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Reaching Disagreement

David R. Hiley

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John Courtney Murray, the Jesuit theologian, shrewdly observed that disagreement is a difficult thing to reach.* Perhaps the biggest challenge in a democracy such as ours – a democracy composed of people with many different religious and cultural backgrounds and ethical outlooks – is how to reach disagreement. Some of the most challenging and controversial issues we face often turn on differences among us about fundamental values, differences that characterize a pluralistic society. Consider, for example, the continuing debate about abortion in the United States. For some, fetuses are human beings and abortion is always wrong because it intentionally ends the life of a human being. For others, the risk or consequences of continuing a pregnancy might sometimes be sufficiently serious that an abortion should be permitted under these circumstances. For still others, moral decisions are essentially private matters and women should be allowed to decide for themselves what to do when faced with an unwanted pregnancy. Public opinion has been roughly evenly divided about whether abortions should be illegal, legally allowed under some circumstances, or left to individual decision, and the division of opinion has remained relatively the same for many years. The differences among these positions run to the deepest level of our moral outlooks about the sanctity of life, the moral significance of risks to health, and women's right to make choices about their own reproduction. Life, risk, and choice are not unreasonable fundamental concerns. Disagreement at such a fundamental level is likely to persist; yet despite the persistence of moral disagreement, we must arrive at laws and policies that govern us all.

There are many other issues we face that share the challenge of arriving at policy decisions in

the face of persistent moral disagreement about fundamental values. Should there be a ban on human embryonic stem cell research or should it be permitted and even supported with federal funds? Should everyone have reasonable access to basic health care? Should same-sex couples be allowed to marry? Should we intervene in the Darfur region of Sudan to protect civilians from the Janjaweed? We are deeply divided about each of these issues and our disagreement can often be traced to the different values that we believe are most importantly at stake. Are the therapeutic benefits derived from stem cell research more important than the value of a human embryo? Is health care a basic right or a market commodity? Is homosexuality immoral or not? Or is marriage most importantly about gender or about commitment? Is the conflict in Darfur a civil war or genocide? And if it is genocide, do we have a responsibility to prevent genocide in another country? It is possible for reasonable people to arrive at different answers to many of these questions because they disagree about fundamental values. In a democracy characterized by a diversity of cultural, religious, and ethical backgrounds and perspectives, how should we deal with the moral differences that are often at the root of our policy disagreements? Unfortunately what we too often experience is discouragingly unhelpful: people shouting at one another from across the room or picket line, politicians vilifying those who disagree, commentators who polarize rather than illuminate issues, news media that gravitate to the heat of the controversy like moths to the flame. Intolerance, divisiveness, and hostility have come to dominate the public square.

Given the incivility of many of our disagreements, it is not surprising that some of us merely

disengage, becoming indifferent to the issues and uninterested in the political and policy debates about them. But indifference is as unhelpful as intolerance because these issues are important, as important as they are divisive. They deserve our considered attention and our democracy deserves better than the spectacle that too often passes for deliberation about our most complex and controversial disagreements. So how might we do better?

Perhaps one place to begin is by thinking about disagreement itself, its place in democratic culture, and what it requires of us.

There are, of course, different kinds of disagreement. You think the tower is 100 feet high and I think it's 120 feet. There is a fact of the matter here and the disagreement is settled by measuring. But the disagreements that divide us are not like this.

Some argue that what's happening in Darfur is genocide and that the U.S. should intervene. Others argue that it is civil war that should be left to Sudan to work through. What kind of disagreement is this? It is not so much a disagreement about facts as about definitions. There is a United Nations Convention on the Prevention and Punishment of the Crime of Genocide that defines what a genocide is and the disagreement is about whether the violence in Darfur meets the criteria agreed to in the convention or not. It matters what we call it since international law allows intervention by another country to prevent genocide but not civil war.

I believe that Creation Science is a scientific theory that should be taught alongside Evolutionary Theory in biology classes. You think Creation Science is religion and has no place in a biology classroom. This disagreement is somewhat like the Darfur case in that it is in part about what we mean by scientific theory, but genocide – at least

for now – is a relatively settled concept in international law, and what theory is and what constitutes a scientific theory are relatively less well settled, though there is a substantial body of tradition and scholarship to draw from to formulate criteria. But this is a disagreement about religion in relation to science, a disagreement that dates back to the earliest years of the Christian era. A final example: I believe that an embryonic stem cell is a human being but you don't. What kind of disagreement is this? It is not really a factual disagreement like the height of the tower, since it is not about the biology of stem cells but about whether they have the right to life that human beings have. And there are no international agreements that specify what it is to be a human being. What there is are different religious and ethical traditions, some which believe that the right to life begins at conception and others that believe differently, including some outlooks that would deny that there is any right to life at all.

What is expected of reasonable people whose disagreements arise primarily from differences about values, especially when decisions must be made about laws and policies that affect us all? How might we do a better job of deliberating about differences in values than we currently experience in politics, the media, and the public square?

We might begin by accepting that disagreement is not necessarily a bad thing and that healthy disagreement is important for a healthy democracy. John Stuart Mill recognized that a free society is best served by maximum liberty of thought and discussion and that giving fair hearing even to repugnant opinions serves liberty. Tolerance requires that we accept that those who disagree with us are not stupid, villainous, unpatriotic, or fools. They may have good reasons for their views and we must be open to those reasons and be prepared to give reasons for our own. "To refuse a hearing to an opinion because they are sure that it is false

is to assume that their certainty is the same thing as absolute certainty. All silencing of discussion is an assumption of infallibility.”** Diversity of opinion and reasoned disagreement allow us to exchange error for truth or arrive at a more considered judgment when we can, but as important, to agree to disagree when we must. We may never resolve some fundamental moral disagreements, but we still must find ways to seek common ground, to deal with such reality as dangerous pregnancies, debilitating diseases, unfairness, and catastrophes of war, even when we disagree.

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** *John Stuart Mill, On Liberty, Hackett Publishing Co, 1978, p. 17. Originally published in 1859.*