



Deep Disagreements

Research project within the funding initiative »Key Issues for Research and Society« of the Volkswagen-Stiftung • Project Management: Prof. Geert Keil (Berlin), Prof. Ralf Poscher (Freiburg)

People are frequently at odds over issues they have in common. Some of these disagreements can be resolved more easily than others. The project is concerned with disagreements that are especially difficult to reconcile. We call them »deep disagreements«. We consider as deep disagreements those that can neither be dissolved by a compelling argument nor by further information and that are not based in easily discernible misunderstandings. To be deep, disagreements must be of considerable importance and in need of a decision or regulation. Disagreements of this kind lie at the heart of many contemporary agonistic political, social, ideological or religious conflicts.

The project is driven by legal scholars and philosophers, but it also includes the expertise of relevant allied disciplines. It integrates a whole series of theoretical debates that have neither been systematically applied to deep disagreements nor been tested in socially relevant fields of application. The philosophical debate about »peer disagreement« is concerned with the question how epistemic peers, i.e., persons with the same level of information and the same intellectual capacities, should reasonably react to disagreements. The debate in legal theory about the »right answer thesis« centers around the question whether all legal disputes have a single right answer. If we do not presuppose a right answer, Dworkin's famous »semantic sting« seems to force us to the implausible conclusion that our deep legal disagreements are merely based on linguistic misunderstandings and that it remains unclear what our legal disagreements are really about. This debate in legal theory resembles the recent philosophical debate about the possibility of »faultless disagreements«.

Deep disagreements not only pose theoretical but also imminent practical challenges. Often decisions have to be made even in cases in which the resources for a rational consensus seem to have been exhausted. This problem can be well-studied in law. First, law is a cross-sectoral phenomenon: all socially relevant cases of deep disagreements have to run through the law. Second, the legal system is the most advanced and socially most relevant institution to handle disagreements. Since, in law, disagreements have to be decided and since the arguments exchanged are meticulously documented in the legal proceedings, the law provides an extremely relevant source of material for the research project.

The project analyzes the ways we deal with deep disagreement in three fields of application: it studies conflicts about the freedom of religion and consciousness, disagreements about the law on national security issues and disagreements among peer reviewers evaluating grant applications, submitted papers and research performances. Disagreements in these fields have an extremely complex structure, in which different sources of disagreement intersect and in which it is difficult to trace the real source of dissent. The project aims at a typology of sorts, reasons and causes of deep disagreements. It will analyze the options of dealing with deep disagreements in the three fields of application.