Fogelin's Theory of Deep Disagreements: A Relativistic Reading

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Abstract

In "The Logic of Deep Disagreements," Robert Fogelin claims that parties to a deep disagreement lack the common ground needed for arguments to work, making the disagreement impervious to rational resolution. Although Fogelin's article received numerous responses, there has been no attempt to elucidate the epistemological theory behind Fogelin's theses. In this article, I examine Fogelin's theory of deep disagreements in light of his broader philosophy. The picture that emerges is that of relativism of distance, à la Bernard Williams. By interpreting Fogelin's theory as relativism of distance, it avoids some of the critiques that have been raised against it.

I. Introduction

In "The Logic of Deep Disagreements," Robert Fogelin claims that parties to a deep disagreement lack the common ground needed for arguments to work, making the disagreement impervious to rational resolution. Although Fogelin's article received numerous responses,[1] there has been no attempt to elucidate the epistemological theory behind Fogelin's theses. In this article, I examine Fogelin's theory of deep disagreements in light of his broader philosophy. The picture that emerges is that of relativism of distance, à la Bernard Williams. By interpreting Fogelin's theory as relativism of distance, it avoids some of the critiques that have been raised against it.

In the next part of the article (2), I provide an overview of Fogelin's "The Logic of Deep Disagreements." In (3), I present an epistemic framework in which to understand Fogelin's theses. For this, I examine other aspects of Fogelin's philosophical thought, namely, his pluralistic

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1. For a useful overview, see Finocchiaro (2011).

contextualism, his Wittgensteinian views of language and his neo-Pyrrhonism. In the next section (4), I use the insights gained from (3) to develop a relativistic reading of Fogelin's theory of deep disagreements. Furthermore, I explain why I think it is suitable to label it "relativism of distance" and in which way it differs from a relativism of justified belief. Finally, in (5), I review two criticisms advanced against Fogelin's theses, Feldman (2005), and Lugg (1986) and analyse them in light of the relativistic reading developed.

II. Fogelin's "The Logic of Deep Disagreements"

In "The logic of deep disagreements" (henceforth, TLDD), Robert Fogelin claims that "there are disagreements, sometimes on important issues, which by their nature, are not subject to rational resolution." He calls such disputes *deep disagreements*. By "rational resolution," he means one party convincing the other with arguments. And by "arguing" he means "the process of producing ... compelling grounds".[2]

> But to be compelling, grounds must be true or at least thought to be true and, together with other accepted propositions, lend adequate support to the claim to be established.[3]

Since producing compelling grounds depends on what is thought to be true and lend adequate support for a claim, for Fogelin, "engaging in an argumentative exchange, presupposes a background of shared commitments"[4] between the parties. Producing an argument, thus, consists of appealing to a set of beliefs and preferences that the parties share. It is this common background, the "thick sedimentary layer of the unchallenged," which turns a claim into an argument. Thus, for Fogelin, it is a precondition for arguing that the arguers believe and assume many of the same things; the activity of arguing depends on the quality of the parties' common ground. When it is rich, as it is in most cases, arguing can be performed normally. To these contexts, Fogelin calls *normal argumentative contexts*, and the disputes that can arise in normal argumentative contexts are *normal disagreements*. Because preconditions for arguments obtain, resolution of normal disagreements is possible. To the extent that arguers lack common ground, however, their disagreement will not be resolved by arguments.

Fogelin provides two examples of deep disagreements, the abortion debate, and the dispute over affirmative action quotas. Deep

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2. Fogelin (1985/2005/2005: 3).
3. Ibid.
4. Ibid.

disagreements, for Fogelin, result "from a clash in underlying principles" or "framework propositions." He claims that "the central issue of the abortion debate is the moral status of the fetus."[5] Hence, "the fetus is a person" is a framework proposition that one side accepts, and the other does not. This feature makes the debate "immune to appeals to facts"[6] since the parties can agree on all the facts relevant to the issue and still disagree about whether the foetus has the moral standing of personhood. Even if we try to argue directly for or against this principle, the disagreement would not be resolved, since.

> when we inquire into the source of a deep disagreement, we do not simply find isolated propositions ('The fetus is a person'), but instead a whole system of mutually supporting propositions (and paradigms, models, styles of acting and thinking) that constitute, if I may use the phrase, a form of life.[7]

The parties to a deep disagreement participate in different forms of life that affect, directly or indirectly, their positions regarding the morality of abortion. They have different beliefs about souls, persons, and what is right, but also different attitudes towards pregnancy, reproduction, motherhood, etc. They may even practice different religions, cults, communicate with different people, etc. It is because parties participate in different forms of life, that their disagreement is deep.

III. Relativistic Strands in Fogelin's Philosophy

The logic of deep disagreements is short and lacks a clear argumentative structure; it is not always easy to see why one point follows another. Furthermore, it has many polemic theses not thoroughly argued for, and sometimes not at all. For these reasons, the philosopher engaging with TLDD is often at a loss when trying to precise what exactly the positions advanced by Fogelin's remarks are. Turning to other works of the same author is not of much help because, to the best of my knowledge, Fogelin does not expand on, or even refers to, the issues addressed in TLDD in other published works. Nevertheless, other aspects of his philosophy, I suggest, can illuminate Fogelin's theory of deep disagreements. I have in mind his pluralistic contextualism, his Wittgensteinian views of language and his neo-Pyrrhonism. These aspects of Fogelin's thought exhibit many relativistic tendencies which can be used to develop a relativistic theory of deep disagreements.

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5. Ibid.
6. Ibid.
7. Fogelin (1985/2005: 5–6).

Epistemically appropriate behaviour is relative to justificatory frameworks

Although not bearing directly on the issues of disagreements and argumentation, Fogelin's "Pyrrhonian Reflections on Knowledge and Justification"[8] is relevant to our investigation. This is because Fogelin sees argumentation in relation to the practices of advancing and judging knowledge claims: "A claim that something shows (or proves) something else is much like a knowledge claim."[9] For Fogelin, a claim is justified within the context of a *justificatory framework*, which is determined by the use of a *justificatory procedure* or *practice*. A justificatory procedure is a process we use to get justified beliefs, like consulting experts, asking around, googling, etc. When we, for example, consult a record book to settle a doubt about a sports figure, there is much we need to take for granted in order to consider such practice a justificatory procedure, e.g., that record books do not systematically lie about the sports information included in them. What we assume defines the logical space of the justificatory framework in which we are operating.

If someone were to doubt the general reliability of record books ('perhaps baseball record books are systematically distorted'), then she would be refusing to enter the justificatory framework defined by such justificatory procedure. Refusing to enter a particular justificatory framework is not always irrational; we can reasonably scoff at someone who wants to justify a claim using astrology. For example, my friend Sharon tells me that I should see a doctor because of the position of Mars relative to my star sign. She bases her belief that I might be sick on her reading of an astral chart. But if I do not accept the propositions that make consulting an astral chart a justificatory procedure (e.g. that the positions of the planets affect people's lives), I will not admit such a justificatory framework as valid.

The justificatory framework we use determines what counts as a suitable epistemic procedure, but also a legitimate doubt, a defeater, etc. Appropriate epistemic performance is, thus, relative to the justificatory framework from where the subject is operating. This is the relativized component of justification:

> … the demand for adequate grounds is not relativized to a particular framework with a fixed level of scrutiny, even though **the assessment of a responsible epistemic performance is.**[10]

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8. Fogelin (1994)
9. Fogelin (1985/2005: 3).
10. Fogelin (1994: 203). I use **bold** style to differentiate my emphasis from the emphasis in the original texts in *italics*.

The fact that adequate epistemic behaviour is relative to justificatory frameworks entails that my astrologer friend will judge her epistemic performance (i.e., coming to believe a proposition by interpreting an astral chart) to be responsible. An epistemic performance is deemed responsible when it conforms to the demands made by the justificatory framework in use, in this case, modern Western astrology. But more importantly, relativization of adequate epistemic behaviour to justificatory frameworks entails that the astrologer will not only judge her performance as adequate but that *she is right to do so*. My judging her behaviour as inadequate is due to my refusal to enter her justificatory framework. That is, my refusal to accept the propositions that would turn modern Western astrology into an appropriate way of yielding justified beliefs.

The relativization of epistemically responsible performances to justificatory frameworks is central to Fogelin's *pluralistic contextualism*. He defines pluralistic contextualism as a "contextualism that does not involve a holistic commitment to the existence of a single overarching context."[11] If there were an overarching context, it could be used to judge what ought to be done *in any* justificatory framework. It is thus Fogelin's belief that there is no "one ultimate justificatory framework that grounds all others,"[12] i.e., his neo-Pyrrhonism, which explains why epistemic appraisal is relative to justificatory frameworks.

Evaluative terms are relative to language-games

In his 2003 book, "Walking the Tightrope of Reason," Fogelin discusses the nature of aesthetic standards.

> Our difficulty here is that we fail to understand how the word 'beautiful'— and, indeed, how **evaluative terms in general**—function ... Each of these words provides a way of expressing approval or disapproval (approbation or disapprobation) along a certain axis of evaluation ... But like the word 'good,' the word 'beautiful,' when deprived of contextual support, is nearly **contentless**. Its use without contextual support amounts to little more than an inane expression of approval along an aesthetic axis.[13]

When we consider an evaluative term independently of its context of use, we find only an inane approval or disapproval, thumbs up or down. It is only when evaluative terms are embedded in a context of use, a language-game, that they acquire their full meaning. This thesis comes from

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11. Fogelin (1994: 208).
12. Fogelin (1994: 194).
13. Fogelin (2003: 152–153).

Fogelin's general commitment to a Wittgensteinian view of language, where the use of a term in a certain language-game determines its sense.

> Just as the words 'I am here' have **a meaning only in certain contexts**, and not when I say them to someone who is sitting in front of me and sees me clearly, – and not because they are superfluous, but because their meaning **is not determined** by the situation, yet stands in need of such determination.[14]

Because the phrase 'I am here' makes sense in some contexts (e.g. responding to someone shouting 'where are you?' in a big house), we are tempted to think that we understand the phrase regardless of context. But the meanings of words are determined, at least partially, by their language-game. Therefore, the meanings of 'good' or 'beautiful' outside of contextual considerations are almost empty expressions of approval. And what goes for aesthetic or moral evaluation also applies to epistemic assessment. Not only does a justificatory framework determine what an epistemically responsible performance is, but the meanings of the terms we use to assess the strength of reasons and arguments are determined within the context of a justificatory framework. Consequently, what a *good* argument is depends on the framework from which we are evaluating.

Arguments are relative to frameworks

I want to push the last point further: not only is the assessment of arguments relative to frameworks, but *whether some claim or set of claims constitute an argument is also relative*. This thesis comes from Fogelin's conception of argumentation. Remember that for him, arguing is the process of producing compelling grounds. But *compelling* is an evaluative term whose meaning is determined by the language-game in which it is embedded. Therefore, it is not only the *quality* of arguments that is judged relative to frameworks but whether something is an argument or not is also relative to frameworks.

This is not to say that if a party is unconvinced by the argument they are presented with, it will fail to be an argument. After all, arguments can be bad, unconvincing, fallacious, even unsound. But in order to judge an argument, a party must recognize a claim or set of claims *as an argument*; that is, as *in the business of providing compelling grounds*, even if it does not succeed. If you tell me that I should see my doctor because you have noted that my mole has changed its colour, I may be moved by your reasoning or not. However, if you say that I should see my

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14. Wittgenstein (1969 #348).

doctor because Mars is in retrograde, I will judge what you say as not even in the ballpark of offering compelling grounds. Consequently, it will not count as an argument.

This is a surprising claim. Surely, we can recognize that a claim is *meant to be* an argument. Even if I find it ludicrous, I can recognize that the appeal to Mars's position is *supposed to be* a reason for me to go to the doctor, however unconvincing it may be. However, appreciating the astrological claim as an argument is comparable to someone uttering "good" without contextual support: it is a mark of an activity being performed (evaluating) without actually performing it. In the same vein, when certain vocabulary is being used (e.g. 'hence,' 'because,' 'therefore')*,* it signals that argumentation is being performed. However, whether it is actually being performed or not is something that *needs to be determined in the context*. This is because, for Fogelin, arguing goes beyond the vocabulary used, the gestures made, the intentions had; it has to do with certain actions being performed in the context.

IV. The Relativistic Reading

In the last section, I presented some relativistic theses found in Fogelin's philosophy. I now want to sketch a theory of deep disagreements based on these elements. My hope is that by considering deep disagreements in light of Fogelin's relativistic theses, we can make better sense of some of the most puzzling remarks of TLDD.

I first discussed the aspect of epistemic justification that, according to Fogelin, is relative, namely, epistemically responsible performance. Whether one's epistemic behaviour is correctly judged to be responsible depends on the framework from which one is operating. Plausibly, the parties to a deep disagreement are operating within different justificatory frameworks with little in common. Therefore, the parties' epistemic performances may[15] be correctly deemed appropriate relative to *their own* justificatory framework and simultaneously correctly judged to be substandard relative to the other party's framework. This explains why in deep disagreements the parties not only disagree about a proposition (e.g. abortion is always wrong) but also about whether a way of getting

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15. I added "may" because justificatory frameworks are normative, and thus, set a host of demands on the agent operating within it. A party to a deep disagreement can behave epistemically irresponsibly relative to the framework within which she is operating. For example, even in a framework that grants astral charts the power to yield justified beliefs, Sharon's interpretation of my astral chart may be flawed.

information about the topic is adequate or even relevant (e.g. reading the Bible, talking to women who have had abortions, etc.).

Secondly, we saw that because of Fogelin's general alignment with the later Wittgenstein's views on language, he holds that the context of use determines the meanings of evaluative terms. Without contextual consideration, evaluative terms are nearly contentless. Terms we use for epistemic appraisal (e.g. 'justified,' 'reasonable,' 'well-grounded') acquire their full meaning from the language-game in which they are embedded. Consequently, what a *justified* belief, a *reasonable* doubt, a *well-grounded* position are, is relative to the language-game in which the meanings of these terms are determined.

In normal disagreements, the parties operate in the same (or very similar) justificatory framework(s). Because the framework from which the parties judge the arguments and argumentative performances is the same (or very similar), the senses they attach to the evaluative terms are the same, or importantly alike. Since the sense-making framework is shared between the parties, the language of argumentative assessment functions appropriately.

> Suppose, for example, that I accuse someone of being pig-headed. This is not a generous thing to say, but it is not a free-floating insult either. To call someone pig-headed is to make quite a specific charge: he continues to cling to a position despite the fact that compelling reasons have been brought against it. But compelling to whom? We are saying that they ought to be compelling for *him*, or else it wouldn't be right to call him pig-headed.[16]

Saying that someone is being pig-headed is to signal a shortcoming, perhaps in the hopes that the interlocutor reassesses their position. But whether something is a shortcoming or not is to be judged relative to a framework. If the parties to a disagreement share the framework, then charges of pig-headedness, bias, closed-mindedness, hastiness, etc., make sense relative to the shared framework. Whereas if the parties are operating in very different frameworks, it may not be determined whether a disputant is being pig-headed or not. I believe this is a partial explanation for why Fogelin says that "the language of argumentative assessment has its primary application in the context of a normal or near normal argumentative exchange."[17] It is in the context of normal, or near normal, argumentative exchanges that the meanings of assessment terms are determined and can, thus, be used properly.

Because the parties to deep disagreements operate in widely different frameworks, their assessment of the arguments considered may

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16. Fogelin (1985/2005: 5).
17. Fogelin (1985/2005: 3).

legitimately differ. This is because what a *good* (bad, convincing, reasonable, etc.) argument is depends on the framework from which it is being evaluated. Consequently, parties to a deep disagreement are not only at odds about an issue, but also about the *quality of the arguments advanced*; while one side correctly deems an argument decisive, the other can legitimately find it less than convincing or even a *bad* argument. The fact that the assessment of arguments is relative to frameworks explains why deep disagreements are so persistent; it seems unlikely that someone changes their mind in the face of a position they find weak.

The third relativistic aspect I discussed is that Fogelin's conception of 'arguing' entails a relativized conception of arguments. This is because, for Fogelin, arguing is the process of producing compelling grounds, but *compelling* is an evaluative term. Therefore, whether grounds are compelling or not, and consequently, whether a claim or a set of claims is an argument or not, is to be judged relative to the framework used for the evaluation. This has a remarkable consequence: it is possible that a claim advanced in a context constitutes an argument while in a different context it does not.

These considerations lead me to conclude that the parties to a deep disagreement *are not really arguing*. For Fogelin, whether a claim or set of claims can perform the function of an argument depends on the extent of the common ground between the parties, that is, on the *normalcy* of the argumentative context. In deep disagreements, the parties are not really putting forth arguments, since, in that context, their claims cannot *do* what they are supposed to do, i.e., give compelling grounds. This is the other partial explanation of why "the language of argumentative exchange … has its primary application in the context of a normal or near normal argumentative exchange"; whereas in deep disagreements, "the language of argument may persist, but it becomes **pointless** since it makes an appeal to something that does not exist: a shared background of beliefs and preferences."[18]

To sum up, the parties to a deep disagreement not only disagree about an issue (e.g. the morality of abortion), but they also disagree about which justificatory procedures are relevant to the settle their disagreement (e.g. whether reading the Bible is relevant to the question of the legality of abortion). Moreover, because the parties to deep disagreements operate in widely different frameworks, they are at odds about the quality of the arguments advanced on each side. The persistence of deep disagreements is thus explained by the legitimate judgement that the other side's position is not compelling. Therefore, because of the lack of

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18. Fogelin (1985/2005: 5).

a healthy common ground between the parties to a deep disagreement, the claims advanced by each side cannot function as arguments. To the extent that argumentation is impossible, Fogelin argues, rational resolution of deep disagreements is not forthcoming.

Relativism of distance

I hold that the epistemological picture that emerges from these considerations should be classified as a *relativism of distance*, à la Bernard Williams.[19] Martin Kusch[20] suggests two key elements of Williams's relativism of distance, which I believe also apply to Fogelin's theory of deep disagreements. Firstly, in some controversies, which Williams calls *notional*, going over to the other side is not a real option for at least one of the parties. This means that it cannot be done without a massive change in outlook. Similarly, in deep disagreements, changing one's mind often involves a radical shift in view about an issue. Secondly, Williams denies that one can legitimately appraise a historically distant moral system. In other words, in notional confrontations, "the question of appraisal does not genuinely arise."[21] Likewise, Fogelin denies that argumentation can bridge the widely different positions found in deep disagreements.

By drawing these parallels between Fogelin's and Williams's views, I do not intend to defend Williams's views on ethical relativism, nor to examine the general plausibility of relativistic theories on the ethical realm. Rather, I want to motivate the expansion of the label of "Relativism of Distance" to Fogelin's theory of deep disagreements. With this in mind, I turn to examine what I take to be the basic tenants of relativism of distance.

First, we have the metaphor of *distance*, which I think should be taken seriously. Relativism of distance emphasizes *gradeability*: Degrees are of major importance.

> If we are going to accommodate the relativist's concerns, we must not simply draw a line between ourselves and others. We must not draw a line at all, but recognize that others are at **varying distances** from us.[22]

Remarkably, both Fogelin and Williams state their pessimistic conclusions in gradable terms:

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19. Williams (1974–1975).
20. Kusch (2017: 3).
21. Williams (1974–1975: 225).
22. Williams (2006: 160).

> **the more** remote a given *S* is from being a real option for us, **the less substantial** seems the question of whether it is 'true', 'right', etc.[23]

> **to the extent** that the argumentative context becomes less normal, argument, **to that extent**, become impossible[24]

Secondly, both Fogelin and Williams argue for pessimistic conclusions. Fogelin claims that some disagreements cannot be resolved by argumentation, and Williams argues that in notional confrontations, ethical appraisal is inappropriate. But, crucially, these pessimistic theses *are confined to special cases*, namely, deep disagreements and notional confrontations, which constitute *the limiting case*, the exceptions not the norms.

Thirdly, the impossibilities examined by these authors, in deep disagreements and notional confrontation, are consequences of the limitations in our language. We can see this clearly both in Williams and in Fogelin: the language of argument does not work in all disagreements, and the vocabulary of appraisal is pointless in certain reflections. The limitations of our language are connected to what our terms are *supposed to do*, to what we are trying to accomplish by using them. For Williams, the primary function of ethical appraisal is practical deliberation. So, when practical deliberation is impossible, like in a merely notional confrontation, the language of ethical appraisal is pointless. This, according to Williams, is a Wittgensteinian insight: "The idea that it might be impossible to pick up an evaluative concept unless one shared its evaluative interest is basically a Wittgensteinian idea."[25] Meanwhile, for Fogelin, when the preconditions for producing compelling grounds are lacking, the language of argument becomes idle.

Relativism of distance is not relativism of justified belief

That Fogelin's views regarding deep disagreements are on the relativistic side is something many authors have noted. Nevertheless, the kind of relativism that I attribute to Fogelin, relativism of distance, does not have the same features generally attributed to relativistic theories. A case in point is that Fogelin does not use the irresolvability of deep disagreements to motivate a relativistic theory of justified belief. That is, Fogelin does not claim that both parties in a deep disagreement are justified in their opposite claims.[26] This is because, although a part of what constitutes epistemic justification for Fogelin *is* relative to justificatory

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23. Williams (1974–1975: 225).
24. Fogelin (1985/2005: 4).
25. Williams (2006: 240).
26. Fogelin also does not hold that both parties' claims are equally valid – the equal validity claim. As Kusch (2013) has noted, relativists need not, and probably should not, defend the thesis that all epistemic systems are equal regarding their epistemic merit.

frameworks (i.e., epistemically responsible behaviour), epistemic justification also includes a nonrelative aspect: *believing on adequate grounds*.

> The first [component of justification] concerns the manner in which S came to adopt a belief . . . [it] demands that he do this in an epistemically responsible manner. The second concerns a relationship between the proposition believed and the **grounds** on which it is believed . . . . [It] demands that these grounds **establish the truth of the proposition** believed on their basis.[27]

Whether a belief has adequate grounds to support it or not is independent of frameworks' demands. That the condition of adequate grounds is not relative, comes from Fogelin's realistic commitment. For him, once again following Wittgenstein, it is "by the grace of nature that one knows something."[28] Whether a claim is believed on adequate grounds or not (e.g. whether an astral chart delivers accurate information) does not hinge on justificatory frameworks. Therefore, believing based on adequate grounds and acting epistemically responsibly can fall apart. For example, when Sharon bases her belief that I am sick on her reading of an astral chart, her performance may be beyond reproach given the assumptions of astrological enquiry. However, her claim *is not justified* because (presumably) her grounds do not establish the truth of her belief.

When Fogelin claims that the depth of a disagreement precludes its rational resolution, he means that arguments cannot convince someone who participates in a very different epistemic framework (for the reasons presented above). The claim that the dispute is irresolvable because argumentation cannot work, does not entail that the parties are justified in their claims. Therefore, despite what some authors may have thought, the depth of a disagreement is, for Fogelin, no evidence in favour of relativism of justified belief.

V. Objections and Responses

I now turn to two critiques made from the realm of argumentation theory. I examine them from the viewpoint of the relativistic reading developed in (4).

Feldman's objection: framework propositions are not beyond rational assessment

In "Deep Disagreement, Rational Resolutions, and Critical Thinking," Richard Feldman argues that by suspending judgement about the

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27. Fogelin (1994: 20).
28. Wittgenstein (1969: #505).

proposition they disagree about, the parties to a deep disagreement can resolve their dispute. The argument is part of a position Feldman defends in several places,[29] namely, that if one does not have good enough epistemic reasons to prefer a proposition over its opposite, one should suspend judgement about its truth-value. Because for Fogelin, it is a clash of framework propositions what causes deep disagreements, Feldman's position regarding deep disagreements is that either an agent has good enough epistemic reasons to believe a framework proposition, or she should suspend judgement about it. Having a long-standing disagreement with someone who denies a framework proposition one accepts, often provides reasonable grounds to suspend judgement. That is unless framework propositions are an exception to epistemic rationality.

Feldman sees Fogelin as defending unsuccessfully the view that framework propositions are beyond rational scrutiny. In Feldman's eyes, Fogelin fails to show that framework propositions should be exempted from rational evaluation. Feldman, therefore, concludes that the parties to the disagreement can surely analyse the arguments, reasons and evidence, in favour and against each framework proposition and reach a rational conclusion regarding their epistemic status. Therefore, deep disagreements can have a rational resolution after all.

> Framework propositions, like other propositions, can be discussed and debated. They should be accepted or rejected, depending upon the evidence uncovered about them. And if the evidence is neutral, then suspension of judgment is the rational proper response. And this counts as a resolution of a disagreement.[30]

Feldman seems to be operating under the following assumption: if a proposition can be rationally assessed (and he sees no reason why it couldn't), then from such assessment it follows just *one*[31] doxastic attitude (e.g. belief, degree of credence, suspension of judgement, etc.) which is the epistemically rational attitude for *all* parties to have towards the proposition. Therefore, if the parties are being rational and fairly evaluate the evidence and arguments for and against the proposition, they ought to adopt the same rational doxastic attitude towards it, resolving this way their disagreement. In other words, Feldman assumes that since framework propositions can be "discussed and debated," the parties can "if they are rational, come to an agreement about it."[32]

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29. See, for example, Feldman (2006, 2007).
30. Feldman (2005: 21).
31. It follows one doxastic attitude because Feldman holds 'the Uniqueness Thesis', which says that "there is only one reasonable response to a body of evidence" (2005: 20).
32. Feldman (2005: 19).

I agree with Feldman that the view that framework propositions are immune to rational evaluation is unappealing at best. However, I do not think Fogelin is committed to it; after all, nowhere does he state it. The problem Fogelin has with rational assessment is not that framework propositions are impervious to it, but that assessment is going to be different for the different parties. The way I read Fogelin, framework propositions *are* amenable to rational scrutiny; parties *can* give reasons, arguments, and evidence for and against them, and they usually do. But rational scrutiny of framework propositions does not guarantee that rational people will come to an agreement about their epistemic standing.

Parties to a disagreement over, e.g., affirmative action can (and often do) present arguments and evaluate reasons, and evidence for and against the claim 'groups have rights' (which Fogelin posits as a framework proposition in the debate). If the parties enjoy a healthy common ground of shared beliefs and preferences, they might reach an agreement about whether groups have rights (and presumably, about affirmative action) sooner or later. However, if their disagreement is deep, their assessment of the arguments and evidence will vary greatly, and resolution will not be forthcoming. This is not just a descriptive statement, but a *normative one*: not only will the parties come to different conclusions about the merits of a (framework) proposition, but their coming to contradictory conclusions may constitute epistemically responsible behaviour according to their different frameworks.

In conclusion, it is not the extraordinary epistemic status of framework propositions that precludes resolution of deep disagreements. Rather, because the parties operate in very different epistemic frameworks, they will come to different conclusions when assessing the evidence for and against framework propositions.

Lugg's objection: arguments do occur in deep disagreements

Lugg expresses scepticism over Fogelin's claim that, because in deep disagreements conditions for argumentation do not obtain, arguments are not really advanced in deep disagreements.

> Certainly, the examples that Fogelin gives of deep disagreement—the abortion and reverse discrimination debates—are cases in which the 'language of argument' is **entirely appropriate**. True, the parties to these debates have had little success in convincing one another to change their views, but it can hardly be denied that they have been **engaged in argument** (some of it at an exceptionally high level.)[33]

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33. Lugg (1986: 47).

If there is a place where argumentation seems appropriate and desirable, it is in debates over controversial but consequential issues, such as abortion and affirmative action. So, Fogelin's claim that in these controversies the language of argument is inappropriate, is at best surprising, at worst implausible. However, if my reading of Fogelin is correct, he does defend the claim that arguments may not really be present in deep disagreements, even if it seems that they are. This is because, for Fogelin, whether a claim or set of claims is an argument needs to be determined in the context. In deep disagreements, many of the claims each party advances as arguments are not really arguments because they are not capable of playing the role they are supposed to play, i.e., produce compelling grounds. If an argument is unconvincing, it may be a *bad move* in the game of arguing. But if a claim is not even in the business of being compelling, it is not a move in the game at all. It is like bringing a baseball bat to a tennis game.

That the parties to a deep disagreement put forward claims that do not count as arguments in the context constitutes a *breakdown in argumentation*. However, this point should not be exaggerated. The depth of a disagreement is a gradable quality, and only the extreme cases exhibit a breakdown in argumentation.[34] This is because whether something is in the business of being a compelling ground is also a gradable matter. It is only in the extreme case that we find a breakdown in argumentation and, thus, irresolvability of the disagreement.

Fogelin is wrong to say that the "abortion debate" is a deep disagreement. The points developed in this paper lead me to conclude that the only way to determine the depth of a disagreement, and the degree of such depth, is to study the particularities of the argumentative exchange to see whether conditions for argument obtain or not, and to what extent. Thus, a debate as complex as the one concerning abortion[35] cannot be deemed a deep disagreement in its totality. Whether parties in a debate are arguing or experimenting a breakdown in argumentation cannot be determined a priori; it needs to be examined in a case-by-case basis. Lugg is partly right when he says that the parties in the abortion debate have been engaging in

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34. A perfect example of a breakdown in argumentation is the case of 'witness and heckle', studied by Eemeren *et al.* (1993: 142–169). In this case, a preacher goes to college campuses to witness, but finds the relentless mock of students. Although the phenomenon has the external appearance of a debate, it is far from being a proper argumentative exchange. The parties not only operate in very different justificatory frameworks, but they also misconstrue the other party's position and, thus, dismiss them as irrational. Therefore, the exchange between the parties is so corrupted, that it no longer can be considered as an argumentative exchange, but only as a spectacle or performance.
35. The debate surrounding abortion is not so much a single debate or disagreement, but it can be more accurately described as a group of interconnected debates with different levels of depth. See Kenyon (2016).

argumentation, as some disputes concerning abortion may not be deep and exhibit proper argumentative exchanges.

VI. Conclusion

In this article, I aimed to develop an epistemological theory to make sense of Fogelin's remarks on deep disagreements. To do so, I appealed to other aspects of Fogelin's philosophy, namely, his pluralistic contextualism, his Wittgensteinian views on language, and his neo-Pyrrhonism. From these, I argued that, according to Fogelin, the assessment of epistemic performance, as well as the quality of arguments, is to be judged relative to the framework within which the parties are operating. Because in deep disagreements parties operate in epistemic frameworks with little in common, the demands of the different frameworks can pull the parties in opposite directions. Therefore, they will not only disagree about a proposition but also about how good the arguments for each side are, what constitutes evidence in the dispute, how one should obtain justified beliefs about the issue, etc. Under these conditions, the prospects of resolving the disagreement through arguments are ominous.

In the limiting case, the parties have so little of a common ground that the claims advanced are unable to perform the function arguments are meant to perform: produce compelling grounds. This situation is so corrupted that there is a breakdown in argumentation; the parties intend to argue but fail.

Finally, I proposed investigating deep disagreements through the lenses of relativism of distance. Relativism of distance has as an advantage that it recognizes how the depth of a disagreement is an obstacle to argumentation while acknowledging that the extent to which it is, is gradable and should be determined in the context of each argumentative exchange.

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