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Commentary on “Levels of Depth in Deep Disagreement”

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Robert Fogelin (1985) both individuates and offers a logic for something he terms *deep disagreements*. They are interesting cases for argumentation theory, in Fogelin’s view, because “deep disagreements cannot be resolved through the use of argument, for they undercut the conditions essential to arguing.”

What is a deep disagreement? First let me say what I don't mean by this notion. A disagreement can be intense without being deep. A disagreement can also be unresolvable without being deep. I can argue myself blue in the face trying to convince you of something without succeeding. The explanation might be that one of us is dense or pig-headed. And this is a matter that could be established beyond doubt to, say, an impartial spectator. But we get a very different sort of disagreement when it proceeds from a clash in underlying principles. Under these circumstances, the parties may be unbiased, free of prejudice, consistent, coherent, precise and rigorous, yet still disagree. And disagree profoundly, not just marginally. Now when I speak about underlying principles, I am thinking about what others (Putnam) have called framework propositions or what Wittgenstein was inclined to call rules. We get a deep disagreement when the argument is generated by a clash of framework propositions (1985, p. 8).

A little reflection reveals that this is a remarkably strong definition: the proposed undercutting isn’t just a *weakening* of the conditions for arguing, but a *nullification* of those conditions – the disagreement simply cannot be resolved through the use of argument.

Fogelin thinks that this can happen when “underlying principles” or frameworks are not shared, or are called into question by the disagreement. The idea animating his discussion is, I think, one much discussed also under the label of “hinge epistemology” – after Wittgenstein’s term for propositions in an epistemic context that condition or play a special regulative role in the interpretation of other propositions (Pritchard 2005; Coliva 2015).

Of the many issues at play in Claudio Duran’s discussion, two stand out for me. The first is whether there are or could be metrics of depth that would make philosophically fertile sense of the notion of a deep disagreement. Professor Duran’s answer overall appears to be: Maybe – but it depends on a bunch of things, including how we understand the gradient between deep and non-deep cases. That strikes me as a very reasonable answer, and I’m not sure there is much more to say on the matter in the absence of specific and detailed proposals.

The second is whether Fogelin’s definition of a special kind of disagreement, whether we call it deep or not, expresses a valuable notion for argumentation theory or discursive analysis more generally. Professor Duran’s answer is that it does. Here I am less inclined to agree. While it is true that we could interpret Fogelin’s idea as denoting “argumentative exchanges in which
there is considerable lack of common grounds at the time of the argumentation process,” as Professor Duran does, this is a much weaker definition with little of the provocative interest of Fogelin’s. In fact it’s so relaxed that I suspect any disagreement at all could satisfy it. Given only inferential relations between propositions, any disagreement will be characterized by considerable differences between two people, over a range of beliefs. So which such beliefs merit the designation “common grounds”? I get the feeling that we are shoring up our missing metric of depth with a missing metric of common grounds.

In any case, even supposing a suitable account of common grounds, there being considerable lack of common grounds is perfectly consistent with the possibility of resolving a disagreement through the use of argument. Fogelin’s idea is not that there exists a class of disagreements that are rather tricky to resolve through argument if we confine ourselves to a relatively short time frame – and it would not have excited much interest if it had been.

Finally, Professor Duran is right to observe that Fogelin’s example of affirmative action disputes does not, in retrospect, look like an example of deep disagreement in his intended sense. To use the language of scenarios that Fogelin contrasts with deep disagreement, affirmative action was an “intense” dispute in 1985, and one too often conducted fruitlessly with the “dense or pig-headed.” The lesson, I think, is that scepticism about the abortion example is warranted as well. Part of the problem here is that Fogelin’s initial phrase “the morality of abortion” is far less univocal than it may seem at a quick pass. It encompasses the moral freightedness of abortion, the moral permissibility of legal access to abortion (under various conditions), the morally relevant features of abortion, and moral theorizing of abortion, inter alia.

Not only are these things strictly distinct, they can pull in very different directions: for example, lots of people think that abortion is morally problematic (in at least the sense that things would be better, ceteris paribus, if abortions were rarely needed) while thinking also that legal access to abortion is morally desirable (in that things are much worse when women are denied or discouraged from access to safe, legal abortion). People who disagree about one of these dimensions may agree about another. “The morality of abortion,” with all its polysemy, is a very different designation than the similarly ambiguous phrases “the sanctity of human life” and “the moral status of the fetus,” which are moreover very different from each other. Fogelin offers all three as characterizing a single deep disagreement (though he suggests the last of these is the decisive one). If achieving agreement on the morality of abortion sounds like an impossible thing, that’s likelier to be because it’s an imprecise expression for bunch of very different and independently very complex issues, and not because it’s one singularly intractable domain of disagreement that undercuts the conditions for its own argumentative resolution.

References