In short, he will be exercising and accustoming his mind and body to a very poor, ineffective way of proceeding. Eventually he will be habitually off balance, unstable, uncoordinated, and uncontrolled. I think that

something very similar is true about our reasoning skills, but I need to add one more point about baseball. If somehow your “good eye” could be degraded, that is, if something could *happen to you* that hurt your ability to tell when you should swing, all the other sub-skills which constitute batting would suffer in you, too.

Reasoning is like that. If you lose your “eye,” your ability to tell when to try it, then the other sub-skills which constitute reasoning suffer in you, too. Certain ways of formulating and deploying rights claims, that is, certain uses of them as argumentative devices, harm our “eye.” That’s what I’m getting at. But before looking more at rights, we need to look more directly at how reasoning works.

### 3. COMMON GROUND

Elsewhere I have argued that this judgment skill, knowing when to try reasoning, is pretty fragile and easy to harm. One of the most effective ways to harm it, I still believe, is to follow some popular advice about how to proceed when we are faced with a lack or loss of intersubjectivity. When faced with a serious disagreement, we are told, we should search for common ground, usually at some higher level of generality or abstraction. Having made this ascent, having found out how broadly we actually agree, we can begin to identify and perhaps even to bridge the more specific gap which has led to our disagreement. You and I disagree about whether or not people should be required to undergo background checks before being allowed to purchase handguns. We can’t seem to make any progress until we ascend a bit—we find that beyond our specific disagreement, we both believe that safety and security are basic goods. We have deep things in common, and the more we find out about that, the closer we are to settling our differences. At least that is what we think.

I am not claiming that it is always the wrong thing to do. Sometimes it definitely is the right thing to do. I am only claiming that it is not always the right thing to do, that it carries risks that we need to be aware of. One of the risks is that it can lead us to ruin our “eye.” If we were still talking about baseball, I would be saying that we should not listen to anyone who told us to swing at every pitch. Ascending to common ground every time we encounter a lack or loss of intersubjectivity will ruin our “eye” and then our other reasoning skills (if these have even been allowed to develop well in the first place). And here’s the problem: only certain sorts of gaps in intersubjectivity can be repaired by exchanging reasons, but ascending to common ground can mislead us terribly about the nature of the actual gap we face.

Ascending to common ground can mislead in this way because we can always describe ourselves as having a lot in common. Given a little cleverness and subtlety, any two understandings can be construed as overlapping to a large degree. We both care about safety and security, no matter how deeply we disagree about gun ownership. We both care about honoring the sanctity of life, no matter how much we disagree about abortion or euthanasia. We both care about fairness and justice, no matter how much we disagree about affirmative action. These “bridge-like” descriptions of us are always available. But successful intersubjectivity-restoring argument is not just a matter of how we *describe* ourselves. It depends on the nature of the actual gap that prevents us from being “on the same page.” Being “on the same page,” to continue the metaphor, is not the same as reading the same book, or as being book lovers, or as being able to read.

## RIGHTS, REASONING, AND DISSENSUS

Descriptions of our high level common ground may foster feelings of solidarity, and that may encourage us to keep trying, to the detriment of our skills. Feeling solidarity is not the same as actually being in bridgeable positions.

It is not easy to spell out what makes positions bridgeable by reasons-giving. A full account would be extremely complex, but some basic considerations are not difficult to highlight. The most straightforward way to get at it is to ask about what makes something a reason. By “reason” here I don’t mean the same thing as “premise,” at least the way we use that word in formal logic. In our daily argumentative practice, a reason is a sort of stepping stone that is supposed to get someone from one view (or belief or understanding or position) to another. But it is a bit more than that, too. A reason is not supposed to be merely *available* as a stepping stone, it is supposed to be hard to resist. But what makes something useful and hard to resist depends a lot on the actual people involved and on the actual situation they find themselves in.

Consider this exchange:

You: Let’s have some tea.

Me: We can’t, it’s almost midnight.

Let’s ignore the complexities here. Simply: I point out the time, and that is, for you, I expect, a reason not to drink tea. I implicitly rely on what (I expect) we jointly understand about the contents of tea, the effects of caffeine on the body, the way that life works (such that midnight is not a good time to be waking up rather than falling asleep), the way that time works (such that midnight not a good time to be waking up rather than falling asleep), and, if we cared to extend our list, many other things about “life, the universe, and everything.” Change any of that, or put us on different pages with respect to any of its crucial bits, and what I said might not at all *count as a reason* for you. Consider:

You: Let’s have some tea.

Me: We can’t. It starts with “t”.

Here I mean, perhaps, to point out that the fact that the word “tea” starts with the letter “t,” is a good reason for us not to have tea. But how could that be a relevant consideration, much less a strong one? Being able to see something as a reason means being able to see how it is meant to bear on the goodness of a prospective conclusion. Again, this is a matter of relevance. But for something to be relevant to both of us, we need a lot of overlap—really a lot—in our understanding of things.<sup>1</sup> If you don’t share enough with me, there’s nothing in what we might *implicitly jointly rely upon* that can help you understand just how this can even count as a *reason*. We have, by virtue of our differences, the opposite of a *non sequitur*: it’s not that the conclusion doesn’t follow, it’s that the offered reason *doesn’t lead to it*.

This is complex stuff, but we do not need to get too much deeper into it. My point is just that reasoning, as a tool for establishing consensus, requires pretty extensive agreement to begin with. We can’t have reasons, or it might be better to say, the things we offer as reasons cannot serve as reasons, unless we genuinely share a lot. And that

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<sup>1</sup> Following Wright (1995).



means that reasoning is a tool useful for restoring intersubjectivity only when the gap to be bridged is quite small.

Missing sight of that is a problem. If we are friends, and if I tell you that we cannot have tea because the word begins with the letter “t,” you are free to take it as a joke, to dismiss it, to take it as my strangely indirect way of turning down your invitation, etc. But think for a moment about how things go when people are in earnest and the matter is important and they don’t have enough in common. Typically, the one offering something as a reason takes it to be compelling and, perhaps, obvious. The one to whom it is offered takes it to be stupid, and, perhaps, utterly irrelevant—not even a reason. And if the two, by virtue of having not much in common, have little in the way of extra good will for each other, they will quickly become annoyed. And if each one is convinced that what he is saying is plainly acceptable while what the other is saying is plainly off-base, then annoyance may not be the end of it. Persistence in such a case betrays, I claim, a bad “eye,” and a real failure to understand how reasons are supposed to be formed and exchanged. If the two are encouraged to continue anyway they will get worse at knowing when to try reasoning and they will get worse at trying it.

And that’s why it is important for us to avoid misperceiving the actual gap. And that’s why it is unwise to assume that we should address serious dissensus by ascending to a supposed common ground which gives us the impression that we really do have a lot in common. The sort of policy that mandates an ascent to common ground amounts to purposeful refusal to accept the possibility that we don’t have enough in common to get anywhere by exchanging reasons. And again, this is not a harmless failure, since we’re really talking about a deliberate neglect of our “eye,” which leads to further degradation of our reasoning skills. All that’s left is to focus on how rights claims fit into this picture.

#### 4. RIGHTS CLAIMS AND CONSENSUS

Rights claims, often enough, are degenerate attempts to name common ground. I mean that when we assert rights claims, we are often trying to hearken to a consensus that obtains at a higher level of generality. What makes these attempts degenerate is not that they are false—though I believe that they often are. It is that they illicitly collapse two parts of a search for intersubjectivity on a particular issue. That collapse, about which I’ll say more in a moment, is the product of damaged reasoning skills. The gestured ascent to higher common ground, implicit in many assertions of rights claims, is one of the causes of the damage. So on my account, again, rights claims, the way we find them being used these days, stand as the cause and effect of some important distortions of our skills.

It might be surprising to think of rights claims as assertions of common ground, especially since they are asserted most forcefully in the midst of serious disagreements. It can help to recall some of the things that Mill said when he tried to explain why the notion of a right is not incompatible with a utilitarian theory of morality. For Mill, protecting the individual from the will of the many sometimes makes sense, even if it makes the many very unhappy, because the long term happiness it creates outweighs the frustration of the many at any given moment. The many may not agree with the individual at a given moment, but all ought to agree that each individual’s long term happiness depends upon being protected, at times, from what everyone else wants. So we can imagine a sort of common concern that stands over (or behind, or whatever) the

## RIGHTS, REASONING, AND DISSENSUS

friction of the moment. And on that picture, invoking a right amounts to the invocation of that more universal commitment.

Something analogous can be said about the rights claims that seem to be popping up all over in our culture. They are invocations of a supposed agreement at a higher level. We don't usually refer our rights claims directly to the "greater happiness"; we have a Constitution which gives us the last word on such things. The Constitution is the final arbiter—we *all agree on that*. And the Constitution accurately and properly spells out what rights we have—we *all agree on that*. Is it true that we all agree on those things? That is not an easy question to answer. We certainly argue more about what the Constitution authorizes than we do about how we should change it. In any case, it is not hard to get the impression that our *presumed* agreement on these things is *supposed* to do a lot of the work when rights claims are wheeled onto the scene. Sometimes it is easy to suspect that a given rights claim has been formed around a particular desire or interest long before any reflection on the Constitution has taken place. We may suspect this most strongly when the arguments meant to establish the purported right's credentials seem very strange and contrary to the whole "spirit" of the Constitution. Many people view the recently minted "right to privacy" in this light. A similar suspicion can arise as we witness political battles over nominations to the Supreme Court—it certainly seems as if the real struggle is between competing attempts to cloak particular political agendas in the garb of our supposed consensus about the Constitution. Disparate interest groups and factions fight over Supreme Court nominees just as they fight with competing rights claims. Their fight, I am suggesting, is really about who will get to claim the legitimacy that comes from the consensus we presumably share when it comes to the dictates of the Constitution. This is what I meant above when I said that disparate factions' agreement that rights are the weapons of choice in political battles amounts to a recognition that *consensus*, or at least its appearance, is what is truly powerful and indispensable. (There may be something cynical about this view, but cynicism can't yet be the problem that Sumner takes it to be. These particular argumentative moves won't completely lose their purchase as long as they continue to erode our ability to know better.)

The assertion of a rights claim, then, can be seen as the invocation of consensus at a higher, more general level. I was complaining earlier about the hazards of ascending to common ground as a strategy for restoring consensus, and now I can say that some assertions of rights claims just are such hazardous ascents. When I say that they are often false, I mean that we often enough disagree a lot about what the Constitution says and means. But when I call them "degenerate," I'm referring to the way they are often thought, at least by those who wield them, to represent the decisive, final word in the argument. When appeals to common ground are made carefully and soberly, they mark the beginning of a slow investigation into the nature of the intersubjective gap. In the best cases this has the feel of backtracking, looking for something we lost, trying to figure out where we lost it, retracing our steps several times, and so on. In other words, it is a new start. The sort of rights claim I'm worrying about is an appeal to common ground which is at the same time supposed to be a decisive *ending* to our search. The entire structure of the investigation has been collapsed, its ending proclaimed at the same time as its beginning.

How could anyone believe that such a move could be effective in the practice of argumentation? My answer is that we have to a large degree lost our "eye," and that our

## CHRISTIAN CAMPOLO

skills for articulating and weighing reasons have subsequently been harmed. This is my claim, at any rate, that the proliferation of rights claims shows that we, as a culture, have hurt ourselves, and continue to hurt ourselves, in our more or less desperate attempts to restore intersubjectivity.

### 5. CONCLUSION

My point here has been to show how a certain worry I've had about the fragility of our reasoning skills can explain the troubling way in which rights claims have proliferated within our moral and political debates. At the moment I have no prescription to append to my diagnosis. I certainly do not mean that we should stop talking about rights, or that we should give up on intersubjectivity, or even that appeals to common ground are always harmful. We will need time and great care and caution to repair our skills, and it does not give voice to misology to say so.

[link to commentary](#)

### REFERENCES

- Campolo, C. (2005). Treacherous ascents: On seeking common ground for conflict resolution. *Informal Logic*, 25, 37-50.
- Kass, Leon. (2002). *Life, Liberty, and the Pursuit of Dignity*. New York: Encounter Books.
- Sumner, L.W. (1987). *The Moral Foundation of Rights*. Oxford: Oxford University Press.
- Wright, Larry. (1995). Argument and deliberation: A plea for understanding. *Journal of Philosophy*, 92, 565-585.