

Is Common Ground a Word or Just a Sound? Second Order Consensus and Argumentation Theory

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ABSTRACT: This paper focuses on the role played by the concept of Common Ground by investigating various roles played by consensus and dissensus in different argumentation theories. A dynamic conception of Common Ground as a second order consensus will be invoked instead of a static definition as starting point, condition or result of an argumentative practice.

KEYWORDS: argumentation, Common Ground, consensus, dissent, cooperation principle, rationality

1. INTRODUCTION

As the rhythmic words subside
My Common Ground invites you in
or do you prefer to wait outside
Or is it true
The Common Ground for me is without you
Or is it true
There's no Ground Common enough for me
and you
[Lou Reed, *Good Evening Mr. Waldheim*]

We believe that Common ground should not only be the basis for a peaceful resolution of conflicts, but should also account for the interplay between dissent and consent in argumentative practices and guarantee the possibility of expressing dissent while arguing. A brief analysis of the roles played by consensus and dissensus in different argumentation theories might therefore be helpful: some postulate consensus from the beginning to the end of the argumentation process, whilst some postulate consensus at the beginning and dissensus at the end of the process or vice versa, and others postulate dissensus from the beginning to the end of the argumentation process.

If Common Ground is compared to a static notion of consensus, and thus conceived as a starting point or as a condition or as a result of an argumentation practice, it amounts to an essential but overwhelming ingredient of argumentation practices. Since a static conception of consensus could scarcely account for the role

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played by dissent and difference of opinion in the argumentation process, we will try to support a dynamic concept of consensus. We will show that some argumentation theories should assume a dynamic concept, if they want to assume consensus as something that might be changed during the argumentation practice or that should orientate the practice itself without hindering the possibility of dissent. As a matter of fact, the violation of rules rarely brings about an interruption of the argumentation process, but more often induces a consensual change of the previously accepted body of *endoxa*, rules, goals, beliefs, habits, and interests.

The consensual and cooperative disposition to change the object of a previous agreement under the pressure of dissent is what we call a *second order consensus*. We will argue that a notion of second order consensus might be useful to explain the fruitful interaction between consensus and dissent. Given this second order agreement on how and when the participants could or should negotiate the rules of their own argumentation practice, we conceive the rationality of an argumentation as a dialectical interplay between first order consensus and dissent against a background of second order consensus. Just as first order consensus might be indeterminate at the beginning and get more and more clear during the development of the argumentative practice, second order consensus might be quite indeterminate, as a sort of general disposition to change the rules, provided that the general goal can be still pursued cooperatively.

If one conceives the Common Ground as a second order consensus and precisely as a dynamic second order consensus, one needs not assume a unique and absolute concept of rationality as a basic principle and might thus consider conflict and difference of opinion as essential and fruitful elements of every argumentation practice. Common Ground might still represent an incarnation of rationality, but of a transversal and multidimensional one; searching for a Common Ground might still be the way to take mankind from war to peace, from anarchic dissent to negotiated consensus but dissensus and difference of opinion would remain basic ingredients of a peaceful discussion.

2. THE ROLE OF CONSENSUS AND DISSENSUS IN ARGUMENTATION THEORY

The concepts of consensus and dissensus might play different roles in different argumentation theories, but they are often conceived statically, sometimes as starting points of the argumentation process or as necessary conditions for its development, sometimes as results or as goals of the whole process. Many examples could be made and a fruitful comparison, if not a classification, of argumentation theories might be obtained by an application of the following idealtypical interpretative scheme, that distinguishes four groups of theories on the basis of the role they assign to consensus and dissensus: 1) theories that postulate consensus at the beginning and at the end of the argumentative process, 2) theories that begin by dissensus and end by consensus, 3) theories that begin by consensus and end by dissensus, 4) theories that postulate dissensus at the beginning and at the end of the argumentation. We'll give a couple of examples of the first two cases.

1) As a theory that assumes consensus at the beginning and at the end of the process we might cite Chaïm Perelman's *Nouvelle Rhétorique*, but also Habermas' universal pragmatics. Perelman considered consensus – in the form of an intellectual contact or a spiritual communion – as a prerequisite for argumentation, but also as a result of the process, for argumentation theory is the study of discursive techniques

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that might induce or increase agreement on a certain viewpoint (Perelman 1958). Habermas assumed that each participant should satisfy the universal norms of discourse and believe, at least counter-factually, that every other participant would do the same (Habermas 1981). The consensus required by the adherence to the 'ideal speech situation' is a condition of any argumentation practice, but somehow also a result, at least an ideal result of it (*telos*).

2) As examples of theories that begin by dissensus and end by consensus we might consider Pragma-Dialectics. Aristotle first observed that argumentation arises from a controversial starting point such as an assertion or an opinion that is not yet evident to everybody or to the majority (Aristotle 1928, I, 104a). According to the Aristotelian remark, van Eemeren and his colleagues assumed that argumentation presupposes a standpoint and at least the potential for opposition to that standpoint, considering dissensus – conceived here as disagreement about the acceptability of a standpoint – as a prerequisite for the development of a critical discussion (Eemeren and Grootendorst 2004). At the same time pragma-dialectical approaches consider consensus also as an ideal result of the argumentative process, for the parties are supposed not only to settle a dispute bringing the difference of opinion to an end, but to do it by reaching an agreement on the acceptability of the standpoint through an argumentative discourse.

3. A STATIC VERSUS A DYNAMIC NOTION

The above examples already show that a classification of theories along the aforementioned quadripartite model could scarcely be achieved. Consensus is not always effectively obtained at the end of the process; moreover consensus might be required not only at the beginning or at the end but also during the process. In Perelman's view or in Schopenhauer's perspective consensus is required as a starting point and it concerns some common knowledge, intelligence, and argumentation skills (Perelman 1958; Schopenhauer 1810-1830). Aristotle's *endoxa* also constitute the object of a preliminary agreement. Consensus seems to be a common point of departure, a common ground that the participants in an argumentation should share in order to begin a dialogue. Habermas' universal norms of discourse or van Eemeren's Ten Commandments seem on the contrary to be something people should agree upon at each step of the argumentation process: they are a condition and not only a starting point.

Analogously, one might argue that dissensus is not just a starting point, the occasion for a dispute on a given standpoint, but also a relevant element of the argumentation practice itself. Let's consider Walton's *New Dialectic*, which admits the possibility of violating certain rules without committing any fallacy (Walton 1998). Any dialectical move based on the questioning of the interlocutor's viewpoint is an expression of a difference of opinion and might occur at any stage of the argumentation.

A distinction between consensus as a starting point and consensus as a prerequisite might be helpful. In both cases consensus might play the role of Common Ground of the communicative practice, but it would be a static ground, an unquestionable, essential ingredient whose absence would lead to the impossibility or to the misapplication of argumentation. A static conception of Common Ground could scarcely account for the role played by dissent and difference of opinion in the argumentation practice: how could it explain the frequent practice of retracting consensus on certain viewpoints or on certain rules during the argumentation itself?

A dynamic conception of consensus might be useful as a theoretical tool, for it would allow a better representation of the interplay between consensus and dissensus that characterizes the approaches that assume and stimulate a proliferation of different opinions, even if they often aim at the achievement of a general and rational agreement on a given standpoint. On the other hand a dynamic conception of consensus might be very useful to compare different theories and to build a taxonomy that might include theories that postulate consensus during the whole argumentation process or theories that admit the possibility of non-fallacious radical dissent.

Dynamically conceived, consensus might perhaps be less rigidly distinguished from dissensus, as it seems to coexist with it and sometimes fulfill a similar function. It is not something that is present just at the beginning or at the end, but it is renewed at every stage of the argumentation process. Its object might change in time, as people make and retract commitments. It is an open process, both a condition and a renewed starting point that orientates the result.

4. A SECOND-ORDER CONSENSUS

Once we accept a dynamic conception of consensus, it is questionable if it could play the role of a Common Ground. A Common Ground, according to our conception, should account for the interplay between dissent and consent in many argumentative practices, or rather guarantee the possibility of expressing dissent while arguing. A revolutionary change of the rules should not be the only way to convey one's dissent: one should have the possibility of dissenting without abandoning a general common frame, that is to say, one should have the possibility of retracting one's own consensus on certain issues without retracting one's own disposition to cooperate. That's why we think it necessary to introduce a second notion of consensus, which we call second order consensus. If dissent amounts to the act of withholding one's consent to certain premises or to certain rules, and consensus is defined as a static adherence to such rules, how could consensus be compatible with dissent? A dynamic second order consensus might better explain the interplay between dissensus and consensus.

First order consensus is a consensus on a certain content, which is often quite implicit at the beginning of the argumentation practice and can be partially made explicit either by the participants themselves or by the theorist who reconstructs the argumentation. If the content of first order consensus is conceived as a set of rules or as a small set of statements appearing as premises of arguments, it is quite determinable; if the content of first order consensus is conceived as background knowledge or as a community of interests, habits, beliefs, it is not so easily determinable. Anyway, the content is quite complex and the participants do not usually have an exhaustive and clear perception of it.

Second order consensus is a general common disposition to cooperate according to a certain goal. Though it shares with Grice's cooperation principle the fact of being quite general and applicable to different contexts, it cannot be defined abstractedly without some reference to particular practices (Grice 1989). The acceptance of a common goal is strictly connected to the context and to the type of dialogue: the goal is not the individual goal of each participant, but a general goal that every participant accepts and aims at. The object of second order consensus is not fixed but might change during the argumentation, provided that the participants renegotiate (even implicitly) their common goal.

While first order consensus is conceived as a substantial notion or as a public domain of knowledge or as a common tradition or as a set of rules accepted by the

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participants in the game, second order consensus should be considered as something more conventional and more related to the specific argumentation practice. Let's assume first order consensus as an agreement on the rules of the game: the rules of a game are constitutive rules and thus non-defeasible rules. One cannot violate a constitutive rule without interrupting the game. Second order consensus allows us to violate the rules of a game without stopping play: when there is an agreement on the kind of sanctions to be applied for a certain violation and there is the will or disposition to go on playing after having remarked upon and punished a violation of the rules, we might speak of a second order consensus.

One might ask if second order consensus could not be defined as an agreement on certain generic principles or meta-rules. Were it so, it could be retracted in order to express dissent on such principles or rules and we would need a third order consensus to explain the interplay between second order consent and second order dissent and so on. Second order consensus on the contrary cannot be fully determined as far as its content is concerned: it consists in a common disposition to accept changes in accordance with a certain goal, which is negotiated at the beginning and might be renegotiated whenever necessary. Dissent might play a double role: on the one hand dissent on the rules of the games might require changes that do not alter the common goal; on the other hand dissent might require a change of the goal itself. In the first case we will have a change of first order consensus and no change of second order consensus; in the second case the goal of the second order consensus will be renegotiated.

Second order consensus is an essential ingredient of any argumentation practice, that is to say, we cannot have an argumentation practice without a second order consensus. Nonetheless it need not remain fixed and immutable (as the cooperation principle seems to be), but changes as a byproduct of the argumentation practices themselves, inasmuch as its content (the common goal) is determined by a specific practice. Both first order consensus and second order consensus are negotiable, but such negotiations have two different meanings: in the first case we might define the change as an internal one, maybe radical, but respectful of the general goal of the communicative practice; in the second case the change affects the frame itself, and the participants have to renegotiate the argumentation goal.

Second order consensus grounds the dialectical interplay between dissent and consent. Rather than being a means of controlling the expression of dissent, keeping it inside certain borders, it is a means of favoring the expression of dissent, for it makes it possible to express a quite radical dissent without causing a breakdown of the argumentation practice. Adhering to a certain common goal means that the participants might allow certain violations of the rules, provided they do not hinder the achievement of the goal. Moreover, the stability offered by second order consensus, which need not be renegotiated as often as first order consensus and guarantees the possibility of continuing the game, favors the emergence of dissent not only on single statements but also on the rules themselves, encouraging innovation rather than the preservation of a given tradition.

A double notion of consensus might better explain certain controversial aspects of argumentation theory. Let's consider the criticism of Perelman's work, which proposed the impartiality of the judge, that is to say his adherence to the rules, to be the main rule of justice: if the consensus on the rules is the only way to argue, any violation or dissent on the rules would amount to a violent, irrational and non-argumentative act (Gianformaggio 1972). Similarly, Gadamer considered the implicit consensus expressed in tradition as a base and a condition of dialogue (Gadamer

1960). Distinguishing first order and second order consensus we might better explain the dynamic movement between tradition and innovation, considered as expressions of the dialectical interplay between first order consensus and dissent. Second order consensus cannot be abandoned without abandoning the argumentation practice itself, but it can be renegotiated. Second order consensus is, according to our reconstruction, a mark of every argumentation practice, that distinguishes argumentation from other communication activities.

5. COMMON GROUND AS A DYNAMIC SECOND ORDER CONSENSUS

Having now illustrated the concept of second order consensus and the concept of dynamic consensus, we would like to argue that a dynamic second order consensus might be conceived as the Common Ground of any argumentation practice. A dynamic second order consensus is an ingredient of any argumentation practice: it is a condition and a byproduct of a fruitful interplay between dissent and consent. It cannot be conceived as a substantial tradition or as a definite embodiment of a certain culture, though it is certainly connected to it. Being negotiable, it cannot and should not, according to our point of view, be used as a foundational block, as a solid basic ingredient, but rather as a characteristic element that might be invoked to explain how an argumentation might go on in the presence of or even thanks to a considerable amount of dissensus.

The search for a Common Ground should not amount to the search for principles or rules that might be universally accepted and thus become a solid ground for an argumentation theory. This would lead to two well-known mistakes: to universalize a particular point of view, and to transform a common characteristic of certain communicative practices into an absolute property of human rationality.

Defining Common Ground as a dynamic second order consensus rather points in the direction of admitting that there is not a unique, universal and immutable rationality that should be assumed as an absolute, true Common Ground. We believe on the contrary that there is a transversal rationality, that is to say, a rationality that cannot be defined independently from concrete argumentation practices and that might differ from context to context and nonetheless maintain some features in all contexts. Each context is thus not fully separate and independent from every other. There are different models of rationality but they are connected: different models can supervene one on top of the other or get mixed up in the same argumentation practice. Common Ground is an expression of transversal rationality, for it is common to different types of argumentation practices: it expresses the general disposition of the participants in a dialogue to cooperate according to certain communicative goals.

So defined, Common Ground ceases to be just a sound, a sort of vague ideal, which is devoid of content and so general as to be almost useless. But Common Ground also ceases to be a malleable tool used by the opponents of inter-cultural dialogue; when there is dissent on the common goal of an argumentation practice, there are at least two ways out: renegotiating the goal or abandoning the practice.

The words Common Ground are perhaps not the most suitable to express the concept we have developed, for they might stress the aspect of grounding, as if an absolute foundation were necessary. We don't like the metaphor of a solid ground where one should lay the foundations of a new building. Still, one might use the expression 'grounding' if one means a progressive act, that is concerned with new things to be built rather than with the worry of preserving what is actually valid. The concept of Common Ground should not be used to found argumentation theory as the

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theory of rational discourse, but rather to explore rationality, as a tool that can be introduced as long as it is functional to the development of the construction. A dynamic concept of Common Ground might express an ingredient of the open rationality we believe should characterize argumentation and argumentation theory: it might have a critical rather than a foundational role.

6. CONCLUSION

As an application of what we have just said, we will use our concept of Common Ground to analyze some argumentation theories, in order to show how the application of a unique concept might emphasize some crucial aspects of different theories and also favor a comparison between them. Let's consider here for example the Pragma-Dialectical approach of Frans van Eemeren and the New Dialectic of Douglas Walton.

Consensus plays a significant role in Pragma-Dialectics, for argumentation is defined as a verbal communication phenomenon characterized by the use of language for resolving a difference of opinion (Eemeren and Grootendorst 2004). The purpose of the communication is achieved if the parties agree on the outcome of the discussion, so we might assume that consensus is somehow the goal of any argumentation. On the other hand the theory presupposes the adherence to a philosophical and ethical frame, based on Popperian critical rationalism, on the heuristic value of doubt and on the conviction that each viewpoint should be expressed not in order to prevail in the discussion but in order to verify if it can resist criticism. A kind of consensus is thus required also as a starting point: its content is determined by the Decalogue, whose acceptability is not grounded a priori but based on the effectiveness of such rules in conducting to a resolution of the difference of opinion. Any violation of the Ten Commandments is a fallacy, because the goal of the argumentation is fixed.

According to our conceptualization, the philosophical frame of Pragma-Dialectics needs a concept of second order consensus, because it assumes that whenever consensus on the principles should vanish, there would be no argumentation anymore. But the theory lacks a notion of second order consensus: the consensus on the Ten Commandments is not dynamic, because its content is fully determinate from the very beginning and cannot be renegotiated by the participants. The Common Ground is founded on pragmatism, but this is established by the theorist (assuming thus the role of a universal judge) rather than by the participants themselves. So, even if the pragma-dialectical approach is very keen on rejecting any fundamentalist justification, the Common Ground is conceived as a unique, moderately stable, philosophically based consensus.

The New Dialectic of Douglas Walton is based on the differentiation of contexts and dialogue types, which makes it easier to develop a multidimensional conception of consensus (Walton and Krabbe 1995; Walton 1998). The variety of types of dialogue in their taxonomy shows that a difference of opinion needs not always be the starting point of an argumentation nor agreement on a certain standpoint needs to be its result. Each dialogue is characterized by the common goal of the participants, which could be interpreted as a dynamic second order consensus: it can be renegotiated, but when it changes it determines a change of the type of dialogue (a shift, according to Walton's terminology). The Common Ground would be determined by the participants in dialogue and would not be unique, nor stable, nor determined outside the dialogue itself. Nonetheless the New Dialectic lacks a concept of dynamic second order consensus, as we intend it, because the general goal of each

kind of dialogue is not really connected to a dialectic of first order consensus and dissent. Firstly, the participants in dialogue usually have individual goals that differ quite radically from the general goal of the specific type of dialogue. Secondly the relation between the different goals appears as quite extrinsic and is not really negotiated by the participants themselves. Moreover, underlining the difference in the individual goals of the participants, Walton does not seem to pay much attention to what we have considered as a first order consensus. A concept of second order consensus could then be applied to Walton's theory in order to explore the dialectic between first order consensus and dissensus.

Apart from emphasizing crucial points of each theory, the concept of second order consensus considered as Common Ground might favor a comparison between different theories and thus constitute an element of a unitarian frame, that might serve to put different theories in dialogue. For example, the application of our concept of Common Ground to Pragma-Dialectics and to New Dialectic reveals a main difference between the two theories: the first is based on a unique conception of rationality, whereas the second admits a multidimensional rationality.

[link to commentary](#)

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