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# Commentary on Jason Schultchen's "Deep disagreements and some resolution strategies that simply won't do"

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## 1. Introduction

According to Jason Schultchen, none of Steven Hales' (2013) five strategies for eliminating disagreements will resolve a deep disagreement. Understanding why these strategies "simply won't do" shows us that a strategy that will do must (1) affect a change in the conceptual frameworks of those who disagree, (2) offer a long-lasting solution and (3) involve acknowledgement that the disagreement is real.

I shall discuss first Schultchen's conception of a deep disagreement, then Hales' five strategies, and finally Schultchen's three necessary conditions.

## 2. Schultchen's conception of a deep disagreement

Schultchen inherits the concept of a deep disagreement from Robert Fogelin, who defines a deep disagreement as one where the parties lack the "context of **broadly shared** beliefs and preferences" (emphasis in original) and "shared procedures for resolving disagreements" that are required for a "normal argumentative exchange" (Fogelin 1985, p. 3). In these comments, I shall use the phrase 'deep disagreement' in this sense.

Fogelin resists the idea that the cause of deep disagreements is merely divergent framework principles, which lie in the background but could be made explicit and rationally discussed. When we probe deep disagreements, he claims, we

do not simply find isolated propositions ..., but instead a whole system of mutually supporting propositions (and paradigms, models, styles of acting and thinking) that constitute, if I may use the phrase, a form of life. (Fogelin 1985, p. 4)

In contrast, Schultchen accepts an analysis of deep disagreements as rooted in a clash of framework principles that involve normatively fraught conceptual differences and an inescapable regress of justifications for each party's position.

It is not obvious that there are any deep disagreements. Fogelin's examples--disagreements about the moral status of the human fetus and about whether groups have rights--have been the subject of serious philosophical discussion, a sign that they are amenable to rational discussion and that two people with initially divergent positions on either of them might have the resources through protracted investigation and reasoning to come to an agreed final position. As Adams (2005) points out, people trying to resolve a disagreement by argument never get to a stage where they know that they have exhausted the resources of argument and reasoning, and so are never justified in concluding that

their disagreement is deep. To be justified in calling a disagreement deep, one needs substantial evidence that the parties who disagree have exhausted all the resources that can become available to them for resolving their disagreement. Akin (2019) has explored a disagreement that at first glance appears to be deep--the disagreement between proponents of the "Dark Enlightenment" and adherents of the liberal-progressive consensus that they critique. He has concluded that this disagreement is not so deep as to rule out productive argumentative exchange, both about the positive program of those who portray the liberal-progressive consensus as a grand illusion and about the existence of competing accounts of an alleged mass illusion and of the reality on the other side. Akin finds in this analysis grounds for theoretical optimism that "absolutely deep disagreements are impossible, since insofar as one can identify an other as one with whom one disagrees, one must see that other as one with whom one can argue." (Akin 2019, p. 421)

It may therefore be a purely hypothetical exercise to consider how one might resolve a deep disagreement. We can however take Shultchen's analysis as a stipulative account of a kind of disagreement that might or might not exist in reality, about which we can consider how the parties might resolve their disagreement rationally.

### **3. Hales' five strategies**

To begin with, there is something odd about the notion of "disagreement elimination strategies" (Hales 2014, p. 64). If two parties disagree on some issue and either they or a third party want to bring an end to their disagreement through discussion, it does not make much sense to start by aiming for capitulation or compromise or disambiguation or scepticism or relativism. Rather, the parties, perhaps with the help of a mediator, should start by exploring how and why they disagree, and then continue the discussion to its logical conclusion. Often the parties will agree to disagree. And why not? But discussion can eliminate an initial disagreement in various ways, which should be called outcomes rather than strategies. With deep disagreements, two questions emerge for each of Hales' five outcomes. Can it happen? If it does, would it count as resolving the disagreement?

#### **3.1 Capitulation**

Schultchen thinks that one party to a deep disagreement might find an argument that would get the other party to accept its position, but that this outcome would not count as resolving the disagreement, since it would leave the parties' clashing principles unaddressed. He treats the clash of principles as a disease that must be cured. Since the metaphor is not obviously apt, he needs to justify its use. In fact, mutually acceptable reasoned agreement on the issue at hand looks like a resolution of the initial disagreement. However, if the initial disagreement is deep, the party that capitulates must have made a mistake, since by definition the parties lack the shared beliefs, preferences and resolution procedures required to arrive together at a jointly accepted conclusion on the issue that divides them.

#### **3.2 Compromise**

Schultchen thinks that compromise can end a deep disagreement but does not resolve it, for it settles what to do but leaves disagreement in place about what to believe. However, deep disagreements can concern what to do rather than what to believe. In Canada, after the Supreme

Court ruled in January 1988 that the existing abortion law was unconstitutional, the cabinet had to decide on a replacement. According to the report [here](#), cabinet members seem to have disagreed deeply. On the face of it, their agreement after two years of discussion on a replacement law that for many was a compromise looks like a resolution of their initial disagreement.

### **3.3 Disambiguation**

Discussion can end a disagreement by finding a sense of a term or a context in which one party is correct and another sense or context in which the other party is correct. As Schultchen points out, this outcome is reasonable only where there is surface disagreement but fundamental agreement. Deep disagreements cannot be rightly explained away as due to an ambiguity of sense or context.

### **3.4 Scepticism**

Schultchen has two distinct objections to scepticism as a resolution of a deep disagreement. First, he argues, suspension of judgment is untenable as a general position, because one has to decide how to act. Second, a party to a deep disagreement cannot be forced or pressured to abandon its own position. But, whether or not universal suspension of judgment is tenable, suspension of judgment is a possible outcome of a deep disagreement and need not result from force or pressure. Prolonged respectful discussion might lead the parties to recognize the origin of their disagreement in competing framework principles, as well as the inability of either party to justify its principles (or to refute the other party's principles) to the satisfaction of the other. In fact, Feldman (2005) has argued that suspension of judgment may be the rational response in the examples that Fogelin (1985) uses of deep disagreements. And suspension of judgment looks like a resolution of the disagreement.

### **3.5 Relativism**

A relativist interprets each position as being valid only from the perspective of its proponent. Schultchen accepts Lavererio's objection (Lavererio 2018) that relativism puts each party in the impossible doxastic position of granting legitimacy to claims derived from a framework that it regards as false. However, if each party to a deep disagreement makes the effort to understand the other, each should come to realize that the other's position is valid within the framework of its governing principles. Each can still claim, while acknowledging this relativity, that its own principles are the correct ones. But, on the other hand, each might come to abandon this claim and to treat the choice of framework principles as open. The resulting relativism is hard to distinguish from mutual suspension of judgment. It too looks like a resolution of the disagreement.

## **4. Schultchen's conditions for a satisfactory strategy for resolving a deep disagreement**

Schultchen's three conditions articulate what he brings to his consideration of Hales' five strategies rather than what he takes from it. A deep disagreement is by definition a real disagreement, and hence cannot be explained away as an illusion due to an ambiguity of sense or context. Ending a deep disagreement by discussion only counts as a resolution if it comes to

grips with the underlying clash of framework principles; hence capitulation, compromise, mutual suspension of judgment and retreat to relativism are not resolutions. As to being long-lasting, it is not clear to me why a resolution of a deep disagreement needs to be long-lasting or that Schultchen has appealed to this requirement in considering Hales' five strategies. In any case, the three conditions open space for exploring how parties to a disagreement rooted in a clash of framework principles can overcome this clash through discussion. For that purpose, one needs a broader conception of argumentative exchange than that described by Fogelin or implicit in Hales' terminology of "arguing to the point of capitulation"—one that allows as Wohlrapp (2014/2008) for example does for subjectivity and dynamism.

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