Wide reflective equilibrium and conductive argument

STEVEN W. PATTERSON

Philosophy
Marygrove College
8425 W. McNichols Rd., Detroit, MI 48221
USA
spatterson@marygrove.edu

ABSTRACT: In this paper I compare and contrast Rawls's notion of reflective equilibrium with Wellman's notion of conductive argument. In the course of so doing I will address two key questions: (1) Are conductive argument and reflective equilibrium best understood as modes of reasoning or types of argument? and (2) What relationship (logical, pragmatic, etc.), if any, is there between them?

KEYWORDS: conductive argument, reflective equilibrium, John Rawls, Carl Wellman, W.T. Stace, Henry Aiken, H. L. A. Hart, judgment, moral philosophy

> *Bees cull their several sweets from this flower and that blossom, here and there where they find them, but themselves afterward make the honey, which is all and purely their own, and no more thyme and marjoram: so the several fragments he borrows from others, he will transform and shuffle together to compile a work that shall be absolutely his own; that is to say, his judgment: his instruction, labor and study, tend to nothing else but to form that.*

--Michel de Montaigne, Essays

1. INTRODUCTION

The advent of deontic logic and more recently, of non-monotonic logics of belief revision, is rapidly changing the way in which contemporary philosophers engage the question of how moral beliefs are to be justified. The question itself, however, and the tradition of invoking non-standard logics in order to answer it, is far from new. In 1971 two proposals emerged independently of one another which, though having clear antecedents, were indicative of an non-deductive approach to moral justification. The first of these was Carl Wellman's notion of "conductive argument", put forward in his 1971 work Challenge and Response. That same year, of course, marked the publication of John Rawls's seminal A Theory of Justice, in which, among other things, Rawls introduced the idea of reflective equilibrium to many for the first time. Both proposals were novel, if not altogether new, but whereas Rawls's proposal went on to become an independent object of study in its own right, Wellman's languished and (until recently) largely failed to register an imprint in the philosophical community. The disparate response to the proposals is somewhat puzzling, especially since the two proposals emerge from the same confluence of philosophical positions and influences. They are quite similar proposals. Part I of this paper constitutes my argument for their similarity. I believe this argument establishes

that the relationship between reflective equilibrium and conductive argument is genetic (or, if one prefers, a rather clear sort of "family resemblance") in nature. In Part II I will suggest a possible explanation for why Wellman's version was met with indifference, while Rawls's rose to prominence. In brief, my contention will be that Wellman's proposal could have been misunderstood–both because of narrow views of argument then in prominence and because of strategic errors on his own part. My hope is that a side-by-side examination of Rawls' and Wellman's proposals will help us understand both better. As there is no better place to begin such an inquiry than at the beginning, it is to the origins of conductive argument and reflective equilibrium that I now turn.

2. ORIGINS

2.1 Rawls and Wellman

The lives of philosophers aren't always interesting or revelatory regarding their ideas. With Rawls and Wellman, however, I believe there may be some point in looking at their philosophical backgrounds. The first similarity between them is obvious: both are among the first rank of 20th century American philosophers of political morality. Wellman's work on rights is well known and appreciated among philosophers and jurisprudents and Rawls is as close to a household word as any philosopher ever gets. Their mutual success is unsurprising, as their paths converged in interesting ways. Both did Ph.D.s in moral philosophy at Harvard: Wellman working closely with Henry Aiken and C.I. Lewis (Marilyn Friedman, et al. 2010) and Rawls with W.T. Stace (Freeman 2007). Both spent time in England as the result of an academic Fellowship: Wellman at Cambridge and later Oxford (Friedman et. al.: op. cit.), and Rawls on a Fulbright at Oxford (Freeman 2007: op. cit.). Both also had personal contacts with and were deeply influenced by the ideas of H.L.A. Hart.

Of perhaps less moment to their respective careers but of particular interest to students of argument will be facts like these: Wellman, like Toulmin (and as some including myself believe, Hamblin[1]) was influenced by Wittgenstein. During his stint at Cambridge he studied Wittgenstein's original manuscripts with von Wright (Friedman et al.: op. cit.). Also of interest is Toulmin's penumbral role in our story. Wellman's teacher Henry Aiken directly engaged the ideas of Toulmin's An Examination of the Place of Reason in Ethics in his own work (Aiken 1953). Wellman followed his teacher in doing the same thing in Challenge and Response (Wellman 1971: 63-67). Rawls too reviewed Toulmin's book (Rawls 1951). Though these are interesting connections, the more telling similarities between them are the views of their teachers about moral reasoning, their aforementioned acquaintance with Hart, and that both were familiar with–and cite in the respective works at issue here–the work of Nelson Goodman. I begin with the views of their teachers.

---

[1] Johnson (2010) makes a rather strong case for Wittgensteinian influence both in these cases and in the larger case of informal logic more generally.

2.2 Antecedents to Conductive Argument and Reflective Equilibrium

No philosophical theory springs fully formed from the head of its creator. They are born of absorption of the lessons of one's philosophical forerunners and of one's own independent work and, naturally, dialogue with one's colleagues, friends, students, and interdisciplinary peers. But philosophical problems are in an important sense culturally specific to the historical moment in which they are born. Thus, to understand a proposed solution to a philosophical problem one has to first understand the problem, and this requires understanding the philosophical moment that gave rise to it. We are now more than thirty years past the proposals of Wellman and Rawls, and those proposals are addressed to problems that surfaced twenty years before they appeared in the forms in which we know them now. Hence it will help us to see the connections better if we understand something about the context in which their way of thinking about the problems the theories were devised to address was formed. Two controversies in particular are the gravitational centers of that context: The controversy over how to justify inductive inferences and the controversy over the role of reason in ethics and morality.

The period of philosophy in the English-speaking world surrounding the Second World War, as is fairly common knowledge, was dominated strongly by the ideas of the Vienna Circle. Equally well known is the fascination of the philosophy of this period with all things scientific. What is less well known is that there was opposition to the ideas of the logical positivists that was largely made up of two groups: followers of pragmatism, of which Wellman's teacher C.I. Lewis was a prominent representative, and holdouts from the losing side of an earlier philosophical controversy in the 1930's–the followers of various forms of metaphysical idealism. Idealism had largely fallen into disrepute prior to the emergence of logical positivism. The rise of symbolic logic in the 1920's and 30's and the increasing frequency with which it was applied to philosophical problems were contributing factors too. C.I. Lewis was among the early formal logicians who had contributed to its demise in this way. (W.T. Stace and Henry Aiken both were both staunch anti-idealists as well.)[2]

2.3 The Justification of Induction

Though empiricism was ascendent it was not without problems. One of the principal problems was how to justify inductive inferences, which were seen as necessary for science, but which were still problematic for reasons that Hume had indicated two centuries earlier. Unfortunately, there isn't space enough to tell the fascinating tale of induction in the twentieth century in this paper but it should be familiar enough to make its elision here at least excusable. The point of raising it in the first place is to introduce another character into the story of conductive argument and reflective equilibrium: Nelson Goodman. Goodman, like Wellman a student of C.I. Lewis[3], is acknowledged (albeit in a

---

[2]   Those interested in the issues mentioned here or this period in philosophy in general would do well to consult (Lewis 1934), which provides both a snapshot of the state of philosophy at the time and a foreshadowing of where it would go in the following twenty years.

[3]   Tellingly, the opening footnote on the first page of the main text of *Fact, Fiction and Forecast* reads: "My indebtedness in several matters to the work of C.I. Lewis has seemed too obvious to call for detailed mention."

footnote) by Rawls himself to have originated what came to be the now familiar notion of reflective equilibrium (Rawls 1999b: 18n). The work Rawls mentions in that footnote is the same—and only—work of Goodman's cited in the bibliography of Challenge and Response: Goodman's *Fact, Fiction, and Forecast* (Wellman 1971: 285). The kernel of Goodman's view can be found on page 64 of this work:

> The point is that rules and particular inferences alike are justified by being brought into agreement with each other. A rule is amended if it yields an inference we are unwilling to accept; an inference is rejected if it violates a rule we are unwilling to amend. The process of justification is a delicate one of making mutual adjustments between rules and accepted inferences; and in the agreement achieved lies the only justification needed for either.
>
> (Goodman 1955: 63-4)

This strategy, I think, will sound familiar to many students both of Rawls and of Challenge and Response. It would have sounded familiar to pragmatist philosophers of the period too, as it bears more than a passing resemblance to Dewey's "pattern of inquiry". It certainly would have been familiar to Lewis, who wrote one of a series of responses to Dewey's logical treatise, of which the pattern of inquiry is a part, in a 1930 issue of the Journal of Philosophy (Lewis 1930). It requires little imagination to think that Lewis's students would have been at least aware of Dewey's work as they tackled the problem of induction. But we need not rest on speculation alone, for in Wellman's case, awareness of Dewey is evident from his explicit mention in Chapter 2 of Challenge and Response, notably concerning induction (Wellman 1971:41) and in Chapter 6 (op. cit.: 159-60) too. Rawls also cites Dewey, but in footnotes that have little to do with argument or reasoning (Rawls 1999b: 351, 358). Nevertheless, we may safely conclude that Rawls had at least some awareness of Dewey's philosophy. This is interesting because it suggests that the similarity between reflective equilibrium and conductive argument may not be accidental, but traditional. The connection of Rawls and Wellman to Goodman, Lewis and perhaps Dewey puts their views squarely within the ambit of American pragmatism.[4]

2.4 The Status of Moral Reasoning

However interesting the justification of induction might be, it was never a principal concern either of Wellman or of Rawls. Their concerns were, from the beginning, primarily moral.[5] The state of moral philosophy at the time of their graduate study though, was a much beset one. The general philosophical climate was one in which the study of morality was thought of as somewhat peripheral to the central concerns of philosophy.[6] Even

---

[4]   Though he does not attempt to draw the lineage of the idea as I have done here, it is striking that in his review of *Challenge and Response* (Singer 1974) straightforwardly assumes that Wellman's notion of justification is modeled on pragmatists like Peirce and Dewey.

[5]   Interestingly, Wellman's interest was arguably more philosophically driven, as his career began with an interest in the philosophy of language that included moral language as a special study. Rawls, by contrast, came to moral philosophy only after a series of self-perceived failures at other disciplines and a turn in the army during the Second World War. Prior to becoming a philosopher Rawls had considered becoming a Presbyterian minister, but as Samuel Freeman (2007) records: Rawls's experiences in Japan during the aftermath of the infamous Tokyo firebombing were significant in pushing him towards moral philosophy instead.

[6]   It has been persuasively argued in Kuklick (2001) that their time was one of movement away from the view that saw morality and ethics as objective enterprises. Indeed, at the time that Rawls and Wellman

those whose empiricism was not positivistic approached moral questions with some suspicion. Hence the moral philosophy of this period is rich in terse linguistic and logical analysis (of which R.M. Hare is perhaps the best-known example) and in quasi-psychological emotivist theories (for which C.L. Stevenson undeniably carried the banner for much of the twentieth century). Of course, there was also the positivistic skepticism of moral claims put forward by thinkers like John Mackie and A.J. Ayer.[7] Wellman and Rawls did their dissertations in the linguistic style of analysis, shying away from emotivism and skepticism.[8] In this they followed their teachers, in whose own work one finds a philosophical counterweight to skeptical and emotivist views of ethics. The following quotes show that while Aiken, Stace, and Hart all took seriously what we might call the "underdetermined" nature of moral claims, all three attempted to take those claims seriously and, importantly, objectively too. Consider Aiken (1952: 175-6):

> we shall see that the vagueness of "competence" in ethical criticism is proper to it. The point is that the functions of ethical criticism are (a) to cause us to reflect deliberately and dispassionately, not to predict precisely what will occur, and (b) to produce agreement in our general decisions and in our procedures for resolving disagreements that arise inevitably in relation to the prevailing moral code. For such purposes the concept needs to be flexible and vague. Too much rigidity in meaning would render it useless. The "realities" with which ethical criticism is mainly concerned are "sober second thoughts" and "Calm passions," the settled convictions which determine our long-range behavior as social beings. It has no particular objective or goal in view, merely a way of settling differences that arise from our particular passions and preoccupations.

Aiken's influence is felt in Rawls in the discussion that takes place there regarding moral objectivity. Rawls says (my emphasis):

> [O]ur moral principles and convictions are objective to the extent that they have been arrived at and tested by assuming the general standpoint and by assessing arguments for them by the restrictions expressed by the conception of the original position. The judicial virtues such as impartiality and considerateness are the excellences of intellect and sensibility that enable us to do these things well. One consequence of trying to be objective, of attempting to frame our moral conceptions from a shared point of view is that we are more likely to reach agreement ... .Objectivity then is attributed to those judgments which satisfy all the standards that the agent himself has in his liberty decided are relevant. (Rawls 1999b: 452-3)

The last emphasized clause shows, I believe, a strong resemblance to Wellman's framework as well.[9]

---

were first formulating their views on ethics, Quine was making the highly influential arguments of "Two Dogmas of Empiricism" and *Word and Object* to the effect that meaning itself might be more an effect of one's choice of conceptual scheme than of any fixed features of reality.

[7] On these theories generally see Darwall and Railton (1997).

[8] Goodman's views were thought to fit hand-in-glove with Quine's on this score. According to Kuklick, this was scandalizing to Lewis, who apparently thought of morality and meaning in more objective terms. It is also clear that neither Rawls nor Wellman would be completely comfortable with the relativism Quine's view seems to entail.

[9] The emphasis on *agreement,* albeit of a different sort than Goodman has in mind, also marks its emergence as something of a leitmotif in this discussion.

In Stace's work we find a very similar mode of thinking about ethics. Again the emphasis is mine.

> Further [the moral philosopher] must hold–unless he is prepared to suppose that these non-logical processes have led men to truths by a mere fluke–he must hold that these non-logical thinking processes, though they may sometimes lead to error, yet have a definite tendency to lead to true conclusions, and have in fact led men to discover truths. He must admit that there exist non-rational[10] mental processes which are nevertheless ways of discovering truth. [...] or it has been admitted that these non-rational processes lead to truth. That is, they have a certain degree of validity. (I shall define, in a moment, the sense in which the word "validity" is used here. It is not the logician's sense.) The question therefore arises how-being non-rational, they can yet be valid. And this, I claim, is a philosophical, and not a psychological, question. [...] I will, before going further, define in what sense the term validity is being used. It obviously is not the validity of the logician. In his language the non-logical series a-b-c-d although it may lead to a true conclusion, is by definition invalid. But I am choosing to use the word in another sense. I mean by a valid mental process, a process which, whether logical or not, leads to true conclusions with a frequency which is greater than can be accounted for by chance coincidence. (Stace 1945: 31)

Here one sees an obvious foreshadowing of the non-standard usage of the term 'validity' so ubiquitous in Wellman's text. Stace's emphasis that the interest is philosophical and not psychological is echoed in (Rawls 1999b: 104). Stace's influence is also present in Rawls's discussion of the circumstances of justice, particularly in his account of the relationship between morality and the concept of the self (op. cit.: 111).

These passages represent the views of Wellman's and Rawls's mentors, respectively. Add to them this passage from H.L.A. Hart, who both Wellman and Rawls claim as an influence on their philosophical thought:

> In deliberation we consider whether to do, or not to do, something and we oscillate between these alternatives: we attend to reasons for or against the proposed action, and we attribute more or less weight to these reasons: we then decide what to do. In the theoretical case we consider whether something is or is not the case, and we attend to the evidence in favour of one or other alternative: we find the evidence in favour of one alternative convincing and then decide that it is or is not the case. In both cases we could substitute for the expression 'decision' expressions such as 'being certain' or 'making up our mind'. [...] The characteristic termination of the practical inquiry is the settled frame of mind when we are no longer undecided what to do. (Hart and Hampshire 1957: 12)

In this passage Hart gives what could justifiably be considered a protean account of Wellman's third type of conductive argument. The end-state of the "settled frame of mind" invokes both the outcome of Rawlsian reflective equilibrium and conductive argument alike, as does the clearly deliberative model of reasoning offered by Hart in this passage. Hart's influence on Rawls and Wellman is uncontroversial. When we look at all of these passages together, a general picture of moral reasoning emerges.[11]

---

[10] In Stace (1945: 28-9) the predicate 'rational' is explicitly reserved for application to deductive and inductive reasoning in this essay.

[11] The case that the view emerging from these passages was a going concern among moral philosophers in general during the period in which both Rawls and Wellman were trained could be strengthened with further examples. I believe such examples could easily be found. The view expressed in Nowell-Smith (1954), for example, comes to mind as a contemporary, similar view to those laid out here. Interesting-

2.5 Features of Moral Reasoning

If we excise the notion that rationality means deploying a deductive or inductive argument in defense of those propositions to which one adheres, then we may fairly characterize the general view of moral reasoning that emerges as possessing the following characteristics:

(1) Moral reasoning clearly is demarcated from other types of reasoning.

(2) As a type, moral reasoning is characterized as non-deductive and non-inductive, and yet as attended with at least some concept or intuitional proto-concept of "validity".

(3) Moral reasoning is seen as inherently vague–but not problematically so, as this vagueness doesn't stop us from forming respectable moral judgments.

(4) Moral reasoning is a reflective process that involves weighing considerations and counter-considerations.

(5) Moral reasoning is held as something not to be reduced to psychological or social processes, but as something which is properly philosophical in character.

(6) We now pass on to the comparison of reflective equilibrium and conductive argument, wherein it will become apparent that both conceptions fit this framework.

3. REFLECTIVE EQUILIBRIUM AND CONDUCTIVE ARGUMENT

3.1 Reflective Equilibrium

In Rawlsian reflective equilibrium, one seeks a state of balance between a triad of one's considered (intuitive) judgments, principles, and larger-scope background theories and data.[12] The judgments in question are meant to be understood as judgments about particular cases. Suppose, for example, that we had heard of someone stealing a loaf of bread to feed his hungry children. Our immediate intuitions about such a case might be that the theft in question isn't necessarily wrong. Some might even hold that it is necessary. The point, however, is that the judgment of rightness or wrongness is made only with reference to the particular case at hand. The principles, by contrast, are more or less nomological commitments, e.g. "One ought not to steal." The background theories and data include (in wide reflective equilibrium at least) all other relevant theories and data. In our simple case this might include data about the economic situation of the thief, the incidence of kleptomania in the general population, a theory of the positive law against stealing, and so on. All of these things then, considered judgments, principles, and background theories and facts have to be balanced against one another in order for our thinking about them to become settled in a way that would permit us to say what we think, on balance about them.

Rawls presents reflective equilibrium as a rational process, not as a form of argument. While he claims that the end-product of the process is justification, he never

---

ly, depending on how widely one draws the boundaries of the ideas at issue, the heritage of the sort of view espoused by Rawls and Wellman may stretch even further back. In fact, Rawls (1999b: 42-5) claims Aristotle and Sedgwick as early proponents of views like his.

[12] I shall here intentionally gloss over Rawls's distinction between wide and narrow reflective equilibrium. My account shall favor the former, as I believe Rawls is fairly clear that ultimately wide reflective equilibrium is required for "full" moral judgement. See Rawls (1999b: 42-5).

claims that the conclusion is "valid" in any sense analogous to the standard logical usage of the term. Thus his view exemplifies the first and second of the five characteristics. It plainly possesses the third and fourth characteristics too, and Rawls (1999b: 104) is explicit in asserting that reflective equilibrium is not purely psychological.

3.2 Conductive Argument

On first blush Wellman's notion of conductive argument seems rather different than Rawls's account of reflective equilibrium. This principally is because of Wellman's explicit usage of the terminology of argument. This usage underscores that for Wellman, conductive arguments are supposed to be just that: arguments. They are supposed to have a sort of validity that he explicitly proposes as a new member of the same family as deductive validity and inductive strength (Wellman 1971: Ch. 3, passim.) It is the newness of his proposal that demonstrates the first and second of the five characteristics outlined in Section 2. Although Wellman describes three types of conductive argument, it is the third that is the most interesting and that has garnered the most attention. I shall here limit my comments only to this third type. According to Wellman, this type of conductive argument is distinguished from the others in that it includes the consideration of propositions that would appear to undermine the conclusion in addition to propositions that would appear to support it (i.e. ordinary premises). One's final determination as to the merit of the conclusion is determined by "weighing" these positively and negatively relevant considerations and choosing accordingly. Clearly Wellman's view satisfies the fourth of the five characteristics laid out in Section 2.5.

Wellman is explicit that the weighing process involved in drawing the conclusion of a conductive argument is not one of assigning a definitive order or priority to the set of premises, as if one were taking a precise measurement of the weights of several masses. Contrary to such a picture, Wellman (1971: 71) offers the metaphor of "hefting" objects in one's hands to feel which is heavier. This is metaphor is demonstrative of the third of the five characteristics and, I believe, is reflective of the Wittgensteinian influence on Wellman I mentioned earlier in Section 1 (compare, e.g., Wittgenstein 1964: sections 81-88). The lack of precision in the hefting metaphor also squares well with the approach from which both Rawls's and Wellman's work springs and which I described with the three quotes from Aiken, Stace, and Hart in Section 2.4.

It must be stressed that the "vagueness" in Wellman's model—for which at least one reviewer of *Challenge and Response,* e.g. Shope (1974), attacked Wellman—is intentional. It is, however, at odds with the usual sense of precision one seeks through the use of argumentative language. Thus, Wellman's usage of the language of argument should be seen as primarily polemic in nature. Wellman means to claim for moral deliberation (under form of conductive argument) the same sort philosophical respectability enjoyed by ordinary deductive and inductive arguments. Indeed, he says as much, and explicitly tries to turn the tables on the presumption in favor of the formal logician's concept of validity (Wellman 1971: 70-71). Though moral deliberation is not deductive or inductive in nature, we might imagine Wellman saying, it is still reasoning–and not just reasoning of second-class sort, but full-blooded argument on a par with scientific or epistemological argument. Moral arguments are just arguments of a different sort, and as such are philosophically respectable. Of course (as informal logicians are well aware) it wasn't possible

to say this directly in the philosophical climate of the 1970s and immediately to be understood, as the only standard for what counted as good reasoning was deductive argument.[13] In order for Wellman to make his case about moral reasoning, those boundaries had to be challenged. Hence my claim that Wellman's use of the terminology of argument was intentionally polemic, and was aimed at maintaining a philosophical place for moral reasoning. This is how Wellman's view shows the fifth of the characteristics that brings his views into the same "family" as those of Rawls, Hart, Aiken, and Stace.

4. CONCLUSION: ARGUMENT AND JUDGMENT

If Rawls's and Wellman's views are so similar, one might justifiably wonder why Rawls's view has been so successful while Wellman's has (at least until recently) languished. That Rawls's view was better received is attributable, I think, to two very important factors: (1) He does not characterize reflective equilibrium as a type of argument or even as an inferential process, and nowhere asserts that the deliverances of reflective equilibrium are "valid" in anything resembling the logician's sense and so speaks the language of his time. (2) The kernel of Rawls's view was present in his doctoral dissertation in 1952, and was developed gradually, over time, and alongside his larger-scope conclusions about moral and political philosophy in a series of articles in highly regarded and widely read journals. The first few chapters of A Theory of Justice give one a sense of the development of the key components of Rawls's thinking along these lines. By contrast, the philosophical community encountered Wellman's theory without any such preparation. Even those who understood it as a pragmatist theory didn't adequately appreciate the Wittgensteinian aspects of it, or recognize the polemic intent behind his usage of the language of argument. Wellman could perhaps have been clearer about these things, but judging by the similar reception of works by fellow trailblazers Hamblin and Toulmin, it isn't at all obvious that it would have made much of a difference if he had been. Few orthodoxies in the history of philosophy have run as deep as the commitment to formal logic.

For all that, however, the story is at root a hopeful one for informal logic. When we see Wellman's notion of conductive argument in its proper context in the history of philosophy and if we consider reflective equilibrium as a sister notion, then I think perhaps the most important conclusion to be drawn is that contrary to what we might think, there was a sense, in mainstream Anglophone philosophy, well before the 1970s, that it was possible to reason in perfectly respectable ways that (a) were not subsumable under existing rubrics for inductive or deductive argument, (b) that these processes of reasoning were not just non-monotonic, but non-formal, (c) that the proper account and investigation of these ways of reasoning was philosophical, i.e. not a matter to be considered a "quirk" of human cognitive activity of interest only to psychologists, and yet (d) was still true to the phenomenological aspects of what it is like actually to make a balanced moral judgment, or if one prefers, true to the way in which we often actually proceed when we argue about moral matters. This, I think, is a conclusion informal logicians should find very comforting indeed, as all of these are key themes of the informal logic movement. Still, it is important to bear in mind, that all of the philosophers named in this paper, and

---

[13] That climate was one in which, Kuklick (2001: Ch.13-14) alleges (I believe with some justification), ethics was generally not held in high regard.

many more besides them during this time period thought of ethics as an area of study unlike more "tractable" areas such as epistemology, the philosophy of science and the philosophy of language. If ethics is a "less-settled" area, the operational assumption seemed to be, then more openness with regard to acceptable methods must be allowed. And if such methods are successful in ethics, an informal logician may wish to add, then why not in other domains too? The fact that the family of theories under discussion here took significant impetus from Goodman's proposal about inductive reasoning in the philosophy of science highlights the importance of this question.

In arguing for opening the field to non-deductive and non-formal methods in ethics, Rawls, Wellman, and their teachers implicitly challenged another operational assumption too: That something counts as reasoning only if it is an argument. Rawls clearly rejects this assumption. The reading of Wellman I've suggested here doesn't settle things as to what he might think about this assumption, but it seems to me to be at least possible that he is the more radical of the two. In conductive argument what we have is a conception that doesn't just challenge the assumption, but that challenges the meanings of its very terms. If Wellman asks us to re-imagine the theory of argument, then what Rawls (pace Montaigne in the quote with which this paper begins) seems to give us with his talk of the "excellences of intellect and sensibility" is a theory or a model of judgment. It is here that I see the principal difference between them, and where I think that Rawls is perhaps more in step with what Stace, Aiken, and Hart were attempting to articulate in works like those quoted in Section 2.4. This raises the interesting question of whether and how theory of argument and theories of judgment are related, but that question will have to wait for another time.

REFERENCES

Aiken, Henry (1952). The role of convention in ethics. *The Journal of Philosophy* 49(6), 173–177.

Aiken, Henry (1953). Moral reasoning. *Ethics* 64(1), 24–37.

Darwall, Stephen, Gibbard-Allan, and Railton, Peter (eds) (1997). *Moral Discourse & Practice: Some Philosophical Approaches*. Oxford: Oxford University Press.

Freeman, Samuel (2007). *Rawls*. London: Routledge Publishing.

Goodman, Nelson (1955). *Fact, Fiction, and Forecast*. Harvard: Harvard University Press.

Hart, H.L.A., and Hampshire, Stuart (1957). Decision, intention, and certainty. *Mind* 68 (265), 1–12.

Johnson, Ralph H. (2010). Wittgenstein's influence on the development of informal logic. *Cogency* 2(2), 81–104.

Kuklick, Bruce (2001). A History of Philosophy in America: 1720-2000. Oxford: Oxford University Press.

Lewis, C.I. (1930). Pragmatism and current thought. *Journal of Philosophy* 27(9), 238–246.

Lewis, C.I. (1934). Experience and meaning. *Philosophical Review* 43(2), 125–146.

Friedman, Marilyn, May, Larry, Parsons, Kate, and Stiff, Jennifer (eds) (2010). *Rights and Reason: Essays in Honor of Carl Wellman*. Amsterdam: Kluwer Academic Publishers.

Nowell-Smith, P. H. (1954) *Ethics*. London: Penguin Books.

Rawls, John, and Freeman, Samuel (ed.) (1999). *Collected Papers*. Harvard: Harvard University Press.

Rawls, John (1951). Review: an examination of the place of reason in ethics. *Philosophical Review* 60(4), 572–580.

Rawls, John (1999). *A Theory of Justice* (Revised Edition). Harvard: The Belknap of Harvard University Press.

Shope, Robert K. (1974). Review: challenge and response, by Carl Wellman. *The Journal of Philosophy* 71(2), 46–55.

Singer, Marcus (1974). Review: challenge and response, by Carl Wellman. *Philosophical Review* 83(2), 254–259.

Stace, W.T. (1945). The problem of unreasoned beliefs. *Mind* 54, 213, 27–49.

Wellman, Carl (1971). *Challenge and Response*. Carbondale: Southern Illinois University Press.

Wittgenstein, Ludwig, and Anscombe, G.E.M. (eds) (1964). *Philosophical Investigations*. MacMillan Publishing.