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Middle Ground: Settling a public controversy by means of a reasonable compromise

1. Introduction

Compromises have a questionable reputation, both in social and in personal life (Benjamin 1990; Margalit 2010). But not all disagreements allow of a substantial resolution, even if open-minded participants seriously attempt to convince one another. When the disagreement concerns action or policy, it can be useful to examine whether a well-reasoned compromise would be feasible. With the educational method Middle Ground, participants deliberate in an attempt to develop a reasonable compromise that settles a public controversy.

The method adds to the existing range of educational resources for students (high school and post-secondary education). Different from many critical thinking resources (e.g. Fisher 2011), reasoning assessment and critical dispositions are encouraged within the setting of a structured conversation. Different from debate or discussion-oriented education (e.g. Kuhn 2005; Hess 2009), Middle Ground targets specifically the cooperative exchange of reasons aimed at a reasonable compromise. In our view, young people should develop a point of view about the virtues and vices of compromises, and develop the skills and attitudes for construing, what they conceive of as, second-best yet socially optimal outcomes (Gutmann and Thompson 2012).

2. Scholarly background

Inspired by the deliberative shift in political philosophy (Elster 1995; Habermas 1996; Rawls 2005) various practical procedures for opinion formation and deliberative decision making have been developed, such as deliberative polls or town hall meetings (Fung 2003; Fishkin 2009). Middle Ground also incites deliberation, yet with a twist. It employs deliberative techniques to enable participants to negotiate a compromise agreement in a situation where they are unable to reach a genuine consensus, and to do so in a maximally transparent and non-manipulative way. In this way, it builds on a recent trend to study legitimate policy making in *deliberative negotiation* (Mansbridge et al 2010; cf. Steiner et al 2004; cf. Weinstock 2013; cf. Wendt 2016). Middle Ground is tailor-made for issues that generate widely divergent opinions and feelings: gender quota in business, corrective referenda, head scarves at university, the EU-Turkey refugee deal, but also the distribution of tasks in a group assignment, or the apportioning of a budget. Going through the procedure provides students with opportunities to discuss the quality of the result, to reflect on the process, and to draw general lessons about negotiation and compromise.

3. General design of the method

Before the three-step procedure starts, the moderator (e.g. teacher) sketches a (possibly) fictive scenario regarding a particular public controversy that pressures the participants to work towards a compromise. For example, they are supposed to be the members of a committee or board that must reach an agreement on a solution to the issue at hand. Ideally, the participants start from their authentic opinions, though sometimes it is needed or useful to ask some participants to assume the role of a specific stakeholder.

The first two parts of the procedure aim at encouraging diversity, whereas the third aims at an agreement (cf. Sunstein and Hastle 2015). Part 1 revolves around the expression of the participants' first policy preferences (i.e. those preferences not influenced by the need to accommodate dissenting others), and of the values, interests and perspectives that motivate them to have these preferences. In Part 2 the participants are pressed to temporarily deal with their differences of opinion as a practical problem of distributing or trading items or commitments to act – thereby “commodifying” as it were their opinions. Part 3 deals with the step-wise development of a compromise agreement, based on mutual concessions, and accommodating the variety of preferences and motives.

Participants reason and argue, yet not to convince others of the correctness of their firstly preferred solution, but (in part 1:) to explain what motivates them and (in part 3:) to find out what middle ground solution, if any, would be mutually advantageous (van Laar and Krabbe 2017, 2018a, 2018b; cf. Holzinger 2004; cf. Amgoud and Prade 2006; cf. Fisher, Ury, and Patton 2011). In this way, they try to arrive at an outcome that each participant prefers to the status quo (i.e. the scenario where no compromise is accepted) and that does not allow of an improvement that a sufficient number of others would be willing to endorse (Raiffa, Richardson and Metcalfe 2002). By means of a simple book-keeping device, participants keep track of their collective reasoning.

4. Learning objectives and applications

Middle Ground can be used for several learning objectives that are central in civic education and critical thinking: a) gaining insight into (historical or topical) public controversies and political processes; b) developing a point of view about the virtues and vices of compromises; c) obtaining knowledge about the conditions for fruitful negotiation; d) developing skills for cooperative argumentation, conversation, listening, and collective problem solving; e) increasing moral and ideological sensitivity, empathy, spirit of compromise, integrity; f) reducing polarization as well as group thinking.

The method Middle Ground has been applied at five faculties of the University of Groningen, The Netherlands (in courses on: academic skills, business ethics, philosophy of argument, leadership skills, and industrial engineering), and has been tested in social science courses at Dutch high schools. Currently, a digital version is being developed.

5. The design of the method in detail

The details of the Middle Ground procedure will be introduced by means of an example, namely the controversy about what forms of direct democracy to adopt on the national level in the Netherlands. It is assumed that about 20 students participate.

Prior to the Middle Ground procedure, the moderator provides the participants with (what is plausibly) a *fictive* scenario that puts some pressure on the participants to settle for a compromise. For

example, the participants are asked to imagine that they are commissioned to provide the Dutch government with an advise about the forms of direct democracy to implement, and if they fail to provide a detailed advice that receives the support of at least all committee members minus one, the country faces uproar and individual careers will get damaged.

At this preliminary stage, the moderator also helps the participants to form (three to five) parties of like-minded individuals. In order to arrive at parties of sufficient size the moderator can request some individuals to assume the role of a specific stakeholder with a specific opinion. In the example, Party Red is a strong supporter of parliamentary, representative democracy, and opposes referenda and all other forms of direct democracy. Party Green is a strong supporter of unfiltered, direct forms of democracy, and it opts for a constitutional change such that major policy decisions are required to get support from a referendum. Party Blue is sympathetic to introducing some forms of democratic innovation so as to give voice to the concerns of citizens, and it is especially attracted to the idea of connecting major policy decisions to a deliberating body of citizens who are selected by lot. Party Purple would be willing to allow for a restricted role for referenda, though it is hesitant when it comes to changing the existing rules of democracy.

In order to prompt thinking about their first preferences (in Step 1) as well as about the ways to commodify their differences of opinion (in Step 2), the moderator may provide the participants with some options: Who initiates a referendum? For what types of issue? Who is allowed to participate? What kind of turn-out threshold, if any? For what kind of policy decisions? Advisory or binding? What role for public debate? What kind of majority is required?

Finally, the moderator explains that his/her role remains limited to explaining the purpose of each of the steps, and to keeping track of the time. What follows is a statement of the procedure that can be distributed to the participants.

Part 1: Policy Positions (30 minutes)

- a) Within your party, decide who – in Part 3 – will act as the group’s principal negotiator. (1 minute)
- b) Within your party, elaborate on your group’s policy position (14 minutes)
 1. Discuss your first policy preference.
 2. Discuss your motivation: What are the values, interests and principles that lead you to prefer this policy?
 3. Express your first policy preference and motivation by means of keywords, and record them on a *position poster* with the following format.

Party name:
Our first policy preference: <i>[use keywords]</i>
Our motivating values / principles / interests:
1. <i>[use keywords]</i>
2.
3.
...

- c) Each party attaches its poster on a wall, and in a plenary session, the groups inform one another about their positions, in 60 seconds, and answer questions. Only questions for clarification (such as “what do you mean by this phrase?” or “Why do you think this is valuable?”) are allowed at this stage, and no criticism. (15 minutes)

Part 2: First Compromise Proposals (25 minutes)

- a) Discuss within your party how you might revise your firstly preferred policy by making some concessions that accommodate cherished values, interests or principles by other groups. Also discuss what concessions you would like other groups to make. (5 minutes)
- b) Within your party, express your first compromise proposal as well as the reasons why other groups might find this proposal (somewhat) attractive, and record them by means of keywords on a *compromise poster* with the following format. (5 minutes)

Party name:
Our first compromise proposal: [<i>use keywords</i>]
Why other groups might want to adopt this proposal:
1. [<i>use keywords</i>]
2.
...

- c) Each group attaches its compromise poster below its earlier position poster, and in a plenary session, the groups inform one another about their compromise proposals, each time in 60 seconds, and answer questions. No restrictions apply as to the kinds of question. (15 minutes)

Part 3: Seeking Compromise (40 minutes)

- a) *Within the separate parties*: Each party discusses what compromise proposals to table, and how to respond to expected proposals from others, after having studied the rules of the plenary negotiation game (below). (10 minutes)
- b) *Plenary negotiation game*: In an inner circle, the principal negotiators try to arrive at an agreement, now and then consulting the other participants, located at an outer circle, in accordance with the following rules. (30 minutes)

Rule 1. By lot is it determined which principal negotiator starts, after which they take turns clockwise.

Rule 2. (a) At his/her turn, a principal negotiator tables, in 60 seconds, a compromise proposal, after which (b) there is limited time available for questions for clarification and critical questions. (c) On the whiteboard, the moderator numbers each such compromise proposal and characterizes it by means of keywords. Finally, (d) the moderator asks the other principal negotiators whether they are willing to endorse this proposal. If complete unanimity is not achieved, the next principal negotiator takes his/her turn; If complete unanimity is realized Rule 4 applies.

Rule 3. Each principal negotiator can request once for a two-minute time-out where every negotiator can consult his/her party or align bilaterally with other parties.

Rule 4. As soon as the principal negotiators strike an agreement with complete unanimity, the moderator stops the negotiation and invites all other participants to cast their individual vote (“Yes, I am willing to endorse this compromise” or “No, I am not willing to endorse this compromise”), if needed preceded by round of questions for clarification. If the required supermajority has been achieved in the group at large (unanimity minus one) the participants succeeded in agreeing on a compromise; If not the procedure ends without an agreed upon compromise.

Rule 5. If there is still no unanimity among the principal negotiators when each of them has tabled two compromise proposals, the moderator invites all participants to cast their individual votes on each of the compromise proposals listed on the whiteboard, starting with compromise proposal #1, followed by #2, and so forth, until a proposal gets the required supermajority (unanimity minus one). There is no limit to the number of “yes” or “no” votes that a participant can submit. As soon as the required supermajority has been achieved for a proposal, the procedure ends with an agreed upon compromise; If no such supermajority is achieved for any proposal, the procedure ends without the participants agreeing on a compromise.

6. Students evaluation

When the students have finished the middle ground procedure, the moderator (teacher) and students can evaluate the *quality of the process*, the *quality of the outcome*, and draw some general lessons.

a) Process

1. Did we succeed in articulating our motivating considerations adequately? Did we neglect facts, values, perspectives, principles?
2. To what extent have our motivating considerations influenced the outcome? Has one group’s position been (dis)avored, and if so, how is that to be explained? To what extent do we think we grasped the essence of the other groups’ positions?
3. To what extent has the outcome been enabled by some kind of pressure? Or by some kind of manipulation? To what extent did we succeed in cooperating, when trying to advocate or push our positions?
4. Have we missed an opportunity to arrive at a more optimal solution?
5. To what extent did we feel we had to sacrifice the integrity of our position, so as to enable the compromise?
6. What would we like to change to the procedure, or to a future execution of it?

b) Outcome

1. Are we pleased with the outcome? Is it sufficiently coherent? Is it fair vis-à-vis the diverse perspectives in the group? How would we evaluate this outcome in the real world?
2. Have we changed our individual positions as a result of the exchanges?

7. References

Amgoud, Leila, and Henri Prade (2006). Formal Handling of Threats and Rewards in a Negotiation Dialogue. In: *Argumentation in Multi-Agent Systems: Second International Workshop, ArgMAS 2005*, Utrecht, The Netherlands, July 26, 2005: Revised Selected and Invited Papers, ed. by Simon Parsons, Nicolas Maudet, Pavlos Moraitis, and Iyad Rahwan, 88-103. Berlin: Springer.

- Benjamin, Martin (1990). *Splitting the Difference: Compromise and Integrity in Ethics and Politics*. Lawrence KS: University of Kansas.
- Elster, Jon (1995). Strategic uses of argument. In: Kenneth J. Arrow, Robert H. Mnookin, Lee Ross, Amos Tversky, and Robert B. Wilson (Eds.). *Barriers to Conflict Resolution*. (pp. 236-57). New York: Norton.
- Fisher, Alec (2011). *Critical Thinking: An Introduction*. Cambridge University Press: Cambridge.
- Fisher, Roger, William Ury, and Bruce Patton (2011). *Getting to Yes: Negotiating an Agreement without Giving In*, 3rd ed. London: Random House.
- Fishkin, James S. (2009). *When the People Speak: Deliberative Democracy and Public Consultation*. New York: Oxford University Press.
- Fung, Archon 2003. Recipes for Public spheres: Eight institutional design choices and their consequences. *Journal of Political Philosophy*. Pp. 338-367.
- Gutmann, Amy, and Dennis Thompson (2012). *The Spirit of Compromise: Why Governing Demands It and Campaigning Undermines It*. Princeton: Princeton University Press.
- Habermas, Jürgen (1996). *Between Facts and Norms*. Cambridge: Polity Press.
- Hess, Diana E. (2009) *Controversy in the Classroom: The Democratic Power of Discussion*. New York: Routledge.
- Holzinger, Katharina (2004). Bargaining through arguing: An empirical analysis based on speech act theory. *Political Communication* 21: 195-222.
- Kuhn, Dianna (2005). *Education for Thinking*. Cambridge Mass.: Harvard University Press.
- van Laar, Jan Albert, and Erik C. W. Krabbe (2017). Splitting a Difference of Opinion: The Shift to Negotiation. *Argumentation*. Online First.
- van Laar, Jan Albert, and Erik C. W. Krabbe (2018a). The Role of Argument in Negotiation. *Argumentation*. Accepted for publication.
- van Laar, Jan Albert, and Erik C. W. Krabbe (2018b). Criticism and Justification of Negotiated Compromises. *Proceedings of the 2nd European Conference on Argumentation: Argumentation and Inference*, 20-23 June 2017, Fribourg, Switzerland. Accepted for publication.
- Mansbridge, Jane, James Bohman, Simone Chambers, David Estlund, Andreas Follesdal, Archon Fung, Christina Lafont, Bernard Manin, and José Luis Martí (2010). The Role of Self-Interest and the Role of Power in Deliberative Democracy. *The Journal of Political Philosophy*, 18, pp. 64–100.
- Margalit, Avishai (2010). *On Compromise and Rotten Compromises*. Princeton NJ: Princeton University Press.
- Raiffa, Howard, John Richardson, and David Metcalfe (2002). *Negotiation Analysis: The Science and Art of Collaborative Decision Making*. Cambridge MA: The Belknap Press of Harvard University Press.
- Rawls, John (2005). *Political Liberalism (Expanded edition)*. New York: Columbia University Press.
- Steiner, Jürg, André Bächtiger, Markus Spörndli and Marco R. Steenbergen (2004). *Deliberative Politics in Action. Analysing Parliamentary Discourse*. Cambridge: Cambridge University Press.
- Sunstein, Cass, and Reid Hastle (2015). *Wiser: Getting Beyond Groupthink to Make Groups Smarter*. Boston, Massachusetts: Harvard Business Review Press.
- Wendt, Fabian (2016). *Compromise, Peace and Public Justification: Political Morality Beyond Justice*. Switzerland: Palgrave Macmillan.
- Weinstock, Daniel (2013). On the possibility of principled moral compromise. *Critical Review of International Social and Political Philosophy* 16(4): 537-556.