Deep Disagreements and Norms of Public Argumentation

Frank J.A. Goossens

Vrije Universiteit Amsterdam

Abstract

This research abstract introduces the PhD project Deep Disagreements and Norms of Public Argumentation. This project aims to deepen our understanding of how characteristics of deep disagreement become evident in public argumentation, to critically examine how these features challenge discourse-oriented normative models of democracy, and to explore whether procedural adjustments in parliamentary debates can help counteract the emergence of such deep disagreement dynamics. To serve these goals, the project carries out an argumentative corpus analysis of the debate on the deep disagreement over the Rule of Law in the European Parliament to see what insights this would provide for the improvement of the argumentative quality of public argumentation in the face of deep disagreements. The focus is on the debates surrounding the Article 7 procedure against Hungary. Furthermore, the project involves a study of the philosophical concept of deep disagreement and a normative interpretation of the results of the corpus analysis with the models of deliberative and agonistic democracy. The project aims to provide suggestions for procedural reform of parliamentary debates to promote adherence to norms of public argumentation in the face of deep disagreement.

1   Introduction

Given the current political landscape in Westernn liberal democracies, the polarization of the political debate is one of the most researched topics in the social sciences (Garzón-Velandia et al., 2024). From an argumentative perspective, polarization manifests itself most pressingly in deep disagreements (Fogelin, 1985). A disagreement is deep when parties share no common ground for a rational exchange of reasons (Ranalli & Lagewaard, 2022). A lack of shared common ground, therefore, limits the possibility of reasonable debate, undermines decision-making processes, and feeds into polarization (de Ridder, 2021). As rational argumentation by itself cannot provide a solution for deep disagreements, the constitution of these disagreements poses a challenge to the framework of policy-making in liberal democracies (Coman, 2022). It is therefore that Zenker et al. (2024) state that "of primary importance for the study of public argumentation and its norms is an improved understanding of the conditions of extreme polarization ..., and of how the design of the institutions that affect public argumentation can be improved." This PhD project aims to enhance our understanding of how characteristics of deep disagreement manifest themselves in public argumentation, to reflect on the tension of these characteristics with discourse-oriented normative models of democracy, and investigate to what extent the manifestation of deep disagreement characteristics can be prevented or mitigated through procedural reform. For example, reform of parliamentary Rules of Procedure for speaking time, interventions, order of speaking, debate types, and voting procedures.

An argumentative analysis of a public debate marked by deep disagreement can offer valuable insight into the empirical features that are indicative of such disagreements. A public debate in which it is readily apparent that there exists a deep dis-

agreement is the debate in the EU on the Rule of Law. In Europe, there is a clash between two visions of the EU: the EU as a unified community with shared values, and the intergovernmental perspective, which emphasizes the sovereignty of member states (Wolthuis et al., 2023). Over the past decade, tensions between EU institutions and member states such as Hungary and Poland have raised fundamental questions about the nature of the Rule of Law in the European Union. Does the Rule of Law in Europe require adherence to fundamental rights as defined by the EU, or can it be understood solely as an expression of national sovereignty, independent of EU values?

Analyzing how advocates of the different conceptions of the Rule of Law employ argumentative and rhetorical strategies in EP debates on the Rule of Law provides an ideal case study to empirically investigate the characteristics of deep disagreements. In this PhD, I aim to show which features that are indicative of the characteristics of deep disagreement are in tension with norms of public argumentation. The contextual argumentative analysis can thus inform an operationalization of normative theories of argumentation, and suggest ways of improving the argumentative quality of public debate through procedural reforms that will prevent or mitigate the appearance of the identified empirical features of deep disagreement. The research question that this PhD project wants to answer is therefore:

> What insights does an argumentative analysis of the debate on the Rule of Law in the European Parliament provide to improve the argumentative quality of public argumentation in the face of deep disagreements?

2   Method

This interdisciplinary project makes use of a corpus analysis (argumentative analysis, including a rhetorical and strategic analysis, qualitative) and a literature review (particularly in political theory and argumentation theory).

First, I will study the philosophical concept of deep disagreement to theoretically lay down the key characteristics of deep disagreements. This is done in order to recognize the features of the debate that are indicative of these characteristics in the corpus analysis.

The corpus analysis will be carried out with the instruments of the pragma-dialectical theory of argumentation (van Eemeren, 2010; van Eemeren & Grootendorst, 1984).[1] The pragma-dialectical theory provides a framework for analyzing and evaluating argumentative discourse by modeling it as a critical discussion aimed at resolving differences of opinion on the merits of arguments. The framework distinguishes four stages of the critical discussion: the confrontation stage (where the difference of opinion becomes explicit), the opening stage (where common starting points and rules are agreed upon), the argumentation stage (where the arguments defending the standpoints are presented), and the conclusion stage (where it is determined whether the dispute has been resolved). The rhetorical components of argumentation are captured in the concept of strategic maneuvering. Strategic maneuvering refers to the ways arguers balance reasonableness with effectiveness by their topical choice, adapting to audience demand, and employing presentational devices such as metaphors. In the analysis, I will reconstruct argumentative exchanges (van Eemeren et al., 1993) within the different stages of the critical discussion to identify the differences of opinion, standpoints, argument structures and schemes, and instances of strategic maneuvering.

The pragma-dialectical theory has proven itself to be a useful theoretical framework for the analysis of argumentation in the context of (European) political debates (Andone & Garssen, 2022; van Eemeren, 2017, 2021). Consequently, using the pragma-dialectical framework to analyze the argumentation in the deep disagreement over the Rule of Law in the EU can help shed light on the dynamics of deep disagreement. Part of the corpus consists of the debates surrounding the Article 7 procedure

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[1] See van Eemeren and van Haaften (2024) for an overview of the development of the theory.

of the Treaty of the European Union against Hungary, initiated by the EP in 2018. Since the Article 7 procedure focuses on determining whether there is a clear risk of a serious and persistent breach of the Rule of Law principles in Hungary, these debates explicitly exhibit the deep disagreement over the Rule of Law.

I will interpret the results of the analysis in comparison to norms of public argumentation. What do the results imply for the degree of rationality in decision-making? What are the implications for the democratic Rule of Law? The analysis and its interpretation offer points of departure for improving the quality of argumentative exchange in cases of deep disagreement. From a theoretical perspective, two models of democracy are relevant here. From the standpoint of the ideal model of deliberative democracy (e.g., Gutmann and Thompson, 1998, 2004; Habermas, 1984, 1987, 1990), it is desirable that discussion, debate, and decision-making on European issues take place on the basis of a rational exchange of arguments, with contributions from all member states. The model of agonistic democracy (e.g. Connolly, 2002, 2004; Laclau and Mouffe, 2014; Mouffe, 1999, 2020; Tully, 2007) rejects this purely rational approach. Disagreement and conflict over political issues are seen as inevitable, since political discussions always involve opposing forces. The pursuit of rational discussion carries the risk that the voices of minorities are insufficiently heard. In order to do justice to everyone's input in the political arena, there must be space for confrontation, and a not purely rational but more rhetorical approach is sometimes necessary and even desirable.

By pitting both perspectives against each other, we can see how the empirical features of deep disagreement emphasize the tension between these models.[2] The antagonistic nature of deep disagreements leads to conflict that undermines decision-making processes and feeds into polarization, whilst rational resolution also seems impossible. The argumentative analysis should help us to identify where abandoning a rational approach leads to features that are char-

acteristic of deep disagreement, and, on the contrary, where there is room for a rhetorical approach without this risk. Comparing the interpretation of the argumentative analysis to democratic theory should provide us with operational norms that can relieve this tension and input to theorize about new normative models of public argumentation.

To provide clear suggestions for promoting adherence to these operational norms, I will analyze which procedural rules should support public argumentation that is in line with these norms. Both current Rules of Procedure for parliaments and new suggestions will be discussed. These rules should specifically aim to prevent or mitigate the manifestation of deep disagreement characteristics.

3   Discussion

Different theories try to explain the nature of deep disagreement (Ranalli & Lagewaard, 2022), but they all agree on at least four key characteristics by which we can recognize deep disagreements:

- Lack of shared common ground: disputants lack shared common ground regarding fundamental principles: what counts as valid evidence, how to weigh sources, or who constitutes a reliable authority? The disagreement often feels like a clash of entire worldviews rather than a dispute over specific facts or interpretations within a shared framework.

- Systematicity: deep disagreements are not isolated points of contention but involve clusters of related issues. Disagreement on one point can expose a whole network of underlying, contrary beliefs or worldviews in different domains.

- Persistence: deep disagreements are resistant to resolution through standard argumentation. Despite attempts to offer reasons, they tend to persist. The idea is that this disagreement does not only persist due to emotional factors or stubbornness. Even if we take up our opponent as perfectly 'reasonable', the disagreement will persist.

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[2]The tension between these two models can also be compared to the tension between the ideals of correctness and participation (Zenker et al., 2024)

- Difficulty of rational resolution: due to the lack of a shared common ground, parties struggle to recognize each other's reasons as rational contributions. This leads to questions about the rational resolvability of the disagreement. Consequently, parties focus on persuasive strategies in the debate.

At this stage, to identify how these characteristics manifest themselves in practice, I have performed a pragma-dialectical analysis of four key EP debates on the Article 7 procedure between 2018 and 2024. The analysis identifies the four characteristics of deep disagreement in the four different stages of the pragma-dialectical theory in the Article 7 debate. First, a lack of shared common ground is evident as parties fundamentally disagree over the definition of the concept of the Rule of Law itself. One party even denies that there exists a problem at all, and so does not follow the expected strategic pattern of problem-solving argumentation of Garssen (2016). Second, the systematicity of the disagreement shows itself through the topics of argumentation, which cut across different domains. However, a counter-indication of the disagreement being systematic is that some normative disagreements that are part of the debate could be resolved, whilst other disagreements remain. Third, the duration of the Article 7 procedure and the lack of change in the presented arguments demonstrate the persistence of the debate. Finally, the difficulty of rational resolution is highlighted by parties focusing on persuasive rather than rational strategies of argumentation. They are opting for value-laden argumentation and portraying the other party negatively. These findings indicate that empirical features of deep disagreement can be identified through a pragma-dialectical analysis, but a larger and more thorough corpus analysis is required to substantiate this claim.

The next step in the project is to interpret the results in comparison to the deliberative and agonistic models of democracy. This comparison will allow an operationalization of norms of public argumentation, which should help to clarify which procedural reforms should be implemented to promote adherence to these norms.

4   Conclusion

This research abstract introduces the PhD project *Deep Disagreements and Norms of Public Argumentation.* This project aims to deepen our understanding of how characteristics of deep disagreement can be identified empirically in public argumentation, to assess the challenge these empirical features pose to discourse-oriented normative models of democracy, and to explore options for procedural reform in parliamentary debates to create conditions in which disagreement does not escalate towards deep disagreement, or in which its negative effects can be mitigated. To serve these goals, the project carries out an argumentative analysis of the debate on the deep disagreement over the Rule of Law in the EP with the framework of pragma-dialectical theory.

The project is currently at its preliminary stages. A first categorization of the characteristics of deep disagreement has been made, and four EP debates have been analyzed to identify manifestations of these characteristics. The first results show that empirical features of the four characteristics of deep disagreement can be identified through a pragma-dialectical analysis. The fact that one party follows a strategic pattern that deviates from the norm in EP policy debates highlights how deep disagreements change the dynamics of argumentative exchanges.

The upcoming step for the project will be conducting a larger and more thorough corpus analysis to substantiate the claim that deep disagreement characteristics can be effectively identified through a pragma-dialectical corpus analysis. The next phase of the project will focus on the implications of the findings of the corpus analysis for the deliberative and agonistic normative models of democracy. The conclusion of this phase should inform operational norms for public argumentation that will be used to provide suggestions for procedural reform of parliamentary Rules of Procedure in the final phase of this project.

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