

Workshop on Disagreement in Inquiry  
Department of Philosophy, University of Tartu

Room 336, Jakobi 2  
Saturday, December 8<sup>th</sup>, 2018

- 9.15-9.30 Bryan Frances (Tartu)  
Introductory remarks
- 9.30-11 Georgi Gardiner (Oxford)  
*She Said He Said: Title IX Proceedings and the Preponderance of Evidence Standard*
- 11-12.30 Jaakko Hirvelä (Helsinki)  
Peerhood – A Modal Account
- Break for Lunch and Christmas Fair
- 14-15.30 Torfinn Huvenes (Umeå)  
Moral Disagreement and Disagreement about Taste
- Coffee Break
- 16-17.30 Michele Palmira (Barcelona & LOGOS/BIAP)  
Philosophical Disagreement and The Commitment Challenge
- Drinks at Pühaste Kelder, Rüütli 11
- 19 Workshop Dinner

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***She Said He Said: Title IX Proceedings and the Preponderance of Evidence Standard***  
**Georgi Gardiner (Oxford)**

Legal standards of proof are epistemic thresholds that must be met for institutions to impose sanctions on individuals accused of misconduct. The preponderance of the evidence standard, also known as the ‘balance of probabilities’ standard, currently governs Title IX proceedings for sexual misconduct hearings in educational institutions in the US: For the institution to properly formally punish the accused, the misconduct must first be established by a preponderance of the evidence.

In this talk I articulate four claims that enjoy initial plausibility. But as I argue, the claims jointly support the view that the preponderance of the evidence standard is not sufficiently demanding to govern Title IX proceedings. The four claims are: (1.) The ‘preponderance of the evidence’ standard is satisfied if, given the evidence, there is a greater than fifty percent chance that the relevant proposition is true. (2.) In strict ‘she-said-he-said’ situations, it is rational to incline towards believing her and disbelieving him: given the evidence that is typically available in such circumstances, she is more likely to be telling the truth. (3.) Finding an individual culpable of at least some kinds of sexual misconduct warrants significant consequences, such as expulsion or termination of employment. (4.) Significant consequences, such as expulsion or termination of employment, are not legitimized by one-on-one conflicting testimony where there is no specific reason to suspect one party or the other lacks credibility.

Claims (1.) through (4.) thus constitute, I argue, a liberal feminist argument for the conclusion that the preponderance of the evidence standard is too low to govern Title IX proceedings; advocates of the current standard for Title IX proceedings must deny at least one of the four claims. Claims (2.) and (3.) are plausible feminist claims. Claim (4.) is important, especially in a liberal society, given the social significance of receiving a sanction as important as expulsion or termination of employment for this reason. Claim (1.) is widely endorsed as the definition of ‘preponderance of the evidence’.

I argue that given these reasonable liberal and feminist claims, we must either conclude that the preponderance of the evidence standard is too low to govern Title IX proceedings or adopt a non-probabilistic account of preponderance of evidence and so deny that the standard is always satisfied if, given the evidence, there is a greater than fifty percent chance that the proposition is true.

**Peerhood – A Modal Account**  
**Jaakko Hirvelä (Helsinki)**

Disagreement in itself is not epistemologically interesting unless it occurs between real (or apparent) peers. It is not surprising then that the notion of peerhood has a central place in the epistemology of disagreement. Currently there are two notions of peerhood that are widely used in the epistemology of disagreement: the cognitive and evidential equals account (EEC), endorsed by Feldman, Christensen and Lackey among others, and the

probabilistic account offered by Elga. These accounts of peerhood are tailor made to the epistemology of disagreement.

But peers can be found outside the epistemic domain. Two chess grandmasters can be peers, two football players can be peers, two musicians can be peers and two chefs can be peers. It is hard to see how the existing accounts of peerhood could be applied to these cases. I will present a new account of peerhood that can be applied to any domain where peers can be found. On this account two subjects are peers with respect to F-ing just in case they succeed in F-ing in equal measure and distribution across nearby possible worlds. I will argue that the suggested account doesn't share some of the problems that EEC and the probabilistic account face when it comes to the epistemic realm. I will conclude by demonstrating that the suggested account of peerhood yields plausible results regarding cases of disagreement and locates a fruitful middle-ground between conciliatory and non-conciliatory accounts of disagreement when combined with two plausible ideas in epistemology.

### **Moral Disagreement and Disagreement about Taste**

**Torfinn Huvenes (Umeå)**

What, if any, are the differences between moral disagreements and disagreements about taste? I argue that one difference has to do with the extent to which it is correct to revise one's judgment in light of such disagreement. I then argue that the best explanation of this difference is that disagreements about taste can be faultless, but moral disagreements cannot be faultless. Finally, I use this as a basis for arguing that all moral disagreements involve disagreement in belief, while some disagreements about taste involve disagreement in attitude and not disagreement in belief.

### **Philosophical Disagreement and The Commitment Challenge**

**Michele Palmira (Barcelona & LOGOS/BIAP)**

Over the last decade, epistemologists of disagreement have warned us that systematic philosophical disagreement amongst epistemic peers challenges our doxastic commitment to our own philosophical theories. Call this the *Commitment Challenge*. Briefly put, the Commitment Challenge hinges on the idea that disagreement is evidence that one's belief is the output of a flawed cognitive process. In light of this evidence, one is not rationally permitted to retain one's belief.

My aim in this talk is to meet the Commitment Challenge. My key claim is that philosophers are rationally permitted to *hypothesise*, as opposed to *believe* or *accept*, their own philosophical theories. Hypothesis, I maintain, is a *sui generis* attitude of cognitive inclination towards a proposition qua answer to a given question which we can rationally hold while still enquiring into that question. In the talk I offer more details about the functional and normative profiles of hypothesis and argue that my view compares favourably with related views put forward by Helen Beebe (2018) and Sandy Goldberg (2013).