
Middle Ground: Settling a Public Controversy by Means of a Reasonable Compromise

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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 (see: Mansbridge et al. 2010; Steiner et al. 2004; Weinstock 2013; Wendt 2016). Middle Ground is tailor-made for issues that generate widely divergent opinions and feelings: gender quotas 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 (see Sunstein and Hastie 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 2018a, 2018b, 2019. See: Holzinger 2004; Amgoud and Prade 2006; 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., a situation where no compromise is accepted) and that does not allow of an improvement that a sufficient number of others would be will-

ing 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 Middle Ground method 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. Also, a digital version has been developed, and access can be requested from the author.

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 form 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 advice about the form of direct democracy to implement, and if they fail to provide 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 sup-

port 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 should there be, 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, feelings, 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: *[use keywords]*

Our motivating values / feelings / principles / interests:

1. *[use keywords]*

2.

etc., ...

- (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, feelings, interests or principles of 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: [*use keywords*]

Why other groups might want to adopt this proposal:

1. [*use keywords*]

2.

etc., ...

- (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 among the principal negotiators, the next prin-

cial 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 when 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 votes (“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 did our motivating considerations influence the outcome? Has one group’s position been (dis)favored, 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 was the outcome 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. Did we miss 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 in the procedure, or in 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. Did we change our individual positions as a result of the exchanges?

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