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Resolving Deep Disagreement

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ABSTRACT: The shocking statement made by Robert Fogelin over 20 years ago when he claimed that discourses that are in deep disagreement cannot be resolved rationally, is still causing many problems to argumentation theorists. In this paper, however, I argue that discourses that are in deep disagreement, at least some of them, can be rationally resolved by introducing the concept of "third party" to those particular discourses.

KEY WORDS: disagreement, deep disagreement, standoff of force five, third party.

1. INTRODUCTION

It is fair to say that generally speaking discourse is directed at mutual understanding. Human beings have a capacity to come to a shared understanding and agreement. If nothing more, at least they accept the real issues that divide them from the other interlocutor. But if we presuppose this rich background of agreement, how does disagreement even arise? According to Fogelin (1985), one obvious answer is that people involved in an argumentative exchange often have an interest in the way the argument is resolved. It is in their interest in resolving the argument in their own favor. Moreover, observes Fogelin, arguing, like other human activities, is subject to abuse. Human beings seem to be gifted with innate capacities for messing things up. In short, intentionally or unintentionally, disagreement is present in our every day discussions despite the fact that engaging in an argumentative exchange presupposes a background of shared commitments.

Sometimes, however, we have to deal with some discourses that show not only a "disagreement" in its simplest form, but discourses that are characterized as "deep disagreement" (Fogelin, 1985). In conflict situations, for example, things that would normally be taken for granted can suddenly become controversial. There are, for example, cases where parties to a conflict continue challenging each other's positions regardless of the arguments presented by each other. There are many more conflicts concerning issues like positive discrimination, abortion, capital punishment, Schiavo's case, "witnessing and heckling,"[1] that prevent the discussion from developing any further because each party claims to have strong arguments for the position that they hold and

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[1] "Witnessing and heckling" case is an interesting example of such situations. See more Van Eemeren, Grootendorst, Jackson and Jacobs, 1993.

not prepared to make any kind of concession to the other party.[2] All these examples illustrate the fact that certain discussions get stuck from developing any further because there is no agreement on how certain facts can be tested between the parties. Such kinds of discussions are characterized as being in "deep disagreement."

2. THE ROLE OF "DEEP DISAGREEMENT" IN ARGUMENTATIVE DISCOURSE

According to Fogelin (1985), an argumentative exchange is reasonable (he calls it "normal"), when it takes place within a context of broadly shared beliefs and preferences. There must exist joint procedures for resolving disagreements. Fogelin raises the question of what happens to arguments when the context is neither "normal" nor nearly normal. According to Fogelin, an argumentative exchange is normal "when it takes place within a context of broadly shared beliefs and preferences…there must exist shared procedures for resolving disagreements" (Fogelin, 1985 p. 6). If the argumentative exchange does not fulfil this condition of "broadly shared beliefs and preferences," asserts Fogelin, the argument becomes impossible. According to Fogelin, everything becomes pointless because argumentative exchange appeals to something that does not exist: no shared background beliefs or preferences. Fogelin refers to this situation as one of "deep disagreement."

Although it is not completely clear what Fogelin meant by "deep disagreement," he did state clearly what is not included in this notion. Fogelin accepts that a disagreement can be intense without being deep, and it can be unresolvable without being deep (1985, p. 8). Therefore, "parties may be unbiased, free of prejudice, consistent, coherent, precise, and rigorous, yet still disagree with each other" (p. 8). Deep disagreements, argues Fogelin, keep on appearing even when normal criticisms have been answered. They are resistant to appeals to facts. According to Fogelin, we get a deep disagreement when the argument is generated by a clash of framework propositions (p. 8). They are disagreements about fundamental principles. In short, deep disagreements are ones in which the "disputing parties lack a 'normal' background context of shared standards and beliefs, and are instead confronted with a collision of competing sets of belief, incapable of being disentangled through rational argumentation" (Adams 2005, p. 66). They are disagreements in which none of the opposing parties is able to advance reasons as part of an argument that would make their opponent to accept their position.

According to Fogelin, "deep disagreement" is not always a case of misunderstanding. Deep disagreement is often a case of understanding too well the gap that separates you from others. But disagreement can be more or less rational depending on the reasons one has. Rational disagreement requires that you understand the claim that you are rejecting, and this calls for putting yourself in the shoes of other people. If participants are unwilling to make a sincere effort to assess their motives the discursive process will go nowhere.

I want to turn now to the main reason behind this paper. If "deep disagreements" can arise, what rational procedures can be used for their resolution? The same question

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[2] There are some authors like Lugg (1992), Adams (2005) and Feldman (2005) who disagree with Fogelin with regard to issues like abortion and positive discrimination calling them as issues being in a state of deep disagreement. For them, these issues are reasonable discussions although they have been debated for ages without any positive solution.

was posed by Fogelin over 20 years ago and he made some radical and shocking claims when he stated that there is nothing that we can do to resolve such disagreements. There is no way out of adjudicating a clash of this kind, maintained Fogelin, because the argument cannot play any role in resolving the disagreement because there is no shared background of beliefs and preferences. According to Fogelin, we can insist that not every deep disagreement is deep, that even with deep disagreements, people can argue well or badly. In the end, however, we should tell the truth: there are disagreements, sometimes on important issues, which by their nature, are not subject to rational resolution (Fogelin, 1985, p. 11).

The same thing is maintained by Van Eemeren, Grootendorst, Jackson, and Jacobs (1993), who claim that such types of disagreements pose an empirical challenge to their position because participants have simply not entered into discussion with a resolution-minded attitude (1993, p. 171). The existence of deep disagreements, claim Van Eemeren, Grootendorst, Jackson, and Jacobs, sets a limit in principle on the problem solving validity of any procedural conception of argumentative reality (p. 171). According to these authors, the participants who are involved in such disagreements come to the discussion with interests they treat as privileged and as beyond debate. In such types of disagreements, both parties claim that the other is not an appropriate interlocutor. The misengagement is so great that each side sees it as evidence that the other side fails to meet basic requirements of rationality (Van Eemeren, Grootendorst, Jackson, and Jacobs (1993, pp. 171-2). Where differences are so immense that parties cannot even engage in procedures to negotiate procedures, argumentation cannot really get started (p. 172).

This pessimistic thesis about resolving disagreements, advanced especially by Fogelin (1985), has been rejected on many occasions by various scholars (Lugg 1992; Feldman 2005; Frieman 2005; and Adams 2005). Feldman, for instance, argued that disagreements can be rationally, even if the parties to the disagreement are not rational and would not resolve their disagreement by following the methods of rational argumentation (2005, p. 14). Feldman continues disagreeing with Fogelin by saying that just because two individuals have psychological make-ups that prevent their disagreement from being resolved, it does not follow that no rational resolution of their disagreement is available (p. 15). According to Feldman, disagreements can be resolved in three ways: both parties that are at disagreement can end up believing P, both can end up believing ~ P, or both can end up suspending judgment on the topic (2005, p. 16-7).

Other scholars like Adams (2005), argues against Fogelin's position by criticizing the notion of deep disagreement in the first place because as Adams claims, Fogelin does not specify a priori conditions that make a disagreement deep. According to Adams, a deep disagreement can only be settled by exhausting the possible resources of normal discourse, and not shifting to "persuasion" as was maintained by Fogelin (1985, p. 11). Andrew Lugg (1992) criticized Fogelin's position too, by concentrating on the two examples mentioned by Fogelin in explaining the notion of deep disagreement. For Lugg, it would be insane to say that debate on "abortion" and "positive discrimination" is such of a deep disagreement, as stated by Fogelin, because in those cases we have some fascinating arguments and a "normal" argumentative exchange from both sides of the divide, although the debate on these two issues still continues.

In this paper, however, I am not going to comment on these criticisms towards Fogelin's position because that is not my aim. I have mentioned them here just to illustrate that there are numerous scholars who disagree with Fogelin's position that there is no rational resolution to discourses that are engaged in deep disagreement. In this paper, however, I am going to advance another solution to such types of disagreement by introducing the notion of "third party."

3. THE ROLE OF "STANDOFF OF FORCE FIVE" IN ARGUMENTATIVE DISCOURSE

Before presenting a new rational resolution to such discourses that are stuck in a "deep disagreement" I would like to introduce another interesting work related to such types of discourses, but this time with a completely different name. This is the work of John Woods (1992) that was presented under the name of "standoff of force five." Disagreements, claims Woods (1992), sometimes generate mounting layers of intractability and so come within reach of a limit at which they go into a dialectical "black hole", at which point conditions for further negotiation lapse (p. 4). According to Woods, situations like this may paralyse public discourse. This paralysis arises from argumentational setbacks that Woods calls "standoff of force five."

According to Woods, standoffs of force five are closed-minded disagreements. Closed-minded disagreements are those disagreements the protagonists of which do not acknowledge that the opposite opinions are "real possibilities." Force-fivers, claims Woods, require one to batten down the hatches and to head inland (Woods 1992, p. 8). A force fiver, claims Woods, could be described as one who resists resolution of a conflict by way of the general will even assuming that there is such a thing (p. 18). Woods mentions the case of "separatism in Quebec" as a case where the country was caught in a "standoff of force five" which was such that it could have left the country poised for civil war. On one side, claims Woods, we had people who wanted to separate from Canada, and on the other side we had some other people who wanted to remain inside Canada. Woods, also, mentions the case of abortion debate in Canada as an example of such intractable disagreement like standoff of force-five.

Disagreements of this type, claims Woods, are close-minded, noisy and abusive, and often they involve issues of public policy which neither party is willing to surrender to any resolution mechanism which might give what each party respectively would regard as an unacceptable result. In short, claims Woods, such types of disagreements are the ones where a protagonist is unwilling to surrender to any mechanism which might decide against him (Woods 1992, p. 18). For Woods, these types of disagreement are logically irresolvable. There is nothing that we can do about such disagreements, argues Woods.

In short, it can be seen that both these two concepts refer to the same thing: i.e., intractable disagreement heading towards a "black hole" where there is no returning back. Both Fogelin and Woods maintained that there is not much that can be done to rationally resolve such types of discourses. It was also shown that many scholars disagreed with such statements by proposing different rational solutions to the very same discourses that were depicted as irresolvable by Fogelin and later by Woods. In this paper, however, I will propose a completely new solution to the very same problem by introducing the concept of "third party."

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4. RESOLVING DEEP DISAGREEMENT THROUGH THE INCORPORATION OF "THIRD PARTY"

The authors mentioned so far suggested clearly that there is no rational resolution to the discourses that are in an intractable disagreement. We saw that both Fogelin (1985) and Woods (1992) argued in favour of this position because discourses of this type defy the very conditions of having a "normal" argumentative discussion (Fogelin, 1985), and that the parties involved in such discourses are unwilling to accept the possibility that the other party might be right (Woods, 1992). The same thing, more or less, was maintained by Van Eemeren, Grootendorst, Jackson and Jacobs (1993) who claim that such types of disagreement are difficult to handle, if not impossible, because participants have not entered into discussion with a resolution-minded attitude (p. 171).

It was stated also that there are many other authors who disagree with such a pessimistic position presented especially by Fogelin. Authors like Feldman (2005), Frieman (2005) and Adams (2005), just to mention a few, argued against Fogelin's position by stating that such types of disagreements can be resolved rationally. It was stated that these authors, more or less, offered three solutions to such disagreements, like ending up believing P, ending up believing ~ P, or suspending judgement for the position at issue altogether. Without commenting on these solutions, because that is not my intention in this paper, we can simply say that there are many authors who disagree, especially with Fogelin, that deep disagreements cannot be resolved rationally. I disagree with Fogelin's position as well, but I offer a completely different answer to the ones given by the above-mentioned authors.

In order to understand clearly Fogelin's position, I will make a concession by agreeing with him, as do many other authors, that discourses of deep disagreement nature do exist, albeit rare. However, just because an audience is not rational, it is not the case that we cannot argue with it. Just because two parties have nothing in common with regard to a certain problem, does not mean that we should ignore that particular discourse just because it is far away from resolving the disagreement at issue. We can still deal with such type of a discourse and pinpoint the defects of that particular discourse. At the same time, we can do yet another thing by going beyond the superficial level of the discourse trying to find the adequate picture of the audience. In the first level it might be true to find the discourse engaged in deep disagreement, but this discourse, in the second level, might not merely be so because it applies to different situations or different audiences (Perelman and Olbrechts-Tyteca, 1969, p. 477). If this is the case then, I argue that a discourse that has been identified as being engaged in deep disagreement, at the first level, can be resolved by introducing the concept of "third party," at the second level.

Here I just want to clarify that an insufficient picture of the audience, resulting from either lack of knowledge or an unexpected set of circumstances, can have unfortunate results both for the discourse itself and for the analyst as well. Having in mind that it often happens that a public speaker must persuade a composite audience, accepting people differing in character, loyalties, and functions, the analyst might find it hard to identify the "real" audience that the speaker is trying to reach. This in turn might pose problems for the discourse itself because it might find itself being engaged precisely in a deep disagreement. In such a situation, I argue, it is necessary to introduce the

concept of "third party" as a solution to such types of disagreement.[3] If we do otherwise, not only that the analysts will find themselves disagreeing with each other with regard to deep disagreement, but also they would not do justice to the reconstruction and the analysis of the discourse, and this would immediately pose problems for the evaluation as well.

My point of departure is that it is not very likely that human beings willingly enter into an intractable disagreement. Interlocutors will probably not know in advance that they will be locked into a "deep disagreement" and that they will continue to stick to their position no matter what. I believe that interlocutors often seem to be capable of behaving, more or less, according to the ideal conditions presupposed by the critical discussion model of pragma-dialectical approach. Therefore, the analyst is obliged to look more deeply into discourses that are characterized as being in deep disagreement because of the fact that interlocutors are capable of having a "normal" argumentative exchange. The reason why we are nonetheless faced with such discourses that are engaged in deep disagreement can be answered by the fact that this is happening at the first level of engagement, as mentioned earlier, but this is not so at the second level. In short, I believe that discourses that are in "deep disagreement," at least some of them, can be treated as discourses that attempt resolution of difference of opinion, if we introduce the concept of "third party."[4]

In order to demonstrate the role of third party in discourses that are in deep disagreement, I am going to refer briefly to a case study from Macedonia. In 2001 Macedonia faced a conflict that lasted about 7-8 months between Macedonian governmental forces and the Albanian armed groups living in Macedonia. During this period, the media, be that the local or the international one started covering this conflict from the fear that this conflict might have far worse consequences than all other conflicts witnessed throughout the Former Yugoslavia. Both the Macedonian and the Albanian language media, among all other things, were constantly concentrating on the causes of the conflict between the Macedonian governmental forces and the Albanian armed groups. The most noticeable observation in both sides of the media was the huge gap that existed in both camps with regard to the causes of the conflict. When seen from a birds eye perspective, one might be forgiven for claiming that we are talking of a completely two different conflicts. On one hand, the Macedonian language media was constantly claiming that the conflict was caused by the actions of Albanian people for creating the "Greater Albanian" state. On the other hand, however, the Albanian language media was constantly claiming that the conflict was initiated in order to get "Greater Rights" for the Albanians living in Macedonia. The discourse by Macedonian and Albanian language media displays precisely the kind of incommensurability of viewpoints that has been discussed until now. The columns presented in the newspapers are patently incapable of

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[3] The concept of "third party" is offered only as a solution to my case study. I am not that sure whether this would function for other cases of deep disagreement because it is possible that in such cases we have multiple parties.

[4] In a personal communication with Scott Jacobs, he said that "third party" can play a significant role in resolving the problem of discourses that are in "deep disagreement." Scott Jacobs: "I believe that you are right about the "third party" aspect of (at least some) deep disputes. In my dissertation about "witnessing and heckling," there was a clear sense in which the preachers are witnessing before God, and they think of God as something like an audience whose evaluations serve as the standard for their demonstrations.

generating resolutions of disagreements. The discourse displays a "deep disagreement" of the highest magnitude.

Since I cannot bring in excerpts from both sides of the media due to the space allocated for this paper, I can only say that columns selected from the Macedonian and the Albanian language media have generated a deep disagreement of the highest magnitude if taken as a discussion between the Macedonian and the Albanian language media. The discussion has to be viewed in this direction due to the fact that the disagreement was between these two sides of the media with regard to what caused the conflict. The Macedonian language media was trying to reach across at the other side by claiming that the conflict started because of the creation of "Greater Albania." On the other hand, the Albanian language media was trying to do the same thing by addressing the other side that the conflict started in order to get "Greater Rights." At this superficial level, there are clear indications that the disagreement is between the Macedonian and the Albanian language media with regard to the causes of the conflict, and that this discussion has generated a deep disagreement of the type that Fogelin was referring to.

However, if we go beyond this superficial level, the analyst can reveal that there is a presence of another audience that I think plays a crucial role in reconstructing better the discussion between the Macedonian and the Albanian language media. This role is played by the "international community" and by the international community is meant the entire West. When we analyze the discussion at the second level, we can see that both the Macedonian and the Albanian language media were not trying to reach at each other, but at the international community. Both these two sides of the media function as a kind of a bridge in reaching the international community. The reason why these two sides of the media function as a bridge in reaching the international community, and not addressing it directly, is because there was absolutely no disagreement with the international community on the causes of the conflict. Both the Macedonian and the Albanian language media could not address the international community directly because the international community was not part of the discussion at all. The issue of "Greater Albania" and the issue of "Greater Rights" had nothing to do with the international community. The Macedonian and the Albanian language media were simply attempting to convince the international community that the conflict started because of "Greater Albania" and not because of "Greater Rights," respectively.

Having done all this, we can see now that the discourse should be reconstructed as such where the international community is incorporated inside the discussion between the Macedonian and the Albanian language media. This reconstruction will produce a kind of a triangle where the international community is on top of the discussion playing a role of a judge. This role meant as if the international community or the West are the only party that can judge the reasonableness of the arguments presented by both the Macedonian and the Albanian language media with regard to the issue of "Greater Albania" and "Greater Rights," respectively. This kind of reconstruction opens the way for defending the claim made earlier with regard to the role of "third party," i.e. the international community in resolving discourses that are stuck in deep disagreement.

From this superficial analysis, we can see that what was considered as a deep disagreement at the first level, cannot be said the same thing at the second level, when incorporating the "third party" into the same discourse. The deep disagreement that was created in the discussion between the Macedonian and the Albanian language media is

inexistent when incorporating the international community or the West into the discourse. At this stage, we can see a "normal" argumentative exchange, to use Fogelin's concept, between the Macedonian and the Albanian language media in relation to the international community. The reasoning of the Macedonian and the Albanian language media is part of the appeal to the common beliefs, values, and starting points in relation to the international community or the West. Therefore, with the incorporation of "third party" into those discourses that are in deep disagreement, at least some of them, we can have a normal disagreement where parties into a discussion will attempt to resolve it through the use of arguments.

5. ESTABLISHING CRITERIA FOR RECOGNIZING "THIRD PARTY"

Until now, I have been discussing the role of "third party" in those discourses that are at deep disagreement. It was mentioned that certain discourses sometimes address other audiences than the one addressed directly. It was mentioned that in those cases in which the antagonist is called upon it becomes necessary to develop as accurate a projection of this antagonist as possible in order that the rhetorical moves employed by the protagonist be as persuasive as possible. It was shown that discourses of which we do not know who the "real" audience is, creates real difficulties for both the protagonist and the analyst. Govier (1999) argues that the problem with such an audience from the perspective of the protagonist is that "one knows so little about it and cannot interact with it at the stage when one needs to do so in order to improve the quality of one's argument" (1999, p. 195). Therefore, how can one recognize whether the discourse is referring to the Macedonian or Albanian language media respectively, in the case study at hand, or the international community, as mentioned earlier? In short, how can we establish that a certain discourse involves a "third party" or not?

According to Bitzer (1968), there are two conditions or criteria for recognizing who the "real" audience is that the discourse is referring to. The first criterion, according to Bitzer, is that an audience in a discourse is the one that must be "capable of being influenced." There must be a certain elementary level of regard and openness to the speaker or writer's arguments. For Bitzer, it does not make any sense to try to persuade an audience if that audience is not capable of being persuaded.[5] If the audience does not have this condition, argues Bitzer, then it would be fruitless or even impossible to try to influence an audience.

I use this condition by Bitzer, as a first criterion of recognizing the role of "third party" in an argumentative discourse. It simply means that an analyst is supposed to search inside the discourse an audience that can be influenced. This criterion would not allow any discourse of the type of "deep disagreement" where the parties in a discussion stick to their own position regardless of the strengths of the arguments by the other party. In such a situation, no audience is capable of being influenced. Bringing this criterion to the case study at hand, we would say that according to Bitzer, we have to search for an

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[5] It is possible, of course, for the discussants in practice not to think in the same way as does Bitzer. Nevertheless, this idea corresponds to what was stated earlier that it would be naïve to suggest that discussants willingly enter into such discussions of intractable disagreement. At the superficial level, it might look like that discussants continue to attempt to persuade even those that seems cannot be persuaded, but at a more deeper level, discussants seem to address those that can be persuaded.

audience that is capable of being influenced, i.e. the international community, and to ignore the discussion between the Macedonian and Albanian language media because of the fact that both of them stick to their own position without any chance of being influenced by one another.[6]

The second condition, which for the case study at hand is even more important, says that an audience is that group of individuals who have the capacity to act as "mediators of change." According to Bitzer, an audience is that person or group of people that has the capacity to change things. If an audience does not have that capability to change things in favor of the one or the other side, then there is no need to try to persuade them in the first place. Usually, this type of audience that acts as "mediators of change" is more "powerful" than the one who is directly addressed, or that is physically present during the discussion.[7]

In the case study at hand, this particular audience can be recognized quite easily because of the fact that at the time the international community was the only party capable of playing the role of mediators of change because they were powerful enough to play this role. On the other hand, this criterion implies that it does not make any sense to consider the Macedonian or the Albanian language media as if they attempt to persuade each other because none of them had that capacity to play the role of mediators of change. Inferring from Bitzer's condition, it would be naïve to imply that the Macedonian language media were attempting to convince the Albanian side because this side did not had that capacity to change things. The same thing might be said about the other side as well.

These two criteria, of course, are not the only ones. Someone might probably introduce completely new ones, but for the case study at hand, I think that these two criteria are quite useful in identifying the role of third party, i.e. the international community. I must say that it would be naïve to state that these two criteria are universal ones in the sense that they can be applied to every kind of discourse. Probably these two criteria should be tested to see whether they have a firm ground, but at this stage I can only say that they are sufficient for helping me identifying the role of third party, i.e. international community, in the case study at hand. There is no intention on my part to generalize these two criteria to other types of discourses.

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[6] In the case study at hand, the international community is the only possibility, because as mentioned previously, they are an audience that can be persuaded, and that they had to be persuaded having in mind the interest by both sides of the media to persuade the international community.

[7] In a personal communication with Anthony Blair, he said that Bitzer's second condition is not a necessary condition. He said that there is a distinction to be made between the audience that actually has the capacity to act as mediators of change, and the audience that the speaker believes has the capacity to act as mediators of change. I have seen my colleagues argue with the university administration against announced cuts to programs when the decisions that made those cuts inevitable had already been taken and were not reversible. You might say that my colleagues were acting unreasonably. And yet their making those arguments seemed to perform some function. One function would be to "go on record" as being opposed to the cuts, so that if at some future time the cuts proved to have bad consequences, those who argued against them at the time they were made would be seen to have foresight, and so their ethos would be strengthened in future argumentation. I do agree with Blair with regard to this criticism towards Bitzer's second condition, but I do believe that this criticism is valid only for certain cases. In the case study at hand, this criterion functions superbly because the audience, i.e. the international community had the capacity to act as mediators of change and that both Macedonian and Albanian language media believed that international community had that capacity.

6. CONCLUSION

The aim of this modest paper was to shed some light to the already existing debate on the implications of Fogelin's idea that there is no rational resolution to discourses that are characterized as being in deep disagreement (The Journal of Informal Logic has dedicated a special issue to this debate). I tried to summarize most of research done on this topic without any intention to comment on the solutions presented by various scholars to the idea that there is no rational solution to discourses that are stuck in deep disagreement. In this paper, I tried my best to provide another solution by reconstructing the discourse in a more careful way with the introduction of "third party." By working on a case study, albeit very superficially, I tried to show the role played by the international community in understanding a discourse better, although at the beginning the same discourse was considered part of what Fogelin called "deep disagreement." Through this reconstruction, the discourse that at first level was treated as "abnormal," at the second level became "normal" thanks to the role played by the "third party." At the end, I tried to provide some criteria, not meant to be exclusive at all, in helping us identifying the role played by the third party, i.e. international community.

link to commentary

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