

Reasonable Disagreement and Metalinguistic Negotiation*

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Abstract

This paper defends the viability of a particular view of explaining reasonable disagreement: the Conceptual View. The Conceptual View being the idea that reasonable disagreements are caused by differences in the way reasonable people use concepts in a cognitive process to make moral and political judgements. But, that type of explanation is notoriously caught between either an explanatory weakness or an unparsimonious theory of concepts. When faced with deep disagreements theories on the Conceptual View either do not have the resources to explain them, or can only explain them by committing us to a completely new theory of concepts where all moral and political concepts are a unique type of concept distinct from all other concepts. This paper shows how the Conceptual view can avoid these two problems by proposing ‘Diverse Packages’ Theory as a novel theory for explaining reasonable disagreement. Diverse Packages theory uses recent innovations in the philosophy of language on metalinguistic negotiation and in developmental psychology on the origin and nature of concepts. The theory’s explanatory model shows, I argue, how reasonable disagreements whether they are ordinary or deep disagreements are caused without requiring a unparsimonious theory of concepts.

1 Introduction

The question of what best explains reasonable disagreement is central to debates in political theory about the justification of political authority and coercive power. In those

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debates, theorists argue for their theories about when political principles or rules ought to be obeyed or when it is permissible to coercively enforce them on the basis that they allow reasonable people who fundamentally disagree about moral and political matters to live in a shared social world.¹ A crucial part of these arguments involves theorists citing what they take to be the best explanation of why reasonable people disagree about moral and political matters, and claiming that only their theory conforms to this explanation. As such, working out how political authority and the use of coercive power is justified hangs, at least in part, on what the best explanation of reasonable disagreement is.

But political theorists have no good options on this front. The contemporary debate about explaining reasonable disagreement is in a stalemate with explanations falling into three general types of theories each with their own distinctive weaknesses. The simplest, and perhaps most popular, is the Imperfection View where what best explains reasonable disagreement is that people make a form of intellectual error in reasoning. Theorists argue that reasonable disagreement is caused either by some defect in reasoning², or by people choosing the wrong type of reasoning when approaching moral and political issues (eg. Hare (1981), Greene (2013)). But theories on the Imperfection View face two serious objections. They either rule out, at least, one aspect of what makes a disagreement reasonable, or simply fail to explain cases where reasonable people disagree without making any intellectual error.³ In response to these objections, theorists propose two alternatives.

On one alternative type of explanation, the Historical-Psychological View, what best explains reasonable disagreement is that people differ in their moral intuitions and the way their personal histories trigger these intuitions (eg. Haidt (2012) and Turiel (2002)). The idea being that the Imperfection View relies on an rationalist moral psychology when a sentimentalist moral psychology is better supported by empirical evidence. On this view the affective elements of cognition like moral emotions and intuitions are the foundation of moral and political making and hence differences in those elements are what explain reasonable disagreement. But, the problem the Historical-Psychological View faces is that the empirical support for it is not as secure as it first seems. As a number of theorists have pointed out, the empirical evidence shows that

¹See political liberals like Rawls (2005), Quong (Quong 2011), Nussbaum (2011), Hartley and Watson (2018, 2009), Larmore (1999, 1990), Gaus (2011, 2016) and Vallier (2019) and political realists like Williams (2005), Horton (2010), Rossi (2013), Hall (2015), Freyenhagen (2011) and Sleat (2013).

²This sort of explanation has an old pedigree in philosophy and is still widely popular. For instance, see Andrew Mason (1993, pp. 72–75) on how a Locke's (2008, pp. 307–309, 314–315, 322–327) theory of language could be used to formulate such an explanation. On more contemporary examples, see David Enoch (2011, pp. 186–197, 207–214), Russ Schafer-Landau (2003, Ch.9), David Brink (1989, pp. 197–210), David Wiggins (2006, pp. 366–367) and John McDowell (1998, p. 162) for this sort of explanation. See Dworkin (2011, pp. 441–446) for an overview of how the latter two's views may be construed this way.

³See Mason (1993, p. 74) and Rawls (2005, p. 58) on the first sort of objection, and Kahane et al. (2012), Jesse Prinz (2016, pp. 57–60), Kahane (2016, pp. 291–292) on the second sort of objection.

key aspects of the Historical-Psychological View (eg. that reflective judgement-making is rare and that deliberative reasoning and intuitions as disparate cognitive acts)⁴ are not supported by the empirical evidence. Rather a more integrative model of moral and political judgement making where moral and political judgements are caused by a mix of emotional dispositions and deliberative reasoning is better supported by the empirical evidence.⁵

On another type of explanation, the Conceptual View, what best explains reasonable disagreement is that people possess and use their moral and political concepts in different ways when making moral and political judgements (eg. Dworkin (2011), McMahon (2009), Mason (2006)). The idea being that rather than adopt a rationalist moral psychology of the Imperfection View, or the sentimentalist moral psychology of the Historical-Psychological View, we ought to adopt a more modest theory of moral psychology where both affective and non-affective cognition play a role in moral and political judgement making.⁶ On these theories, concepts whose content can be the result of both affective and non-affective cognition are the explanatorily significant element. But the Conceptual View face a major problem. Theories on the Conceptual View are caught between a weakness in explanatory power and an unparsimonious theory of concepts. They either cannot explain cases of deep disagreement as genuine disagreements, or if they can explain them require a commitment to a unique type of concept and that all moral and political concepts are of this type of concept.

Rather than trying to unravel and assess this dialectic as a whole, in this paper I will focus on a more narrow task. I will defend the viability of the Conceptual View and its middle way position between the Imperfection and Historical-Psychological Views. To salvage the Conceptual View, in this paper I argue for a novel explanation of reasonable disagreement – Diverse Packages Theory – which avoids the charge of explanatory weakness and of an unparsimonious theory of concepts. The core idea of the theory is an explanatory model with two distinctive features. The first feature is by using recent innovations in the philosophy of language it can read cases of reasonable disagreement as genuine in one of two ways: as either canonical disputes or as metalinguistic negotiations. The second feature is that by using the latest theories in developmental psychology on the nature of concepts and how they are acquired, it can explain why reasonable disagreements occur by describing how reasonable people possess and use ‘diverse concept-conception packages’. These two features combine to form a novel explanatory model that can actually explain cases of deep disagreement, and we need not be committed to any new theory about the nature of moral and political concepts.

⁴See Stanley Et Al. (2019) and Paxton Et Al. (2011, pp. 8–11) and Jacobson (2012, pp. 298–304) on the former, and Kennett and Gerrans (2016, pp. 76–82), Woodward (Woodward 2016, p. 93), and Hanno Sauer (2015, pp. 161–163, 2012, pp. 266–270) on evidence against the latter.

⁵See Prinz (2016, pp. 67–68), Kennett and Fine (2009, pp. 88–91), Patterson et al. (2012), Young and Dungan (2012), and Schuler and Churchland (2011).

⁶See Nichols (2004) for such a theory and the empirical support for it.

To that end, the paper proceeds as follows. In §2, I clarify the problem the Conceptual View faces and how it motivates a new theory. In §3, I lay out the two moving parts of Diverse Packages Theory and how it combines to form a coherent explanatory model. In §4 I apply the theory's explanatory model to the cases of reasonable disagreement that motivate it and describe the advantages of Diverse Packages Theory over its competitors. In §6 I consider and respond to three potential objections against the theory.

2 Conceptual View and Deep Disagreement

Before seeing the precise nature of the problem the Conceptual View faces, it is worth clarifying what reasonable disagreement is, and what it means to explain it. Reasonable disagreement is a state of affairs with five basic features that set it apart from other forms of disagreement. The first three of which mark it as a *disagreement* about *moral and political issues*, and the last two mark it as a *reasonable* disagreement.

The first feature is that it is a state of affairs which involves a conflict in the content of people's judgements. This means it involves two people who each affirm some mental content (judgements, beliefs etc.) such that both mental contents cannot be true.⁷ This means that the disagreement meets a minimum threshold of genuineness and is not merely a state of affairs of illusory disagreement. The second feature is that the disagreement involves *intractably* conflicting judgements. This means that the disagreement persists despite the parties explaining their beliefs and their reasons for their judgement. As such it is not a disagreement that is a short-lived burst of conflict that occur simply because people fail to spend enough time and effort trying to convince each other. The third feature is that the disagreement involves conflicting *moral or political* judgements. This means they involve conflicting judgements about the institutions and outcomes that justice, moral rightness, or the good requires for a shared social world. By "institutions" I mean the constitutions, ordinary statute laws, and policies which Rawls (2005, pp. 11–12) referred to as the basic structure of a society. By "outcomes" I mean the distribution of rights, opportunities and resources that those institutions produce. These institutions and outcomes are then evaluated according to people's beliefs about justice, moral rightness, or the good, which results in a judgement about the institutions and outcomes required. It is important to get clear about this because what I mean by "conflicting judgements about the institutions and outcomes that justice, moral rightness, or the good requires" is that people conflict in their evaluation of institutions and outcomes in virtue of their conflicting beliefs about what justice, moral rightness, or the good requires.⁸ This means they make conflicting moral or political judgements not in

⁷See Frances (2014, Ch. 1) and Gibbard (2003, Ch. 4) for this basic way of thinking about genuine disagreement.

⁸See Valentini's (2013, pp. 183–187) for a helpful distinction between "thick disagreement about justice" and "thin disagreement about justice" which corresponds to the distinction I make here. Although

virtue of conflicting evaluations about what institutions and outcomes satisfy an agreed upon set of moral or political beliefs. Rather they make conflicting judgements in virtue of holding conflicting moral or political beliefs.

Those three features clarify reasonable disagreement as a species of moral and political disagreements in general. But moral and political disagreements in general are likely to occur for a variety of reasons that are uninteresting from the perspective of political theory. They could after all simply be caused by people being insincere, or from a lack of rationality. But what a disagreement distinctively *reasonable* is the sort of people they involve. This is what the next two features – the fourth and fifth – describe.

The fourth feature of reasonable disagreement is that it involves people who both possess a minimal capacity for rationality. This means the disagreement does not occur because the people involved are unable to respond to moral reasons, make a coherent calculation of them, or infer the reasons that entail from other ones. Rather both parties to the disagreement have the capacity to make rational judgements. As such the disagreement cannot be resolved by one person deferring or being coerced by the other on the grounds they are unable to make rational judgements.⁹

Finally, the fifth feature is that the disagreement involves people who both have a minimal capacity for sincerely making judgements that they think others can agree to. This means the disagreement does not occur because one person is a contrarian who disagrees for the sake of disagreeing, or a fundamentalist who makes judgements that do not appropriately respond to the fact that they must try and live with others in a shared social world.¹⁰ Rather both parties to the disagreement have the capacity to sincerely make judgements that the other can agree to. As such, the disagreement cannot be resolved by one person coercing another on the grounds the other is acting in bad faith or is amoral in some regard.

Putting the five features together results in the following explanandum:

Reasonable Disagreement: A state of affairs of intractably conflicting moral or political judgements about a shared social world, made by at least two parties who both have, a minimal capacity for rationality and a minimal capacity for sincerely making judgements that they think others can agree to.

As such, it differs in important ways from two sorts of disagreement discussed widely

Valentini ends up with a slightly different and more general formulation of reasonable disagreement, the core distinction matters both for her account and mine.

⁹See, for similar construals of this aspect of reasonable disagreement, Rawls (2005, p. 55) on a “capacity for conception of the good”, Gaus (2011, pp. 276–277) on a “basic level of reasoning”, and McMahon (2016, pp. 61–66) on “reasonableness in the competence sense”.

¹⁰See Rawls (2005, p. 55), Gaus (2011, pp. 276, 288–292), Carey (2018, pp. 51–59) for a similar minimalist sincerity condition as opposed to the far more demanding notion proposed by Quong (2011, pp. 265–273), and McMahon (2016, pp. 66–73) on “reasonableness in the concession sense” which involves a similar idea of making judgements with a disposition “to respond to perceived disparities of concession by making or seeking corrective concessions, provided that others are similarly disposed”.

in philosophy. Firstly, reasonable disagreement is not faultless disagreement.¹¹ This is disagreement that is about a topic that is beyond rational conflict. Reasonable disagreement does not commit us to any such view about moral and political matters. Secondly, reasonable disagreement is not peer disagreement.¹² This is disagreement between parties that are actually epistemically equal in all regards. This would be an implausible picture of the sort of moral and political disagreements that matter for political theorists.¹³ In sum, reasonable disagreement is disagreement between those of a certain moral and rational character about moral and political matters that concerns their shared social world.

At their core, theories that explain reasonable disagreement, cite the facts they see as making the difference between reasonable disagreement and reasonable agreement. This then explains what causes reasonable disagreement. Theories on the Conceptual View explain reasonable disagreement by citing facts about the role concepts play in a people's judgement making. This involves proposing explanatory models that describe the cognitive process in which people use concepts to form conceptions and as a result make conflicting moral and political judgements. The idea being that concepts are the basic cognitive element that people use to form conceptions and make their moral and political judgements by weighing deliberative considerations associated with the concept. Conceptions are the general moral and political beliefs, typically principles that describe requirements, people hold which they then use to make case specific judgements about institutions and outcomes.¹⁴

Given all that, one way theories on the Conceptual View cash out the role of concepts, is to focus on how people use concepts to form conceptions. To get a sense of what that is like, a useful starting point is John Rawls's (2005, pp. 54–58) explanation of reasonable disagreement through the “burdens of judgement”. These burdens illustrate, according to Rawls, “the many hazards involved in the correct (and conscientious) exercise of our powers of reason and judgment in the ordinary course of political life”. This explanation involves six sources of reasonable disagreement:

1. The complexity and conflicting nature of empirical evidence.
2. Differences in the weight people afford deliberative considerations for making judgements.

¹¹See Kolbel (2004) on the details of this type of disagreement.

¹²See Kelly (2005) and Gutting (1982) on the details of peer disagreement and, Peter (2013) and van Wietmarschen (2018) on its use in political liberalism.

¹³See Frances (2014, p. 166), King (2012), and Matheson (2014, pp. 320–328) on similar points about the irrelevance of peer disagreement.

¹⁴For this distinction between concepts and conceptions, see Rey (1985, 1983) for its early use in the philosophy of language and mind and Rawls (2005, 14, fn.15, 1999, pp. 5–6, 9) for its use in political philosophy.

3. Differences in how we use concepts because of their inherent vagueness in certain hard cases.
4. Differences in people's personal experiences affect how they weigh evidence and values.
5. Differences in the kinds of deliberative considerations relevant to certain cases makes it difficult to weigh them against each other.
6. Social institutions are limited in the values they can embody which makes it difficult to weigh and prioritise some values over others.

Roughly put, the sources of disagreement all involve various ways that reasonable people weigh deliberative considerations (eg. reasons, values etc.) differently when making moral and political judgements. Of course this general picture says little about how the sources interact or the precise causal process by which disagreement occurs. Given that, some philosophers have sought to develop it further.

For instance, Andrew Mason (1993, p. 58) argues that some moral and political concepts are *essentially contestable* such that they “accredit a complex, valued achievement” and “Different elements in this achievement may be weighted differently by different contestants.” According to Mason (1993, p. 59) this means that reasonable disagreement occurs because when people use their political concepts to form political beliefs, “there will be a diversity of rational and non-rational causes of political belief formation.” The “rational and non-rational” factors that affect how people form their political beliefs are, according to Mason (1993, pp. 15, 99–100) “the reasons that people have for making the judgements” or in other words their deliberative considerations, and the “psychological propensities or personal experiences” that affect how parties weigh those deliberative considerations.

Independently of Mason, Christopher McMahon (2009, pp. 3–4) has recently argued that what is relevant for understanding the cognitive process of how people use concepts to make moral and political judgements is how reasonable people learn to use moral and political terms. For McMahon (2009, pp. 55–58) learning how to use moral and political terms involves developing both an association with the features of a state of affairs that the moral and political terms apply to and the “extrapolative dispositions” for using the term. The features of the state of affairs are a set of morally relevant deliberative considerations that a person learns to associate with a term's concept. The “extrapolative dispositions” are dispositions individuals have for weighing their deliberative considerations and forming new beliefs or altering old ones when they encounter new states of affairs and have to use the term in question again. This will involve their extrapolative dispositions motivating them to extrapolate using a concept from what they have learned from their past personal experiences to the new case. For McMahon (2009, pp. 55–63, 78, 81), reasonable disagreement occurs because people will differ in

the extrapolative dispositions they develop and the particular personal experiences they have where those dispositions are activated or developed further. This means they will weigh their deliberative considerations they use to form political beliefs slightly differently, and as a result form conflicting political beliefs.

Ultimately, Mason and McMahon's theories involve explanatory models that explain reasonable disagreement by describing how the burdens of judgement operate in a cognitive process where people use concepts to form conceptions and as a result make conflicting moral and political judgements. For ease of expression, call these types of theories Concept Use theories. On these theories, reasonable disagreement occurs because people *use* concepts differently to then form conflicting conceptions. This is cashed out in terms of how psychological dispositions and personal experiences affecting reasonable people's weighing of deliberative considerations when forming conflicting political beliefs. To see how this works, consider the following case:

Abortion: Barry and Nora are discussing the laws concerning abortion that their society ought to enact. Barry judges their society ought to enact laws that permit abortion in the first trimester because he believes respecting women's bodily autonomy is what justice requires. This is because respecting women's bodily autonomy outweighs the value of human life in a fetus. Nora, on the other hand, judges their society ought to outlaw abortion in the first trimester barring exceptional circumstances because she believes preserving the value of human life is what justice requires. This is because the instrumental and non-instrumental value of human life outweighs women's bodily autonomy.

This is a familiar sort of case that haunts much of our political life. Concept Use theories like Mason and McMahon's explain this case by citing the facts about the cognitive process involved in reasonable people making their political judgements. They cite a difference in Barry and Nora's psychological dispositions and personal experiences that lead them to weigh their deliberative considerations differently and form conflicting conceptions of justice. Mason would cite differences in Barry and Nora's "psychological propensities and personal experience" with respect to abortion and pregnancies, whilst McMahon would cite their "extrapolative dispositions" and their learning experiences for the term "justice", "autonomy", and perhaps "murder". In both models, the point is that Barry and Nora's different personal experiences cause them to be disposed to weigh the value of life and bodily autonomy differently, and as a result form conflicting conceptions of justice. This causes them to make conflicting judgements about the institutions and outcomes related to abortion that justice requires.

But, Concept Use theories face a problem when presented with cases of reasonable disagreement that are also deep disagreements. Deep disagreements are cases of disagreement that involve conflicts where people exchange intelligible reasons for their judgements and yet are systematic such that they are proxies for deeper conflicts about

their “worldviews”, “perspectives” or “fundamental commitments”.¹⁵ As such, when reasonable disagreements are deep disagreements they involve a conflict of moral and political judgements for which people exchange intelligible reasons but which is a proxy for a deeper conflict *about* the deliberative considerations that ought to be used to make judgements with respect to some moral or political issue.¹⁶ For an example of a reasonable disagreement that is a deep disagreement consider the following:

Nationalisation: Bryan and Elizabeth are discussing the economic structure their society ought to have. Elizabeth judges their society ought to nationalise, at the very least, some key industries because a society’s productive capacity being for the mutual benefit of all is what justice requires. Bryan judges their society ought not to nationalise any industries because protecting people’s natural moral right to their body and private property is what justice requires. This is because he believes natural moral rights are what matter, benefiting everyone with society’s productive capacity is irrelevant and has nothing to do with what justice requires. On the contrary, Elizabeth believes materially benefiting people is what matters, natural rights to private property are irrelevant and have nothing to do with what justice requires.

This is a case of a reasonable disagreement that is a deep disagreement because Bryan and Elizabeth disagree about the economic structure justice requires by way of disagreeing about the considerations that ought to be used to make judgements about the economic structure justice requires. This rings true of many contemporary political disagreements. For instance, consider disagreements over whether the United Kingdom ought to leave or remain in the European Union, or whether transwomen are women, or whether private healthcare insurance markets constitute freedom. All these disagreements seem to hinge not on the beliefs or judgements reasonable people literally express, but on something like their entire view of how reasonable people ought to go about deliberating when making moral and political judgements about those issues.

In trying to explain cases like *Nationalisation* Concept Use theories face a dilemma. On one horn, if they accept they are genuine disagreements, then they have to concede that they do not have the explanatory resources to explain them. Reasonable disagreements that are deep disagreements involve a conflict of moral and political judgements for which people exchange intelligible reasons but which is a proxy for a deeper conflict *about* the deliberative considerations that ought to be used to make judgements with respect to some moral or political issue. However, Concept Use theories like Mason and McMahon’s do not have the resources to explain this conflict. Their entire focus, in

¹⁵See Ranalli (2018b, pp. 2–4, 2018a, pp. 1–2), Hazlett (2014, pp. 12–13), Pritchard (2018), Kappel (2018), Adams (1985) and Fogelin (1985) for an overview of deep disagreement in epistemology.

¹⁶See Gaus (Gaus 2018, 2017, 2016) and Muldoon (2016) in political philosophy.

extending Rawls's burdens of judgement, was to describe how people use concepts differently by describing how people weighed the deliberative considerations differently. But cases of deep disagreement outstrip the resources of that explanation. Citing facts about how reasonable people weigh their deliberative considerations cannot explain conflicts about which considerations to weigh.

On the other horn, Concept Use theorists could deny that deep disagreements are actually genuine. They could say that they are verbal disagreements because they do not involve a conflict in people's moral and political judgements. Rather the disagreements involve a conflict about the deliberative process that ought to be used when making moral and political judgements. But the parties both agree about what moral and political judgements are true relative to each other's deliberative considerations and as such do not conflict over the truth of each others judgements. To that end, it does not matter that Concept Use theories do not have the explanatory resources to explain them. They are not genuine disagreements at all.

The problem with this horn is that it is deeply counterintuitive. We have a strong intuition that cases of deep disagreement are genuine in virtue of people making conflicting moral and political judgements. In *Nationalisation* Bryan and Elizabeth deny their interlocutor's judgement about the economic structure justice requires. They conflict on the truth or correctness of these judgements. But, as stipulated, they conflict in their judgements so systematically it is a proxy for a conflict about what the considerations ought to be used for making those judgements. They know that what considerations are used will directly affect the moral and political beliefs they form and how people act given those beliefs. Unlike paradigmatic verbal disagreements such a disagreement seems to be worth having. To that end, the Concept Use theories must concede that in denying that reasonable disagreements which are deep disagreements are genuine, they are committed to a deeply counterintuitive result about many cases of reasonable disagreement.

One way theorists who advocate the Conceptual View have tried to avoid this dilemma is by proposing another way to cash out the role of concepts in people's moral and political making, namely through how people possess concepts as well as merely how they use them. Call these types of theories Concept Possession and Use theories. These theories involve explanatory models that cite how the possession of a concept in addition to its use affects how people form conceptions and as a result make moral and political judgements. The core idea is that facts about how people possess concepts will be facts about the deliberative considerations a concept provides when forming conceptions. Given that deep disagreements involve a conflict over what the relevant deliberative considerations are when making moral and political judgements about some particular issue, facts about how people possess concepts would explain this conflict.

Ronald Dworkin's theory of interpretive concepts offers an explanation of this sort. The core idea being that moral and political concepts are interpretive concepts and therefore possessed and used in such away that they lead to reasonable disagreements

rather than agreements. As such, Dworkin (2011, pp. 159–160) makes a distinction between “criterial” and “natural-kind” concepts on the one hand and “interpretive” on the other. Criterial and natural-kind concepts are characterised by the fact that people “do not share a concept of either kind unless they would accept a decisive test”, as such “Genuine disagreement about application is ruled out once all pertinent facts are agreed upon”. For Dworkin, explaining reasonable disagreement and vindicating the intuition that cases like *Nationalisation* are genuine, requires recognising that moral and political concepts are not like this. They are interpretive.

Interpretive concepts have three distinctive features.¹⁷ The first is that as moral and political concepts, interpretive concepts describe values (Dworkin 2011, p. 6). These values involve an interpretation of what is of value and ought to be furthered in a particular social practice of using that concept. To that end, the content of interpretive concepts involve values that are the result of an interpretation of the concept itself. The second feature is that to use an interpretive concept is to engage in conceptual interpretation. It is to identify what is of value or disvalue in a given social practice, by interpreting the purpose of identifying what is of value or disvalue in the social practice that we are engaged in. Given this, Dworkin (2011, pp. 162–163) argues that conceptual interpretation involves the possession of other interpretive concepts, namely those that describe the array of values that one has to weigh up when interpreting the initial concept. This is what Dworkin (2011, p. 154) means when he says that conceptual interpretation is “pervasively holistic”. The use of interpretive concepts relies on the interpretation of a network of concepts we possess.¹⁸ This means what is identified as valuable or disvaluable in a shared social practice will rely on people using other interpretive concepts and so any single act of interpretation is guided by how it fits with the entire web of interpretations. The third feature is that reasonable people can be said to possess and use the same concept despite differing in their interpretation of what they are doing with the concept if they all agree on certain paradigm uses of the concept. For Dworkin (2011, pp. 160–161) sufficient agreement about paradigm uses of a concept (ie. particular judgements) will ensure that everyone is using the same interpretive concept. This will be the case even if people interpret the content of the concept so differently they hold vastly different beliefs about what the appropriate values are when engaging in the shared social practice of using that concept.

With interpretive concepts so understood, Dworkin (2011, pp. 150–151, 162) argues that the facts that make the difference between reasonable disagreement and reasonable agreement are an individual’s experiences and the innate dispositions that affect

¹⁷See also Plunkett and Sundell (2013b, pp. 251–252) for this broad understanding of Dworkin’s theory.

¹⁸Dworkin (2011, pp. 162–163) does warn that there is a non-foundationalist circularity to his theory. But he argues that the circularity is justified by Dworkin’s stronger thesis about the independence and holistic unity of true interpretations of all our values. See Winter (2016) and Knight (2006) for discussion of this view. I leave this question about the holism of value aside as it is irrelevant to how Dworkin’s theory explains reasonable disagreement.

their conceptual interpretations across their network of interpretive concepts. This is because the concepts that feature in reasonable disagreements are moral and political concepts, and those concepts are interpretive concepts. This means that ordinary cases of reasonable disagreement like *Abortion* are explained by differences in reasonable people's psychological dispositions and personal experiences causing them to interpret a concept like JUSTICE differently such that they weigh a shared set of values in different ways. In these cases reasonable people share the interpretation of their network of interpretive concepts to a sufficient degree that they identify the same values as the best interpretation of the aim and purpose of the social practice of using JUSTICE as a concept. But, their psychological dispositions and personal experiences cause them to weigh these values differently such that they form conflicting conceptions of justice and make conflicting political judgements according to them. Cases of deep disagreement like *Nationalisation*, are explained by differences in people's interpretation of their network of interpretive concepts such that they identify different values as the best interpretation of the aim and purpose of the social practice of using JUSTICE as a concept to form conceptions of justice. This is what explains how a reasonable disagreement can turn on a conflict about what the appropriate inputs to deliberation are for forming conceptions and judgements about moral and political issues.

It seems then that the Conceptual View has a way to escape the charge of explanatory weakness. Dworkin's theory of interpretive concepts can explain both ordinary cases of reasonable disagreement and those that are deep disagreements. But this improvement comes at a heavy theoretical cost. It is unparsimonious in two senses.¹⁹ In the first general sense, it seems salvaging the Conceptual View through Dworkin's theory requires a commitment to the existence of an entirely new type of concept. Dworkin's theory would require the Conceptual View to break with the best contemporary accounts of how people think and talk to and enlarge our theoretical resources purely for the purpose of explaining reasonable disagreement.

In a second specific sense, Dworkin's theory is unparsimonious because it requires believing that *all* moral and political concepts are interpretive concepts and not merely those involved in a particular reasonable disagreement. This opens the Conceptual View to two new problems. Firstly, it means reasonableness itself will end up being an interpretive matter and therefore whether a given case of reasonable disagreement is explained can itself be the subject of reasonable disagreement. Secondly, it means that when reasonable people in deep disagreements try to communicate why they make their judgements, Dworkin's theory entails that they will descend into a regression of interpretation. After all, they cannot communicate why they interpret the content of a certain moral or political concept differently without interpreting all the other moral and political concepts that it is connected to, which in turn requires more interpretation.

¹⁹See Plunkett and Sundell (2013b, pp. 253–255) on this charge in context of Dworkin's theory and the more narrow issue of the concept of legal disagreement.

In sum, when faced with reasonable disagreements that are deep disagreements, the Conceptual View is caught between an explanatory weakness and an unparsimonious theory of concepts. Concept Use theories like Mason and McMahon's cannot explain deep disagreements. Concept Possession and Use theories like Dworkin's are committed to an unparsimonious theory of concepts.

Salvaging the Conceptual View requires then a Concept Use theory that can explain deep disagreements, or a Concept Possession and Use theory that relies on a more parsimonious theory of concepts. The latter strategy is what take up in the rest of this paper. In the next section I propose a novel theory – Diverse Packages Theory – that can explain reasonable disagreements that are deep disagreements without requiring an unparsimonious theory of concepts. It does this, as we will see, by making use of recent innovations in the philosophy of language on normative and evaluative disagreement, and looking to contemporary development psychology on the nature of concepts. Detailing this theory is what I turn to in the next section.

3 Diverse Packages Theory

The core idea of Diverse Packages Theory is an explanatory model that explains why reasonable disagreements occur by reading them in one of two ways. It explains them, depending on the cases at hand, either as canonical disputes or as metalinguistic negotiations. The idea being that this allows the model to parse any case of reasonable disagreement, whether they are ordinary disagreements or deep disagreements, as genuine disagreements. This vindicates the intuition that these cases involve people who conflict over the truth their judgements. The theory then explains why these disagreements occur by citing differences in how reasonable people possess and use 'diverse concept-conception packages' to make their moral and political judgements. To get an idea of what that means, in what follows I lay out the theory's two moving parts, and then describe how they combine to form an explanatory model that can explain reasonable disagreements.

3.1 Canonical Disputes and Metalinguistic Negotiations

The first moving part is the idea that reasonable disagreements are not all genuine in the same way. That is to say, by making use of Plunkett and Sundell's (2013a) innovative analyses of normative and evaluative disagreements, reasonable disagreements can sometimes be canonical disputes and sometimes they can be a particular form of non-canonical dispute, a metalinguistic negotiation.²⁰

When disagreements are canonical disputes they are genuine in virtue of a conflict in what speakers literally express. For any given case of disagreement, reading it as a

²⁰See also Plunkett and Sundell (2013b, pp. 256–273).

canonical dispute then involves two suppositions. First, that it hinges on a conflict in the mental content that speakers literally express, or would literally express. Second, that as result of the first supposition the speakers must mean the same thing by their words because otherwise they would not conflict in what they literally express. They would be expressing mental contents with different truth-conditions. The motivation for reading reasonable disagreements as canonical disputes is that they are the best way to explain why cases like *Abortion* are genuine disagreements. This involves first positing that it involves a conflict in the mental content the interlocutors literally express, and second, that as a result the interlocutors mean the same thing by their words. In the case of *Abortion*, there is clear evidence for making both suppositions. It is clear that what Barry and Nora literally express, or more accurately what they *would* literally express, are conflicting beliefs about the abortion laws justice requires. In short, they express beliefs that cannot both be true. Furthermore, if Barry and Nora do literally express conflicting beliefs, they must mean the same thing by “justice”. Otherwise, their beliefs would not actually be in conflict because they would have different truth-conditions for beliefs about the abortion laws justice requires. If Barry and Nora mean different things by “justice” then the way they use the term could be perfectly compatible. This would mean that *Abortion* was not a disagreement at all. But given the evidence it is clear that Barry and Nora express conflicting beliefs and therefore they must mean the same thing by their words.

But Diverse Packages Theory recognises that not all reasonable disagreements are canonical disputes like *Abortion*. By which I mean that they are not all cases of disagreement that hinge on the beliefs that reasonable people would literally express. Rather, it recognises that, following what Plunkett and Sundell (2013a, pp. 11–13, 2013b, pp. 247–248) argue about normative and evaluative disagreements in general, that some cases of reasonable disagreement are “non-canonical disputes”. The idea being that some cases of reasonable disagreement are genuine not in virtue of a conflict in the mental content that speakers *literally* express. Rather they are genuine in virtue of a conflict in the mental content that speakers *pragmatically* express.

But this raises the question of what precisely is being pragmatically expressed in such disagreements? It certainly cannot be reasonable people’s moral and political judgements about institutions and outcomes. After all, those judgements are literally expressed. For this, I propose we use what Plunkett and Sundell say about a special type of non-canonical dispute: a “metalinguistic negotiation”. A metalinguistic negotiation is, as Plunkett and Sundell (2015, pp. 837–851; 2013a, pp. 13–18, 2013b, pp. 256–266) have argued, a disagreement that is *non-canonical* in virtue of consisting of a conflict about what a word ought to mean. This means the content that is pragmatically expressed is a “metalinguistic belief” about what the meaning of a word ought to be.²¹ This also means that disagreeing parties mean different things by, at least, one of their

²¹See also Chalmers (2011, pp. 522–523) on these implicit metalinguistic beliefs.

words. This is because it is the use of words with different meanings that pragmatically expresses the belief about what the word ought to mean.

To get a better sense of how all this works consider the following case:

Spicy Soup: Oscar and Callie are cooking soup for a party and are in a heated debate about its spiciness. They both taste the soup and, Oscar with the taste palates of the party guests in mind judges that the soup is spicy. But Callie with her long experience tasting chillies in mind disagrees and judges the soup not spicy at all.²²

The point of *Spicy Soup* is that we have a strong intuition that it is a genuine disagreement. But if it is read as a canonical dispute it would not be. This is because it does not seem to hinge on what Oscar and Callie believe about the soup, but rather what they think the threshold for spiciness should be. To solve this we can read it as a metalinguistic negotiation. This means supposing two things. First, that Oscar and Callie's disagreement involves a conflict in the mental content that speakers *pragmatically* express, namely their metalinguistic beliefs about what the meaning of "spicy" ought to be. And second, as a result of the first supposition, they must mean different things by "spicy". It is, after all, the use of "spicy" with different meanings that pragmatically, rather than literally, expresses their metalinguistic belief about what it ought to mean.

But why should we suppose these things? With the first supposition, I agree with Plunkett (2015, p. 847) and Sundell (2013a, pp. 19–20) that one piece of evidence for this is whether disagreeing parties are likely to carry on disagreeing even when they both agree about what their terms currently mean in the community at large or according to some authoritative third-party. This clearly seems to be the case in *Spicy Soup*. Oscar and Callie seem disposed to carry on their disagreement even if they could agree on what "spicy" means to other third-parties or how it is defined in a recipe book. This is because many normative consequences could flow from whether it is resolved on Oscar or Callie's behalf. Amongst other things it could affect whether the soup ought to be served, whether it ought to be praised more or less by the party guests, or even whether Oscar and Callie ought to cook in future.

With the second assumption, I agree with Plunkett and Sundell (2013a, p. 15) that one piece of evidence for this is whether disagreeing parties are disposed to use their terms in different ways. Or as Plunkett (2015, p. 847) says whether "speakers are disposed to systematically use a term in divergent ways in the same (non-defective) conditions". In short that the meaning of our words depends on our patterns of using that word. To that extent Oscar and Callie do seem disposed to systematically use "spicy" in divergent ways in the process of cooking the soup. By this I mean they are not disposed to suddenly use the term in the same way to refer to the same things as "spicy". There-

²²This is a slightly modified case that Plunkett and Sundell (2013a, pp. 14–15) use to illustrate the power of reading disagreements as metalinguistic negotiation.

fore, if word use is a guide to its meaning, it seems plausible to conclude that they mean different things by “spicy”.

Now, with all that in mind, I propose extending the strategy of vindicating the intuition that a disagreement is genuine by being a metalinguistic negotiation to, and *only* to, those cases of reasonable disagreement that are deep disagreements.²³ This means in cases of deep disagreement like *Nationalisation*, supposing two things. First that Bryan and Elizabeth’s disagreement is genuine in virtue of involving a conflict in their metalinguistic beliefs about what the meaning of “justice” ought to be. This is the belief they would pragmatically express, if they were to express their judgements about what justice requires. And second, that Bryan and Elizabeth mean different things by “justice”. Supposing those two things allows us, despite such a case not hinging on what reasonable people would literally express about what justice requires, to say that it is in fact a genuine case of disagreement.²⁴

This strategy seems to hold because the reasons for those suppositions in a case of deep disagreement like *Nationalisation* are the same as it was for *Spicy Soup*. For the first supposition, it seems Bryan and Elizabeth are disposed to carry on disagreeing even when they both agree on what “justice” currently means in the community at large or according to some third-party. After all, they are not pointing to dictionaries or articles in philosophy journals to defend their moral and political judgements. At least one of them thinks those facts are irrelevant. Rather, they are likely to persist in their disagreement because they recognise that using “justice” with the meaning that their interlocutor uses has significant normative consequences for them. The idea being that it matters what states of affairs are described as “just”. This is because it will affect what normative demands are placed on people and what social arrangements will be enforced with the use of coercive political power.

For the second assumption, it seems that Bryan and Elizabeth are disposed to use “justice” in systematically divergent ways whenever they need to make judgements pertaining to matters of justice. This is because, as we have already established, they disagree

²³Note, Plunkett and Sundell believe a metalinguistic analysis generally (not merely metalinguistic negotiation) can be plausibly extended to all kinds of normative, and evaluative disagreements (Plunkett and Sundell 2013a, pp. 7, 18–25, 2013b, pp. 265–266). But they do not touch upon how it can be used in the context of reasonable disagreements and particular deep disagreements.

²⁴See Ball (2020) for someone who is sceptical of metalinguistic negotiation as a way to explain deep disagreements. This is because understanding the participants as advancing a view about what the meaning of word ought to be, either 1) entails that people are being unreasonable in trying to advance the first-order issue (eg. the economic institutions and outcomes justice requires.) by asserting a view about what the meaning of a word ought to be, or 2) fails to make sense of the reaction that a reasonable person has to have to contest the first-order claim rather than contest the view about what the meaning of word ought to be. I am not sceptical in this way. I think Ball’s analysis goes wrong because he overlooks the way pragmatic expression is key to metalinguistic negotiation, and that he places an epistemic standard of reasonableness on the participants that is either irrelevant to political theory or a standard political theorist need not accept.

about what the deliberative considerations ought to be when making moral and political judgements, and what deliberative considerations are used will determine, in some sense, how people use their moral terms across various contexts. The idea being that when people do not even agree about what deliberations considerations to use they are disposed, across various contexts, to form conflicting beliefs about what their moral terms apply to. If they then make their judgements accordingly they will *ipso facto* use their terms in systematically divergent ways. To that end, if patterns of word use is a guide to a word's meaning, then it is plausible that in *Nationalisation* Bryan and Elizabeth mean different things by "justice". Given that, it is plausible that *Nationalisation* hinges on a pragmatically expressed conflict about what "justice" ought to mean and that it is plausible that reasonable disagreements that are deep disagreements can be read as metalinguistic negotiations.

3.2 Diverse Concept-Conception Packages

Taking stock for a moment, I have said that the idea of canonical disputes and metalinguistic negotiations gives Diverse Packages Theory the resources to read any case of reasonable disagreement as genuine. It allows the theory's explanatory model to read cases of reasonable disagreement like *Abortion* and deep disagreements like *Nationalisation* as genuine disagreements.

But of course none of this helps us explain why those reasonable disagreements occur. This is where the second moving part comes in to play. This is the idea that explaining why reasonable disagreements occur involves describing the differences in how people possess and use 'concept-conception packages'. The basic idea behind this is that to explain why reasonable disagreements occur as canonical disputes or as metalinguistic negotiations we need to look at what reasonable people say (or at least what they would say) and describe the package of concepts and general beliefs about the extensions of the concept (ie. conceptions) in their minds that cause them to say those things. Doing this, I propose, begins with the thought that to explain a case of reasonable disagreement we reformulate it into a basic linguistic exchange which represents what people say or what they would say. The most general version of such an exchange for reasonable disagreements would be something like:

Speaker 1: Society ought ϕ because ϕ -ing is what [moral-standard-x] requires.

Speaker 2: Society ought to not- ϕ because not- ϕ -ing is what [moral-standard-x] requires.

In such an exchange, ϕ stands for an action or state of affairs to be realised, and "[moral-standard-x]" being a word or words like, "justice", "promoting the good" or simply "morality". To draw out the key elements of the exchange that need to be explained, I

then propose a general, and fairly uncontroversial, linguistic analysis. It first supposes that the speakers utter conflicting sentences. This means that Speaker 1 and Speaker 2 say sentences that express judgements that cannot both be true. To get a sense of what that means, we can say that each speaker expresses judgements according to the types of states of affairs they believe that are the extensions of “[moral-standard-x]”, namely ϕ -ing or not- ϕ -ing. They do this on the basis of the intension, or ‘meaning’ broadly construed, of “[moral-standard-x]” because the meaning of a term constrains the extensions of that term. We can then say that a difference between speakers’ beliefs about the extensions of “[moral-standard-x]” and the meaning of “[moral-standard-x]”, is what constitutes the conflicting judgements that are then expressed in their disagreement.²⁵

With this basic linguistic analysis on hand, the question is how should we understand the causal process of Speaker 1 and Speaker 2 expressing conflicting judgements according to the meaning of and their beliefs about the extensions of “[moral-standard-x]”? I propose we understand it in terms of differences in how they possess concepts as the building blocks of thought which are the meaning of the terms they use, and how they use these concepts to form conceptions which are general beliefs about the types of states of affairs in the extensions of those concepts.²⁶ In short, we should understand the process in terms of how reasonable people possess and use diverse ‘concept-conception packages’.

This idea begins with the thought that for any individual speaker the meaning of “[moral-standard-x]” involves possessing the concept MORAL-STANDARD-X. This is because most, if not all, moral and political terms are single lexical items whose semantic content is associated with a lexical concept. The concept MORAL-STANDARD-X is individuated by its conceptual content which is a body of information that comes in two varieties: invariable and variable.²⁷

The *invariable* conceptual content of MORAL-STANDARD-X does not vary between reasonable people. It remains constant and involves information about the role or function of that concept in thought. Specifically, that it ought to be used in deliberation for forming beliefs about the extensions of the concept. On the other hand, the conceptual content that does vary between reasonable people is the *variable* conceptual content of

²⁵Again, this is not to say anything about the *correct* or *true* meaning of “[moral-standard-x]”. Rather simply to analyse what it means for Speaker 1 and Speaker 2’s judgements express a conflict in mental content, with reference to their ‘speaker-meaning’, so to speak, of “[moral-standard-x]”.

²⁶The broad contours of this view, especially the distinction between concepts and conceptions is not new. See Rey (1985, 1983) for its early use in the philosophy of language and mind and Rawls (2005, 14, fn.15, 1999, pp. 5–6, 9) for its use in political philosophy.

²⁷Note, this is not the distinction Plunkett and Sundell (2015, pp. 837–838; 2013a, pp. 15–16) make between the “character” and “content” of a term. That distinction captures the way the meaning of words can be variant or invariant with respect to context. The distinction I make between variable and invariable content is much broader. It captures the way the content of a concept can vary between people but not in whether it is an actual candidate for the concept and its use in moral and political judgement making.

MORAL-STANDARD-X. This involves information about the morally relevant considerations to be weighed in deliberation for forming beliefs about the extensions of the concept. This conceptual content is determined by people's innate psychological dispositions for using moral and political concepts in thought, and psychological dispositions acquired by personal experiences of one's social world.

When the concept MORAL-STANDARD-X is used according to its content, it provides the morally relevant considerations that reasonable people use to deliberate and form a *conception* of [moral-standard-x] which is a collection of beliefs about the types of states of affairs in the extension of MORAL-STANDARD-X. This comprises a 'concept-conception package' for "[moral-standard-x]" which is then used to make moral and political judgements. Specifically, a speaker uses "[moral-standard-x]" according to their conception of [moral-standard-x], which in turn has been formed by using their concept of MORAL-STANDARD-X.

The obvious question is why should we think of the causal process of Speaker 1 and Speaker 2 expressing conflicting judgements in this way? After all most philosophers still hold the 'classical theory' of concepts where they are abstract entities analysed by coming up with definitions of terms composed of necessary and sufficient conditions, or a 'family resemblance theory' where they are mental representations of a similarity space of properties.²⁸ Such views are at odds with what the idea of concept-conception packages supposes concepts are and how they function. To that end, my defence of the idea of concept-conceptions packages is that it is what is supported by the empirical evidence from contemporary developmental psychology on what concepts are, how they are acquired, and they connect causally to how people use words.

In contemporary developmental psychology concepts are argued to be bodies of information with semantic structure embedded in certain cognitive processes.²⁹ This body of information represents the causal and explanatory features of states of affairs that are salient for making the inferences and predictions involved in categorising states of affairs to then form beliefs about what the concept applies to. For instance, Susan Carey (2015, 2009, Ch. 10, 13) has argued that empirical evidence on how children acquire and develop concepts shows that the type concepts involved in articulating beliefs about moral standards consist of a particular type of information structure: "intuitive theories". As Carey (2009, p. 361) says:

Intuitive theories play several unique roles in mental life. These include:
(1) representing causal and explanatory knowledge; (2) supporting infer-

²⁸See Margolis and Laurence (1999) for an overview of this view.

²⁹Of course as with anything there is debate within the broader cognitive science whether *all* concepts are like this. For instance, Machery (2015, 2009) has argued for a broader more general idea of concepts as merely "bodies of knowledge that are used by default in the processes underlying the higher cognitive competences". See Carey (2015, 2011), Machery (2010) and Margolis and Laurence (1999) for the specifics of this debate. I do not take stand on this broader debate, but merely pick out the view of concepts that most relates to the sort of concepts that are used in reasonable disagreements.

ences and predictions; (3) providing the current best guess concerning the essential properties of kinds, which in turn play a privileged role in categorization decisions; and (4) on some views of conceptual content, determining those aspects of conceptual role that separate meaning from belief.

The point here is that concepts have a distinct content and role. Their content involves causal, explanatory and predictive information that describes the salient properties of the states of affairs the concept applies to. Their role is to be used in categorisation decisions to form beliefs about one's social world.

This view of the content and role of concepts has two important upshots. The first is that, as Carey (2009, pp. 497–502, 514–515) argues, unlike the classical theory and family resemblance theories, the view can make sense of how people who clearly acquire different conceptual content can still share a concept. This is because people can share the conceptual content that pertains to a concept's role in thought, but not share the content that pertains to the categorisation decisions used to form beliefs.

The second upshot is that also unlike the classical theory and family resemblance theories Carey's view correctly differentiates concepts from beliefs (ie. conceptions). This is because empirical evidence shows that the process of conceptual change and belief revision come apart. As Carey (2009, pp. 490, 522–523) says, "In some cases of knowledge acquisition we merely change our beliefs about the world; in others we change the concepts in terms of which those beliefs are composed". The empirical evidence shows that the former involves the typical ways that people change beliefs like discovering new evidence and "testing hypothesis that are stated in terms of already available concepts". But the latter involves a "bootstrapping" of new placeholder information acquired from personal experiences according to the role of the concept in thought. This is how the content of a concept is determined both by facts innate to the psychology of individuals, and their social world. As Carey (2009, p. 522) says, "both internal conceptual role and causal connections between entities in the world and mental symbols (both social/historical causal connections and physical causal connections involving perceptual mechanisms and inferential processes) play roles in determining content."

All this corresponds to the idea of diverse concept-conceptions packages in Diverse Packages Theory in several ways. Firstly, the way the content of concepts are taken to specify the morally relevant considerations for deliberating and forming beliefs about the extensions of the concept corresponds to the concepts Carey describes as "intuitive" theories and their content. Secondly, the way the role of concepts involve providing the considerations to be weighed in deliberation corresponds to how Carey specifies the content of concepts are used in categorisation tasks to form beliefs (ie. conceptions). Thirdly, the way the content of concepts are determined by people's innate psychological dispositions and personal experiences corresponds to how Carey specifies the bootstrapping process of concept acquisition and change. To that end, I take it that the idea of diverse concept-conception packages as a way to understand how and why people

use moral and political concepts to make judgements is supported by the best empirical evidence on what concepts are actually like and how people acquire them.

3.3 The Explanatory Model

Putting the two moving parts together allows for a single explanatory model that can explain all cases of reasonable disagreement. The first moving part – reading cases as canonical disputes or metalinguistic negotiations – allows the model to correctly parse reasonable disagreements as genuine disagreements. This means it does not, like theories that focus purely on how concepts are *used*, need to deny that deep disagreements are genuine. It can correctly parse such disagreements as genuine by reading them as metalinguistic negotiations. Which means that they hinge on pragmatically expressed conflicting beliefs about what the meaning of moral or political term ought to be. In addition it can also correctly parse ordinary reasonable disagreements as genuine by reading them as canonical disputes. Which means that they hinge on a literally expressed conflict judgements about the extensions of moral or political term.

The second moving part – the idea of diverse concept-conception packages – allows the model to then *causally* explain why reasonable disagreements, once classified as canonical disputes or metalinguistic negotiations, occur. When a given case of reasonable disagreement is read as a canonical dispute, the model cites the facts that cause reasonable people to diverge in their conceptions. These will be facts about the way reasonable people use their concept to make their categorisation decisions in slightly different ways to then form conflicting beliefs about the extensions of the concept. This is because a canonical dispute is a disagreement that hinges on a conflict about what is literally expressed. What is literally expressed in those disagreements are people's conceptions which are their general beliefs about the extensions of the concept they are using. In such a case the model assumes that disagreeing parties share a concept, but end up possessing and using diverse concept-conception packages by diverging in their conceptions.

On the other hand, when a given case of reasonable disagreement is read as a metalinguistic negotiation, the model first cites the facts that cause reasonable people to diverge in their concepts and because of this divergence how they diverge in their conceptions as well. These will be facts about the conflicting information reasonable people use to make their categorisation decisions (because they possess conflicting concepts) and then in turn form conflicting beliefs about the extensions of the concept. This is because a metalinguistic negotiation is a disagreement that hinges on a conflict about what the meaning of a word ought to be which is pragmatically expressed by their judgements. People's possession and use of divergent concepts pragmatically expresses their tacit beliefs about what the meaning of a word ought to be. In such a case, the model proposes that disagreeing parties share neither concepts nor conceptions, and so end up possessing and using diverse concept-conception packages when making moral and political

judgements.

4 Applying the Model

As I have said, the point of this paper is to salvage the Conceptual View through a novel Concept Possession and Use theory, namely Diverse Packages Theory. This will involve showing that it can explain reasonable disagreements that are deep disagreements without unparsimonious theoretical commitments. This is what I take up in this section. I apply Diverse Packages Theory's explanatory model to cases of reasonable disagreement and show that it can actually explain cases of reasonable disagreement in the way I have summarised so far. This will show that it escapes the charge of explanatory weakness and unparsimoniousness that the Conceptual View faces.

4.1 Canonical Disputes and Divergent Conceptions

As I have said, one way Diverse Packages Theory's explanatory model explains why cases of reasonable disagreement occur is by reading them as canonical disputes, and describing how people possess and use diverse concept-conception packages by diverging in the conception part of that package. To understand precisely what this means consider again the sort of reasonable disagreement that motivates it:

Abortion: Barry and Nora are discussing the laws concerning abortion that their society ought to enact. Barry judges their society ought to enact laws that permit abortion in the first trimester because he believes respecting women's bodily autonomy is what justice requires. This is because respecting women's bodily autonomy outweighs the value of human life in a fetus. Nora, on the other hand, judges their society ought to outlaw abortion in the first trimester barring exceptional circumstances because she believes preserving the value of human life is what justice requires. This is because the instrumental and non-instrumental value of human life outweighs women's bodily autonomy.

In keeping with the explanatory model we reformulate the disagreement into a basic linguistic exchange:

Barry: We ought to enact laws that permit abortion in the first trimester because respecting women's bodily autonomy is what justice requires.

Nora: No, we ought to outlaw abortion in the first trimester barring exceptional circumstances because preserving the value of human life is what justice requires.

Barry: No it doesn't, respecting women's bodily autonomy outweighs the value of human life in a fetus.

Nora: Yes it does, the instrumental and non-instrumental value of human life outweighs women's bodily autonomy.

Given what Barry and Nora say to each other, namely sentences that express conflicting beliefs about the abortion laws justice requires, the model begins by reading *Abortion* as a canonical dispute. This means first supposing that their disagreement involves conflicting judgements about the abortion laws justice requires that are literally expressed. This is justified by the evidence of what Barry and Nora say to each other. Second, it means assuming that Barry and Nora mean the same things by their words, because otherwise they could not literally express conflicting judgements. They would be literally expressing judgements with different truth-conditions, and therefore not having a disagreement at all.

The model then proposes that since the meaning of "justice" involves possessing the concept JUSTICE, Barry and Nora must also share the concept JUSTICE. It then proposes that given their disagreement is genuine in virtue of a conflict in their literally expressed judgements about what justice requires, they must have conflicting general beliefs about the extensions of JUSTICE. This is because people make the literally expressed judgements according to those general beliefs. This amounts to saying that Barry and Nora diverge in their *conceptions* of justice which are beliefs about 'the right distribution of rights, opportunities and resources amongst people, institutions and social systems'.³⁰ In simpler terms, how the speakers conflict about what they each take to be the *right* generalisation of what justice requires. Importantly, these conflicting beliefs can be either implicit or explicit beliefs. If the beliefs are implicit they will likely simply be an array of case-specific judgements. If the beliefs are explicit the representations will likely be specific normative principles.

The model then explains why Barry and Nora have divergent conceptions of justice despite sharing the concept JUSTICE by citing differences in their dispositions for weighing deliberative considerations. It proposes first that the deliberative considerations for forming conceptions of justice are provided by the conceptual content that individuates the concept JUSTICE and that the considerations are shared because the parties share the concept. This, as we have seen, is in keeping with the empirical evidence from developmental psychology on what concepts are and their role in thought. The evidence shows that concepts are individuated by their content which is a body of

³⁰This explication of a *conception* of justice summarises what I take Rawls (1999, pp. 5–6, 9, 54) to be talking about in various places as the "proper distribution of the benefits and burdens of social cooperation", "the appropriate distributive shares" and the point of his own conception of justice being to describe the right distribution of the chief primary goods – "rights, liberties, and opportunities, and income and wealth" – that the basic structure of society – "the political constitution and the principal economic and social arrangements" – *can* dispense.

information that people use to make categorisation decisions and then on the basis of those decisions form beliefs about what the concept applies to. This corresponds to the causal process of reasonable people's shared concept of JUSTICE having content which reasonable people use to categorise their social world into morally relevant considerations. When these considerations are weighed in deliberation they allow reasonable people to form beliefs about what justice requires. When speakers share a concept, the information that determines or is inputted into their deliberations for forming conceptions is the same.

The model proposes that Barry and Nora form divergent conceptions because their deliberative process is affected by psychological dispositions that are either innate or acquired by personal experiences. Differences in reasonable people's psychological makeup or personal experiences mean they have dispositions to assign different weights to their various deliberative considerations.

In actual cases of course it would be an empirical matter what the specific deliberative considerations in play are, and what the dispositions and personal experiences that affect the assignment of weights are. But with *Abortion*, the case itself provides some evidence of what they could be. Barry and Nora clearly see that people's autonomy, and the value of human life are the relevant deliberative considerations to be weighing up when forming conceptions of justice. But something in Barry's personal experiences, or innate psychological make up means he has a disposition to assign greater weight to the value of autonomy achieved by permitting abortion over the value of human life. Perhaps he has been exposed through childhood to cases where adults have not been able to exercise their bodily autonomy.

Nora, in contrast to Barry, Nora is disposed to assign the considerations in exactly the opposite way. Perhaps she has been exposed to cases where mothers and newborns live happy lives that benefit themselves and their wider community. Whatever the precise source of their dispositions the point is that their deliberative processes for forming conceptions of justice are affected by their psychological dispositions to assign different weights to their shared deliberative considerations. As a result they possess diverse concept-conception packages by diverging in their conceptions.

When Barry and Nora use their diverse concept-conception packages they end up making intractably conflicting political judgements which comprise *Abortion*. The idea being that when they use the term "justice" according to their conception of justice, they make conflicting judgements about the institutions and outcomes justice requires. This is because their conceptions of justice are their general beliefs about the extensions of JUSTICE. As such, when they use "justice" according to these conflicting beliefs, they will end up making judgements that conflict which they then literally express.

Their judgements will conflict *intractably* because whether their dispositions are innate or acquired by personal experiences, they cannot be altered or erased by simply rehearsing their deliberation with others. Innate dispositions are after all innate, and personal experiences are events in the past that cannot be changed. However people end

up deliberating it will be caused by their sum of innate dispositions and personal experiences interacting in particular ways. This does not of course mean that deliberating with others can have no effect. Barry and Nora's discussion might itself become a new shared personal experience that compensates for their innate dispositions and pushes them to agree. But given particular differences in dispositions and personal experiences, *those* differences are what make the difference between Barry and Nora having a reasonable disagreement and coming to a reasonable agreement.

In sum, one argument for Diverse Packages Theory is that its explanatory model can explain why cases of reasonable disagreement like *Abortion* occur by reading them as canonical disputes. By treating them as canonical disputes it correctly interprets them as genuine disagreements in virtue of hinging on conflicting judgements that are literally expressed by the disagreeing parties. This allows the model to explain them by showing how people possess and use diverse concept-conception packages when making moral and political judgements. It describes the dispositions and personal experiences that affect how reasonable people weigh their shared moral considerations, which causes them to form divergent conceptions of justice. When reasonable people then go on to use their divergent concept-conception packages they end up making conflicting moral and political judgements and so end up in reasonable disagreements rather than reasonable agreements.

4.2 Metalinguistic Negotiations and Divergent Concepts

As I have said already, Diverse Packages Theory's explanatory model can also explain why cases of reasonable disagreement occur by reading them as metalinguistic negotiations and describing how people possess and use diverse concept-conception packages, by diverging in their *concepts*. To understand better what that means consider the type of case that motivated it, namely a reasonable disagreement that is a deep disagreement:

Nationalisation: Bryan and Elizabeth are discussing the economic structure their society ought to have. Elizabeth judges their society ought to nationalise, at the very least, some key industries because a society's productive capacity being for the mutual benefit of all is what justice requires. Bryan judges their society ought not to nationalise any industries because protecting people's natural moral right to their body and private property is what justice requires. This is because he believes natural moral rights are what matter, benefiting everyone with society's productive capacity is irrelevant and has nothing to do with what justice requires. On the contrary, Elizabeth believes materially benefiting people is what matters, natural rights to private property are irrelevant and have nothing to do with what justice requires.

In keeping with the explanatory model we reformulate the disagreement into a basic linguistic exchange to get the following:

Elizabeth: We ought to nationalise, at the very least, some key industries because a society's productive capacity being beneficial to all is what justice requires.

Bryan: No, we ought not to nationalise any industries because protecting people's natural moral right to their body and private property is what justice requires.

Elizabeth: No we shouldn't, benefiting everyone is what matters, natural rights to private property is irrelevant for justice.

Bryan: Yes, we should, natural rights are what matter, benefiting everyone with society's productive capacity is irrelevant for justice.

As we saw from §3.1 the best way to understand how and why a case like *Nationalisation* is a genuine disagreement is to read it as a metalinguistic negotiation. This means the model supposes that Bryan and Elizabeth's disagreement involves a conflict over their pragmatically expressed belief about what the meaning of "justice" ought to be, and that as result they mean different things by "justice". What justifies these suppositions is, again as we saw in §3.1, because Bryan and Elizabeth are disposed to use "justice" in systematically divergent ways, and they are disposed to carry on disagreeing even when they both agree about what "justice" means in the community at large or according to some third-party. These two bits of evidence from Bryan and Elizabeth's exchange justifies reading the case as a metalinguistic negotiation.

The model then supposes that given the meaning of "justice" involves possessing the concept JUSTICE, this means Bryan and Elizabeth diverge in their concept of JUSTICE. As a result, it supposes that their disagreement is genuine in virtue of what they say to each other pragmatically expressing a conflict over what they believe the content of JUSTICE ought to be. As such, the model then explains why Bryan and Elizabeth hold such conflicting metalinguistic beliefs by explaining how Bryan and Elizabeth possess and use diverse concept-conception packages by diverging in the concept of JUSTICE they possess and use. After all possessing and using divergent concepts is what pragmatically expresses one's beliefs about what the content of the concepts ought to be.

Since concepts are individuated by their conceptual content, explaining why Bryan and Elizabeth possess and use divergent concepts of JUSTICE amounts to showing how they can possess different conceptual content for the concept JUSTICE. To avoid making *Nationalisation* a verbal disagreement this will be a matter of showing how Bryan and Elizabeth only possess different variable content for JUSTICE but share the invariable content.

We can say that for the concept JUSTICE the invariable content that Bryan and Elizabeth share amounts to a description like, 'to form beliefs about the right or morally

correct distribution of rights, opportunities and resources amongst people, institutions and social systems', or more simply 'to form the sorts of beliefs that are part of conceptions of justice'.³¹ This is because, as I have said, the invariable content of a concept contains information that specifies the role of the concept in thought. Which is to be used in forming general beliefs about the extensions of the concept. Given 'distributions of rights, opportunities and resources amongst people, institutions and social systems' are the types of states affairs that are in the extension of JUSTICE, the role of the concept is to form beliefs about the distributions that are actually in its extension, namely the right or *morally correct* distributions.

The variable content on the other hand will be a description of the considerations morally salient for forming those beliefs (ie. conception of justice). As the linguistic exchange makes plain, for Bryan the variable content will be something like "natural moral rights to their body and private property are the morally relevant considerations for justice". For Elizabeth it will be something like, "productive capacity being for the mutual benefit of all are the morally relevant considerations for justice". In real world cases, what these contents actually are will largely be an empirical matter. But for now it suffices that what it means for Bryan and Elizabeth to possess divergent concepts of JUSTICE is that they possess conflicting variable conceptual content for JUSTICE. Therefore what it means to explain why Bryan and Elizabeth diverge in their concepts amounts to explaining why they possess this conflicting conceptual content.

The model explains why Bryan and Elizabeth possess conflicting conceptual content by citing differences in the facts that cause them to fix the content of JUSTICE in conflicting ways. The question then is, differences in what facts cause reasonable people to fix the content of JUSTICE in conflicting ways? The explanatory model cites differences in psychological dispositions that are innate or acquired by personal experience. These psychological dispositions affect the cognitive process by which Bryan and Elizabeth acquire concepts and slowly fix their content over time. Different dispositions will result in reasonable people either acquire slightly different concepts of JUSTICE or fixing the content of their existing concept of JUSTICE in slightly different ways over time.

With all that in mind, the model proposes that differences in Bryan and Elizabeth's innate and acquired psychological dispositions cause them to possess and use divergent concepts of JUSTICE. Although citing any particular dispositions is a matter of empirical investigation, we can make certain guesses in *Nationalisation* to demonstrate how the model works. For instance, Bryan is perhaps disposed to fixing the content of his concept of JUSTICE according to his early experiences reading books on political economy that emphasise people's natural moral rights. As such he fixes the content

³¹This explication of the invariable content of JUSTICE follows Rawls's (1999, pp. 5–6, 9) distinction between the concept of justice and conceptions of justice. The former describes the common function of the latter. The explication of the conceptual content of justice here merely follows this idea with respect to how I have so far described conceptions of justice as describing 'the *correct* distribution of rights, opportunities and resources amongst people, institutions and social systems'.

of JUSTICE in a way that ensures “the protection of people’s natural moral rights” as the only relevant consideration for justice. Elizabeth on the other hand fixes the content of her concept of JUSTICE, perhaps according to her innate disposition towards benefiting everyone equally, and perhaps her early experiences living in an unusually egalitarian household. As such, she fixes the content of JUSTICE in a way that ensures “equal beneficence to individuals” as the only relevant consideration for justice. The important point in all of this is that Bryan and Elizabeth fix the content of their concepts in different ways and therefore possess divergent concepts of JUSTICE.

The model then proposes that given Bryan and Elizabeth possess divergent concepts of JUSTICE, they will form divergent conceptions of justice. This is because when they use these divergent concepts they will provide conflicting sets of deliberative considerations for forming conceptions of justice. As a result, let alone how they weigh such considerations, the very fact they will be weighing different deliberative considerations will result in Bryan and Elizabeth forming divergent conceptions of justice. At this point, the model has once again explained how reasonable people, Bryan and Elizabeth in this case, possess diverse concept-conception packages.

When Bryan and Elizabeth use their diverse concept-conception packages to make their political judgements, they will make intractably conflicting political judgements about what justice requires. This is because they make their political judgements according to their conceptions of justice. But, importantly these judgements do not conflict in virtue of being contents that cannot both be true. After all, the truth-conditions for Bryan and Elizabeth’s judgements are different. Rather the judgements Bryan and Elizabeth make conflict in virtue of what they would *pragmatically* express. They would pragmatically express what they each believe the concept of JUSTICE ought to be for making judgements about what justice requires. Given the concept JUSTICE constitutes the meaning of “justice”, this then explains how reasonable people have a metalinguistic negotiation about what the meaning of “justice” ought to be.

This conflict in political judgements is intractable because what causes it are differences in dispositions that cannot be altered or erased by Bryan and Elizabeth rehearsing their deliberative process with each other. They cannot alter their innate dispositions or the personal experiences that make them acquire the dispositions to fix the content of their concepts in conflicting ways. Deliberation with others, as it usually occurs, involves exchanging reasons for endorsing a particular conception of justice. Rehearsing one’s deliberative process for forming conceptions of justice with those that disagree is not going to affect the conflict over what the concept of JUSTICE ought to be.

But of course none of this is to disregard the attempt to change people’s concepts. After all one prominent research project in contemporary philosophy attempts to do just this. For example, Conceptual Engineering and Conceptual Ethics are research projects that have recently emerged with an aim to revise or replace the concepts we

use.³² But to say that Bryan and Elizabeth make intractably conflicting political judgements because they use divergent concepts is merely to recognise that the only way Bryan and Elizabeth's disagreement can be resolved is if at least one of them changes their concept. The only way to effectively alter the content of one's concepts is for the deliberation with others about the content of JUSTICE to itself become an experience that disposes them to change the content of their concept. But, this is a far cry from deliberating with one's interlocutor about the weight one is giving to a certain piece of evidence or rehearsing whether one is applying a rule of inference correctly. Insofar as the deliberation with others involves discussing the weights of various considerations and trying to explain why some consideration is decisive for forming a particular conception of justice it will not make them agree. Rather, they must deliberate about how to correctly fix their concepts.

With all that, the model has explained how Bryan and Elizabeth possessing and using diverse concept-conception packages causes them to have a reasonable disagreement rather than reasonable agreement. Bryan and Elizabeth's dispositions cause them to possess divergent concepts, which cause them to form divergent conceptions. When they use their respective concept-conception packages to make their judgements they lead them to make judgements that conflict in virtue of pragmatically expressing a conflict about what the meaning of "justice" ought to be for making political judgements about what justice requires.

This concludes the argument for Diverse Packages Theory on independent grounds. I have shown how its explanatory model can explain the cases of deep disagreement that motivated it. It reads them as metalinguistic negotiations. It supposes the reasonable people in such disagreements mean something different by at least one of their words, and that their disagreement hinges on a pragmatically expressed conflict about what the meaning of that word ought to be. The model then explains why such reasonable disagreements occur by citing the facts that cause people to possess and use diverse concept-conception packages that diverge in the concept. The model shows that when reasonable people use concept-conception packages that diverge in this way to make moral and political judgements, they pragmatically express a conflict about what the meaning of a word ought to be. As such they end up in reasonable disagreements rather than reasonable agreements.

³²See Burgess and Plunkett (2013a,b) on Conceptual Ethics and Cappelen and Plunkett (2020) on Conceptual Engineering for an overview and examples of philosophical projects that involve explicitly changing people's concepts in society by trying to persuade people.

4.3 Comparative Advantages and the Vindication of the Conceptual View

The last two subsections have shown that Diverse Packages Theory can vindicate the Conceptual View as an explanation of reasonable disagreements. It does this because it has two clear comparative advantages over extant theories on the Conceptual View. Firstly, it is more explanatorily powerful than the Concept Use theories like Mason and McMahon's. Recall, the problem with these theories, as I argued in §2, is that they face a dilemma. On one horn they can accept that deep disagreements are genuine disagreements, in which case they do not have the resources to explain deep disagreements as genuine disagreements and therefore have a serious explanatory weakness. On the other horn, they can deny that deep disagreements are genuine and that therefore they need not be explained. But this is deeply counterintuitive. Reasonable disagreements which are deep disagreements seem to involve a substantive normative disagreement, and the participants seem to think they are worth having because how the disagreement is resolved matters for how coercive political power would be used.

But Diverse Packages Theory has shown it can explain deep disagreements as genuine disagreements. This is because it allows for the possibility that reasonable disagreements may be metalinguistic negotiations. This means they can sometimes hinge on pragmatically expressed conflicting beliefs about what a moral term ought to mean. To explain such disagreements, Diverse Packages Theory cites facts about both concept use *and* possession. This is what the idea of diverse concept-conception packages allows for. It allows for the explanation of reasonable disagreements as both canonical disputes and as metalinguistic negotiations in a single explanatory model.

The second comparative advantage is that in explaining deep disagreements, it relies on a more parsimonious view of concepts when compared to the only other theory that matches it for explanatory power, namely Dworkin's theory of interpretive concepts. Recall the problem with Dworkin's theory is that it is unparsimonious in two senses. In the first general sense, it requires breaking with the best contemporary accounts of how people think and talk to commit oneself to the existence of an entirely new type of concept. In the second, more specific, sense, Dworkin's theory is unparsimonious because it requires believing that *all* moral and political concepts are interpretive concepts and not merely those involved in a particular reasonable disagreement. This leads to two new problems. Firstly, reasonableness itself will end up being an interpretive matter and therefore whether Dworkin's theory explains reasonable disagreement will itself be the subject of reasonable disagreement. Secondly, when reasonable people in deep disagreements try to communicate why they make their judgements, Dworkin's theory entails that they will descend into a regression of interpretation.

Diverse Packages Theory avoids all these issues because it relies on a far more parsimonious view of concepts and how they work. Rather than posit an entirely new type of concept, it merely posits a new type of genuine disagreement. This leaves concepts

as they are and allows for a theory to make use of the best empirical data on how they work.

5 Objections

Taking stock for a moment, so far I have argued for Diverse Packages Theory as a way to salvage the Conceptual View of explaining reasonable disagreement on the basis of two lines of argument. First, that has more explanatory power than certain extant theories because it can explain cases of reasonable disagreement that are both ordinary disagreements and deep disagreements. Second, that it is better than other extant theories because it does not rely on any unparsimonious commitments about concepts. The underlying strategy in both arguments has been that by reading cases of deep disagreement as metalinguistic negotiations, we can vindicate the intuition that they are genuine disagreements and that they can be explained alongside ordinary cases of reasonable disagreement in a single explanatory model.

I want to now consider three objections that might be raised against this strategy, namely that in employing the idea of metalinguistic negotiations, Diverse Packages Theory has inadvertent consequences for reasonable disagreement. The first concerns externalism about meaning. The second concerns the pointlessness of verbal disputes. The third concerns topic discontinuity.

5.1 Semantic Externalism

In arguing for Diverse Packages Theory I presented *Nationalisation* and *Indirect Abortion* as cases of disagreement where I claimed that reasonable people's words can express different mental contents. In simpler terms that sometimes when reasonable people use words I have claimed they mean different things by them. But one might think this relies on a controversial internalist metasemantic theory. It might be argued that the model assumes that what disagreeing parties mean by their words and therefore the conceptual content of their concepts are determined by facts internal to the disagreeing parties, namely their psychological dispositions. But, so the objection goes, this is not how the meaning of words and the content of concepts is determined. The meaning of our words is determined by facts external to the speaker.³³ It does not matter what our dispositions are like. That is irrelevant to the content our words express when we use them. What is relevant are facts external to us about how the community at large uses the word or how a word was first used to refer to some part of the world. The upshot of this is that one of the key moving parts of Diverse Packages theory is at best controversial, and at worst false.

³³See Sawyer (2020) and Cappelen (2018, Ch. 6) for this sort of view.

I have two responses to this sort of objection. One clarificatory, the other methodological. The clarificatory response is that in everything I have said so far, I have left it open whether the psychological dispositions that affect how reasonable people fix the variable content of their concepts are innate or acquired by personal experience. It could well be that all the relevant psychological dispositions are acquired by personal experiences. This would mean that ultimately facts external to speakers are what cause speakers to fix the conceptual content of their concepts differently. Moreover this is not by accident. It is a consequence of taking seriously the empirical evidence on concepts, which shows that both facts internal and external to an individual determine the meaning of the words they use. As such, Diverse Packages Theory takes no stand on how many of our psychological dispositions relating to content fixing are innate or themselves created by facts external to the speaker. Therefore, the externalist could well be correct on this front and still accept Diverse Packages Theory.

The methodological response is that ultimately Diverse Packages Theory is for political theorists to solve a problem in political theory, namely to explain reasonable disagreement. As such, the efficacy of Diverse Packages Theory is independent of debates in the philosophy of language about which psychological dispositions track the *correct* way to fix the content of concepts. Diverse Packages Theory is entirely consistent with an externalist metasemantic theory that says that conceptual content of our terms is determined by specific facts external to the speaker irrespective of an individual's dispositions or metalinguistic beliefs. In such cases, the externalist has merely become a participant in a metalinguistic negotiation. As such, Diverse Packages Theory leaves it open for an externalist to still say that in a metalinguistic negotiation, at least one of the parties is mistaken about what their words mean because they have fixed the content of their concepts incorrectly. Nothing in Diverse Packages Theory precludes this, but it is irrelevant to evaluating whether Diverse Packages Theory does the work it is supposed to do for the political theorist's problem of explaining reasonable disagreement. Of course whether the externalist's metasemantic theory is relevant for the political theorists problem is an open question. But *that* question is part of an orthogonal methodological debate about how different parts of philosophy are related, and so is unrelated to the question here and now of whether Diverse Packages Theory is a good theory to solve the political theorist's problem.

5.2 Pointless Verbal Disputes

In arguing for Diverse Packages Theory's model I said that one motivation for it was that in being able to read cases of reasonable disagreement as metalinguistic negotiations it can vindicate the intuition that deep disagreements are genuine. By supposing that they hinge on a pragmatically expressed conflict about what the meaning of a moral term ought to be we can understand how they are genuine (ie. expressing conflicting mental contents) despite disagreeing parties not literally expressing conflicting beliefs by their

judgements.

An objection one might have, following Chalmers (2011, pp. 522–525), is that Diverse Packages Theory makes deep disagreements into pointless verbal disputes. The core idea being that even if there is a sense in which deep disagreements, when read as metalinguistic negotiations, are genuine in virtue of hinging on a conflict about what concept ought to be used, they are pointless to the first-order practical matter that is literally expressed by reasonable people's political judgements. And, as Chalmers (2011, p. 525) says, this sort of pointlessness is a heuristic guide to the presence of verbal disputes. As such, using metalinguistic negotiation to vindicate deep disagreements as genuine disagreements was in vain. They are pointless verbal disputes anyway and pointless disputes are no help for political theorists who hope to show reasonable disagreements were worth explaining.

To see how this objection works consider *Nationalisation* again. In that case, the thought would be that, when it is read as a metalinguistic negotiation it turns out to hinge not on the first-order disagreement we thought it did. It does not hinge on the economic system Bryan and Elizabeth believe justice requires. Rather, it hinges on a conflict about what the concept of JUSTICE ought to be. But insofar as this generates the first-order disagreement, it is pointless to it because all it involves is a conflict about what considerations are relevant for deliberating about justice. And, resolving that dispute will resolve the first-order disagreement. But this resolution would not come about because Bryan and Elizabeth settled something about justice. Rather it would come about because they settle on which considerations they ought to be weighing up to form beliefs about what justice requires.

But, I submit, this objection goes wrong for two reasons. The first is that it is plainly wrong to conclude that metalinguistic negotiations are pointless with respect to the first-order moral and political issues that reasonable people are disagreeing about. The resolution of a metalinguistic negotiation about what concept ought to be used has significant normative consequences when they involve the kinds of concepts that usually feature in reasonable disagreements. Reasonable disagreements as should be plain from examples like *Abortion*, *Nationalisation*, and *Indirect Abortion*, can potentially involve concepts like JUSTICE, MORAL GOODNESS, MORALLY RIGHT, MORAL PERSON and many other moral concepts. These are by their very nature normative concepts and therefore if people diverge over them and decide to resolve the divergence, they will have serious and pervasive normative consequences. For instance, that some states of affairs are picked out as required by JUSTICE is typically taken to justify realising it with the use of coercive political power. As such people will be forced to comply with laws that enforce a state of affairs that counts as just according to their interlocutor's concept. One can imagine how this will play out in a similar way for a whole host of reasonable disagreements that feature moral and political concepts. To that end, deep disagreements read as metalinguistic negotiations are not pointless, and as such not necessarily or heuristically verbal disputes.

For a non-political example, consider a reasonable disagreement that is centred on a topic in interpersonal morality, “the good life”. Let us suppose that it is a metalinguistic negotiation and as Chalmers supposes parties resolve to use the term “good life” to mean ‘lives spent satisfying selfish desires’ rather than to use “good life” to mean ‘lives spent helping others’. Clearly this will have profound normative differences for these individuals. It will affect what they see as demanded of them by morality and therefore how they should lead their lives.

The second reason the objection goes wrong is because Diverse Packages Theory already has a definition of what verbal disputes are and so Chalmers’s way of identifying them is unnecessary. As I argued, people will have a verbal disagreement when they do not share the invariable content of a concept. This is because it would show they are not possessing diverging concepts that would count as competing candidates. Rather, they would be distinct concepts altogether which have completely different functions for those who wish to use them. A disagreement using those concepts would be verbal unless we decomposed it further into disagreement about some more fundamental concepts that people shared, or some disagreement about entire conceptual schemes.³⁴ Barring anything like that, Diverse Packages Theory has already provided an analysis of when reasonable disagreements are verbal disputes.

5.3 Topic Discontinuity

Another objection against Diverse Packages Theory might be that, even if we accept that understanding deep disagreements as metalinguistic negotiations does not entail they are pointless verbal disputes, it might still entail they involve a form of topic discontinuity. That is to say that the model shows that deep disagreements are cases where reasonable people are trying to change the topic of their discussion, rather than engaging in a sustained disagreement about the same topic.

The objection begins with the thought that concepts play a central role in picking out the “topic” or general subject matter of thought.³⁵ For instance, when someone is deciding to buy a house and reflecting about what they ought to do, a number of thoughts will typically run through their head. They will think about various things relating to their finances, various things relating to the condition of the house, perhaps what others think about the house or their finances as well. But all through this, their thoughts centre on a particular topic picked out by a concept, or more likely a cluster of concepts, relating to ‘purchasing a house’. This will be the same for people engaged in a discussion or disagreement. A sameness in concepts will guarantee a sameness in topic.

³⁴See Chalmers (2011, pp. 548–563) on bedrock concepts and bedrock disputes, and Midgley (Midgley 1992) on conceptual schemes.

³⁵See Sawyer (2020; 2018b,a), Schroeter and Schroeter (2014) and Cappelen (2018, Ch. 9) for an overview of this type of view of the relation between concepts and topics.

But, so the objection goes, if Diverse Packages Theory is right that reasonable disagreements like *Nationalisation* and *Indirect Abortion* are metalinguistic negotiations, then it shows that the people in those disagreements are not actually talking about the same topic. This is because as Diverse Packages Theory explains those cases, the disagreeing parties are each making a judgement according to their divergent concepts. This is not a pointless verbal dispute, but it does indicate that the disagreeing parties are trying to have a discussion centred on different topics, namely topics individuated by the concepts they are each individually using. This would be to say that in *Nationalisation*, Bryan is trying to discuss what justice requires as it pertains to his concept of JUSTICE, but Elizabeth is trying to discuss what justice requires as it pertains to her concept. But, neither of them realise that they are each trying to change the topic and so there is no sustained disagreement on a single topic of discussion.

But this objection is unwarranted because Diverse Packages Theory is fundamentally neutral with respect to a wide variety of views on topic continuity. For instance, it is compatible with the sort of view argued for by Schroeter and Schroeter (2014, pp. 12–16), and Sawyer (2020, pp. 385–390; 2018b, pp. 10–15, 2018a, pp. 13–21) where concept identity guarantees topic continuity. They argue topic sameness is got by people using the same concepts, which is in turn understood with people sharing a “tradition” for fixing the content of that particular concept. This tradition is supposed to include all the various representational and non-representational ways that people’s thoughts are related to the world. Diverse Packages Theory is compatible with such a view because of the distinction it draws between a concept’s invariable content and variable content, and because it is neutral on precisely how or which facts fix the invariable content of a concept. As such, the theory would say that if topic continuity depends on concept identity, we should merely look at the invariable content of a concept, and identity there indicates that reasonable people “diverge” in their concepts in the sense of putting forth candidates for the same concept. Since Diverse Packages Theory is not committed to any particular story about how or which facts fix the invariable content of a concept it is entirely compatible with what Schroeter and Schroeter, and Sawyer say about how concept identity is determined.

Beyond views that cash out topic sameness through concept identity, Diverse Packages Theory is also compatible with a range of other views as well. For instance, it is entirely compatible with a view like Cappelen’s (2018, pp. 107–108) that addresses topic continuity with the idea that it is a pre-theoretic notion. This is because Diverse Packages Theory does not use topic continuity as a theoretical notion or commit to any broader metasemantic theory about entities other than, concepts, meaning, extension, and intension. As such, it is neutral on what pre-theoretic notions can be posited to make sense of topic continuity. This means it is compatible with the solution offered by Cappelen which makes use of the notion of “samesaying” as a pre-theoretic course-grained notion independent of a word’s meaning or concept.

Finally, Diverse Packages Theory is also compatible with a purely pragmatic view of

topic continuity of the sort argued for by Roberts (2012). For instance, the topic for a reasonable disagreement could be supplied by “questions under discussion”. These are questions that set the function of the discourse between the parties. The initial question is then something like “What institutions and outcomes does justice require?”. This would then elicit conflicting answers from reasonable people. This in turn gives rise to further questions under discussion that are ever more general to finally answer the initial question. On this view what seems like discontinuity of topic is really the work of pragmatic mechanisms in the disagreement to ultimately answer the initial question. Diverse Packages Theory is entirely compatible with a view like this because it has taken no position on the pragmatic mechanisms involved in a disagreement beyond those involved in metalinguistic negotiations. To that end, it is entirely compatible with additional pragmatic mechanisms if need be.

6 Conclusion

In this paper I have defended the viability of the Conceptual View for explaining reasonable disagreement by proposing a novel theory: Diverse Packages Theory. I did this first by motivating the need to read cases of reasonable disagreement as either canonical disputes or as metalinguistic negotiations. I argued this allows us to read cases of reasonable disagreement that are both ordinary and deep disagreements as genuine. I then showed how we can explain why reasonable disagreements occur by describing how people possess and use diverse concept-conception packages to make moral and political judgements. I then showed how these moving parts yield an explanatory model that can explain both ordinary cases of reasonable disagreement and cases of reasonable disagreement that are deep disagreements.

I then argued by applying the explanatory model to cases of reasonable disagreement that the theory has two clear comparative advantages that vindicate the Conceptual View. Firstly, that by being able to explain deep disagreements, it is more explanatorily powerful than extant theories that claim to explain reasonable disagreement. Secondly, that it relies on a more parsimonious theory of concepts than the only extant explanation of deep disagreements. I then considered and responded to three objections that might be put against Diverse Packages Theory. I argued that none of the objections warrant rejecting Diverse Packages Theory.