Resolution of deep disagreement: not simply consensus

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Robert Fogelin has argued that in deep disagreements resolution cannot be achieved by rational argumentation. In response Richard Feldman has claimed that deep disagreements can always be resolved by suspension of judgment. I argue that Feldman's claim is based on a relatively superficial notion of "resolution" of a disagreement and that the real concerns behind Fogelin's argument are more substantive.

KEYWORDS: deep disagreement, Fogelin, Feldman, suspension of judgment, imprecise probability.

1. INTRODUCTION

What should the role of rational argumentation be in addressing the deepest disagreements that arise in our society? Robert Fogelin has argued for the rather pessimistic conclusion that deep disagreements cannot be resolved by rational arguments (Fogelin, 1985). If he is right, this would have significant implications for how deep disagreements should be approached. In particular, it might be thought that an emphasis on exchanging reasons and arguments may sometimes be misplaced, or even, as some have suggested, "dangerous" (Campolo, 2005).

On the other hand, there has also been considerable resistance to Fogelin's argument, and a number of good points have been raised in response (Aikin, 2018; Lugg, 1986; Memedi, 2007; Phillips, 2008; Ranalli, 2018; Siegel, 2019). In this paper, I will focus on the reply given by Richard Feldman (Feldman, 2005). Feldman argues that we may always achieve a rational resolution, even in a deep disagreement, if both parties suspend judgment on the issue. I will argue that this reply by Feldman really misses the point of Fogelin's argument, and fails to touch the interesting issues that it raises.

The plan for the paper is the following. In section 2, I briefly summarise Fogelin's argument and Feldman's reply. In section 3, I introduce some distinctions which will be helpful in analysing Fogelin's argument. I also discuss how these work in a context where agents have degrees of belief in propositions, not just full beliefs or full commitments. In the light of this analysis, I critique Feldman's reply in section 4. In section 5, I try to indicate where the interesting issues raised by Fogelin's argument really lie.

2. DEEP DISAGREEMENT: FOGELIN'S ARGUMENT AND FELDMAN'S REPLY

2.1 Fogelin's argument

Robert Fogelin has put forward a skeptical position about the power of informal logic and critical thinking to resolve disagreements (Fogelin, 1985). In particular, he suggests, there are some disagreements which are "deep", and fail to be resolvable by rational argumentation, or any rational means. He puts the point as follows:

> if deep disagreements can arise, what rational procedures can be used for their resolution? The drift of this discussion leads to the answer NONE' (Fogelin, 1985, p. 9)

What makes a disagreement "deep"? According to Fogelin, in a deep disagreement, the parties involved disagree at a profound level over "framework propositions" in the Wittgensteinian sense. These framework propositions, he claims, are deeply enmeshed in

> 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. 9).

As an example, he offers the case of abortion, where disagreement centres around the moral status of the foetus. The idea that the foetus has a certain relevant kind of personhood, he suggests, is often grounded in a much broader tradition of religious belief which involves many other commitments. This broader network of beliefs and commitments may not be shared with those who deny the foetus has such a status.

Fogelin's thesis is that "deep disagreements cannot be resolved through the use of argument, for they undercut the conditions essential to arguing" (Fogelin, 1985, p. 8). The reason that he gives is that argumentative exchange is "normal" when "it takes place within a

context of *broadly* shared beliefs and preferences' (Fogelin, 1985, p. 6). When the context becomes less normal, argument becomes impossible, because the 'conditions for argument do not exist" (Fogelin, 1985, p. 7).

> The language of argument may persist, but it becomes pointless since it makes an appeal to something that does not exist: a shared background of beliefs and preferences. (Fogelin, 1985, p. 7).

Those who have a deep disagreement then lack the shared background required to make argument work.

2.2 Feldman's reply

In the face of this pessimism, Richard Feldman has argued that there always is a way to resolve deep disagreements. He says that a disagreement has a "rational resolution available" when there are "some arguments and evidence which could be put forward to which the rational response is agreement" (Feldman, 2005, p. 16). In some cases, he says, there will be a resolution of a disagreement "if two people begin by disagreeing about something and then one person comes round to the other's point of view". If this happens on the basis of the presentation of arguments and evidence, then this counts as a "rational resolution" of the disagreement.

Feldman's main point is that this is not the only way a rational resolution may be achieved. Another possibility is that both parties suspend judgment about the issue in question. Feldman admits that this does not amount to a "resolution of the issue", but he thinks it does count as a "resolution of their disagreement" (Feldman, 2005, p. 17). Feldman contends that in normal disagreements, there is always such a resolution of disagreement available. Either the evidence and arguments make it rational to agree, or the parties should suspend judgment. Feldman then extends the argument to cases of deep disagreement. He argues that there is no reason why this kind of resolution could not be applied to the framework propositions that are implicated in deep disagreements. Even if there are complex evidential connections to systems of propositions, one can still evaluate whether one's evidence supports the proposition, goes against it, or is neutral. Thus suspension of judgment is always there also an option.

3. CONSENSUS AND COMMON GROUND

In this section, I will draw a distinction between consensus and common ground, which will prove helpful in analysing the significance of Fogelin's argument.

3.1 Consensus

It is first useful to draw on Isaac Levi's distinction between different ways of using the notion of "consensus". When two agents find themselves in a disagreement, they may initiate an investigation or discussion to try to resolve it. As Levi says

> an early step in such a joint effort is to identify those shared agreements which might serve as the noncontroversial basis of subsequent inquiry' (Levi, 1985, p. 145).

This gives us one notion of consensus: the "consensus of the participants at the beginning of inquiry which constitutes the background of shared agreements on which the investigation is initially grounded" (Levi, 1985, p. 145). I will call this "consensus$_1$". This should be distinguished from the consensus that participants may sometimes achieve as the outcome of inquiry, which we will refer to as "consensus$_2$".

Levi discusses how these different types of consensus may be represented both in the setting which concerns knowledge, and in the setting where agents have states of partial belief, or "credal states" (Levi, 1974). In the first case, each agent involved in a disagreement has some corpus of propositions which they take to be certain, and which they might say they "know". For example, agent A might take proposition h to be certain. In doing so, she does not regard $\sim h$ as a serious possibility. Agent B, on the other hand, might take $\sim h$ to be certain, and not regard h as a serious possibility. After discovering that they disagree, both agents may revise their commitments by "contraction": that is, by removing propositions from the set to which they are fully committed. Thus A may contract by removing h and B may contract by removing $\sim h$. They are both then in the state of shared agreement where their corpus contains neither h nor $\sim h$. This may be seen as a state of "suspension of judgment' regarding the truth of h. Such a suspended state may be taken as a consensus$_1$.

A and B may now continue to investigate. They might gather more evidence, swap evidence, or attempt to convince one another with arguments. This process may lead to them both "expanding" their commitments again by adding h (or $\sim h$). If they converge in this way, this would be a consensus that they achieve as the outcome of inquiry (consensus$_2$). It is also possible that nothing further is gained in the process of inquiry and the consensus$_2$ achieved at the end of the inquiry does not go beyond the original consensus$_1$.

The difference between types of consensus can also be specified in the setting of credal states. Now a disagreement may not be between what agents take themselves to know, but rather the agents may have different personal probabilities for a proposition. For example, agent A thinks h quite unlikely, and might assign $p_A(h)=0.2$, whereas agent B thinks it quite likely, and assigns $p_B(h)=0.8$. What do consensus$_1$ and consensus$_2$ amount to? In particular, what is the analogue of the suspended judgment which characterised consensus$_1$ in the knowledge case? Levi suggests that we should here make use of imprecise probability[1]. A state of suspended judgment can be represented not by one probability distribution alone, but by a set of probability distributions. A set of probabilities can be specified by giving the "lower" and "upper" probabilities, which are defined as the lowest and highest probabilities in the set respectively. How such a set can represent shared agreement can be seen by considering the behavioural interpretation which can be given of the lower and upper probabilities (Elkin, 2018; Walley, 1991). The idea here is that an agent may be offered gambles – for instance, a gamble which will pay 1 unit if h turns out to be true, and 0 units otherwise. The behavioural interpretation of a lower probability for h is that it is the highest price that the agent would be prepared to pay for such a gamble on h. The agent may not, however, be prepared to sell the gamble at that price. The upper probability is interpreted as the lowest price for which the agent would be inclined to sell the gamble. When an agent's lower and upper probabilities coincide, they have a "precise" probability for h, where there is one price they regard as fair for both buying and selling the gamble. In general, though, the lower and upper probabilities may come apart, giving a set of probabilities whose degree of imprecision about a proposition h can be measured by the difference between the upper and lower probability.

In the simple example above, the two parties initially have precise probabilities $p_A(h)=0.2$ and $p_B(h)=0.8$. Then the first agent is disposed to buy the gamble on h that pays 1 if h is true and 0 otherwise for prices less than $p_A(h)=0.2$, and is disposed to sell the gamble for prices above $p_A(h)=0.2$. The second agent has similar dispositions with respect to $p_B(h)=0.8$. Their shared dispositions can be represented by an imprecise probability with lower probability $\underline{p}(h)=0.2$ and upper probability $\overline{p}(h)=0.8$, because both are disposed to buy at prices below 0.2 and to sell at prices above 0.8. One may also think of the set [0.2, 0.8] as the set of probability measures which are regarded as

[1] Levi refers to this as "indeterminate probability", but "imprecise probability" is the more common term now.

permissible for the purposes of evaluating different options with respect to expected value (Levi, 1974).

Just as in the knowledge case, after the parties identify their shared agreements in a consensus$_1$, inquiry and dialogue may take place, leading to a possible consensus$_2$ after the inquiry. Further information will generally remove imprecision (Walley, 1991).[2] The disagreeing parties might reach a consensus where they both adopt the credence that one of the parties held initially. Alternatively the final result might be some kind of combination of their opinions. For example, the opinions could be combined in a "linear pool", where the final opinion is a linear combination of the initial credences with some weights. For example, it might be $p(h) = w_1 p_A(h) + w_2 p_B(h)$, where w_1 and w_2 are weights that sum to one. Again, it is also possible that the inquiry or argument does not succeed in moving the parties at all, and they remain in their initial state of consensus$_1$.

3.1 Common Ground

It is important to distinguish the notion of consensus from the notion of the "common ground" that the agents share. The common ground of the agents is the *content* of the shared state that represents their consensus. If two parties have achieved consensus by contracting to a state of suspended judgment over *h*, then their state of consensus has no content. They agree only on the proposition *h*v~*h*, so their state of agreement is completely non-informative. We will say then that they do not have any common ground regarding *h*. This would contrast with a case where the two agents disagree over *h*, but are both committed to another proposition *g*. Then the consensus of shared agreement that they come to has some content, namely *g*.

We can also see how in the probabilistic case it is possible to form a consensus state which contains some content in the case of a disagreement. If A and B have a consensus state represented by the set of probabilities between 0.2 and 0.8, then they do have some common ground. They agree not to assign probabilities between 0 and 0.2 or between 0.8 and 1. By contrast, if the disagreeing parties initially have precise probabilities 0 and 1 respectively, then the state of shared agreement of these commitments is the completely vacuous set of all probabilities in the interval [0,1]. In this case, although there is a consensus on this state, there is no common ground. This is the

[2] Though not always. There is a phenomenon known as "dilation" in which further information leads to an increase in the imprecision of the state (Seidenfeld, 1993; Walley, 1991).

probabilistic analogue of the case discussed above where A is initially committed to *h* and B to ~*h*. In general, an advantage of the probabilistic representation is that it allows us to represent more nuanced states of consensus, with different degrees of common ground. The amount of common ground is reflected in the precision of the set of probabilities. If the two parties agree on one precise probability, they then have the maximal amount of common ground, and in many cases this would count as a resolution of the disagreement.

4. THE LIMITS OF FELDMAN'S REPLY

Let us now return to Feldman's response to Fogelin's argument. Fogelin's thesis is that resolution of disagreement cannot be achieved by rational argumentation in cases of deep disagreement. Feldman understands "resolution of disagreement" purely in terms of achieving agreement or consensus, and his point is that this is relatively easy to achieve by suspending judgment. However, the concern behind Fogelin's argument is arguably more substantive. The core issue here concerns whether people can make progress towards substantive agreement on important matters like abortion or affirmative action by means of rational argument. Another way to put it is, can rational argument be "productive" on these deep questions (Phillips, 2008). In order to understand the notion of "progress" or "productive" here, we need more than simply the notion of consensus. We will say that an argument is "productive" if it increases the amount of common ground between the parties involved, in relevant ways. Thus, an argument will be productive if the consensus$_2$ represents more common ground than the initial consensus$_1$. A full "resolution" will be achieved if the parties achieve common ground – or come to agree – on all the propositions which are important to the issue at hand.

Feldman's "resolution" achieves agreement, and this may correspond to the consensus$_1$ that parties may achieve by suspending judgment. However, in some cases the common ground that such a consensus achieves is empty. This is in fact the case in the examples Feldman himself discusses. He considers cases where both parties suspend judgment about *h* and thus wind up with a completely non-informative state of opinion. This misses the point that Fogelin is getting at. Fogelin is asking whether productive argumentation can proceed from such a starting point. Certainly such a completely non-informative state cannot serve as the resolution of the disagreement – as Feldman himself acknowledges when he says that it is not a "resolution of the issue", but only a way of achieving agreement.

5. THE REAL ISSUES RAISED BY FOGELIN'S ARGUMENT

The real concerns behind Fogelin's argument are two-fold. First, in cases of deep disagreement, it may be hard to have much common ground in consensus$_1$. As we have seen, Fogelin explicitly focuses on the lack of "a shared background of beliefs and preferences". Second, a lack of common ground in consensus$_1$ hinders the pursuit of rational argumentation. The reason is simply that common ground is used as a resource in argumentation. Convincing another person using an argument usually requires that you find at least some premises for your argument that you can get them to agree to. The concern is that if the common ground is sufficiently empty at the beginning of inquiry, then arguments cannot tap into shared commitments in order to make progress.

Thus we may reconstruct Fogelin's argument as follows:

1. There are situations where people are committed to such different frameworks, hinge propositions, etc. that they lack substantial common ground. Call these "deep disagreements'.
2. If parties lack substantial common ground, this undercuts (substantially) the conditions for coming to agreement by means of rational argumentation.

C. In cases of deep disagreement, reaching agreement, or even making progress, by rational argumentation is not possible.

So understood, Fogelin's argument does raise important and interesting issues, several of which have already been discussed in the literature.

One set of issues concerns the second premise above. What are the minimal requirements on common ground for rational argumentation? Can, contrary to what Fogelin claims, rational argumentation proceed without it, or with a very minimal and readily achieved common ground? Some authors have argued that there are ways that rational argumentation can proceed that do not rely (so heavily) on the possession of common ground. For example, Andrew Lugg suggests that

> the strategy of reverting to neutral ground is only one strategy among many. Individuals can also bring about a shift in one another's allegiances by demonstrating hidden strengths of their own views and by eliciting hidden weaknesses of alternative views. Furthermore, they may find themselves having to shift ground as a result of their discovering things

> *wrong* with the views they accept and things *right* with the ones that they reject (Lugg, 1986, p. 48).

In a similar vein, Phillips (2008) suggests that arguments can be profitably pursued without any common ground in terms of shared beliefs and preferences as long as there is a certain shared commitment to procedural norms of argumentation.

Another set of issues concerns the first premise. Are there ever really situations where sufficiently substantial common ground is missing? Is there not some level -- perhaps a more general level -- at which people can find common ground even on matters of value? Although this may be true, the question that is relevant to Fogelin's argument is whether the disagreeing parties can access their common ground in a way which makes it available for use in argumentation. Situations of deep disagreement do seem to be ones where the identification of common ground can be particularly difficult (Phillips, 2008). Not all our commitments may be transparent to us, particularly when they concern very fundamental beliefs and values, so it can be hard to extract these for the purposes of lining them up with the commitments of another. And this is made even harder by the entanglement of these commitments in a whole system of propositions, as will typically be the case in a deep disagreement. Even if common ground does exist, then, it may be difficult to identify it in these sorts of situations. Some authors have suggested that simply pursuing the usual procedures of arguing will result in the common ground being suitably brought to the surface, eg. (Lugg, 1986; Siegel, 2013). However, pursuing argumentation with the aim of persuasion may not be the only or the most effective way of finding common ground. More in-depth analysis of the processes that lead to the identification of common ground and the conditions that make them effective seems to be in order.

It is worth noting that Fogelin's argument would be rather uncontroversial had the conclusion simply been that rational argumentation is *difficult*, or even *more difficult*, for deep disagreements. It is the claim that rational argumentation is *impossible* in cases of deep disagreement which is striking (Turner, 2005). Harvey Siegel has suggested that, in Popper's words, Fogelin "exaggerates a difficulty into an impossibility" (Siegel, 2013, p. 16). In order to defend the stronger conclusion that rational argumentation is impossible, it is necessary to establish either that rational argumentation is completely impossible without common ground, or that common ground of the required type is completely impossible to identify in cases of deep disagreement, or both. This is a considerably more demanding task than simply showing that arguing without common ground is more difficult

or that common ground is harder to find in cases of deep disagreement, both claims which seem rather plausible, perhaps even obvious.

6. CONCLUSION

Fogelin's argument raises the important question of what the role of critical thinking and rational argument should be in dealing with difficult disagreements. His argument primarily concerns the role of common ground in argumentative practice, and the main point is that since argumentation normally makes use of common ground as a kind of resource, it may be crippled when that resource is lacking.

Feldman has attempted to argue, contra Fogelin, that deep disagreements can always be resolved by suspending judgment. But this reply understands "resolution of disagreement" only in terms of achieving consensus. It is important in discussion of deep disagreement to distinguish between a consensus and common ground. Suspending judgment can result in consensus, but it does not mean that the parties have any substantial common ground. Fogelin is pessimistic about how productive arguments can be in situations where the parties lack common ground at the outset. This point is left completely untouched by Feldman's reply. The more substantive issue raised by Fogelin's argument is whether the difficulties in identifying and exploiting common ground in cases of deep disagreement render progress or resolution actually impossible, as opposed to merely more difficult.

ACKNOWLEDGEMENTS: Thanks to Jan Albert van Laar for helpful comments on a draft of this paper.

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