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Political Polarization as Disagreement Failure

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Abstract

A few events in recent American history are analyzed as "disagreement failures," while others are described as exemplifying "disagreement success." These terms are defined in order to support the conclusion that deliberative democracy requires both the celebration of disagreement and the crossing of multiple borders through dialogue. Such a "democracy of conversation" more specifically requires a culture that explicitly celebrates disagreement as an activity, meaning that it treats actual engagement in disagreement as a part of a life well-lived, and that it therefore routinely pushes for the inclusion of as many "sides" as possible in public talk. Supported in this way, cross-border, public conversation would be inherently democratic, community-building, and anti-totalitarian. Held regularly, such talk would help participants to see issues from multiple points of view, and would do so without asking them to give in to the non-thinking of mere tolerance. People who take part in such conversations would be more likely to face up to difficult issues politicians often avoid, and politicians would both be pushed and enabled to do better. In addition, such disagreement practice would cultivate respect for humanity, as participants observe themselves and others making sense, being civil, and in general doing a good job under presssure.

Keywords

Acknowledgements

Introduction

In this essay I introduce the concept of "disagreement failure" as a tool for analyzing American history and for assessing the degree to which a society deserves the appellation of a deliberative democracy,1 where this term means the brand of deliberative democracy championed by Iris Marion Young (2000), John Dryzek (2000), and Nancy Fraser (1997), among others. Like these thinkers, I believe that the deliberation essential to democracy requires the stimulus of actual face-to-face, public dialogue among citizens, not just personal reflection on the part of each citizen, one mind at a time. We also agree that these dialogues need to be regularly held in a multitude of different kinds of spaces, both within and without the state, allowing for the formation of multiple "publics," some more narrow than others, so that the public sphere writ large is constituted by contesting discourses. And, finally, we concur that the deliberations need to be minimalist when it comes to ground rules, to allow entry for many styles of presentation, and to avoid ruling out any topics in advance as insufficiently "public" and thus inadmissible.

My summary way of expressing this ideal declares that democracy requires widespread participation in periodic "cross-border, public conversation." Talk is "cross-border" when the participants come from several groups, each of which sees itself as somehow different from the others in some significant way. Democracy happens and just policy outcomes are made more likely through such border-crossing, not by creating unanimity so much as by bringing participants to see themselves and issues in new ways, understand their interests more inclusively of those of others, and viscerally experience the humanity they share with those others. This grasp of the other as akin to oneself is ultimately what makes humans capable of being ethical; fostering this I-Thou recognition is necessary to fend off tyranny (Yankelovich, 1999, 15).

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1. On deliberative democracy, see Ackerman Fishkin, 2004; Atlee, 2003; Dryzeck, 2000; Fraser, 1997; Gutmann and Thompson, 2004; Lappé, 2006; and Leib, 2004.

When I call for the cross-border conversation of democracy to be "public" I mean it should be widely publicized and potentially accessible to all, or at least to many. And I use the word "conversation" to indicate that (1) no policy decision is going to be made as a direct result (though this can, and ideally will, come later, and as an indirect result), (2) the participants speak for themselves rather than as representatives or experts, and (3) the main goal is not to resolve an issue so much as to change inter-group dynamics, form opinions anew, and/or increase understanding. This last requirement is crucial; to fulfill it a degree of expert – gentle, generous, non-manipulative, pro-disagreement – facilitation of the conversation will often be necessary.

My argument that we need conversations that do not end with policy decisions does not mean I oppose integrating public deliberation into the actual law-making process. On the contrary, I am in fundamental agreement with, for example, Ethan J. Leib when he proposes the creation of a civic jury system of law-making, whereby a new national citizen legislature could be convened at any time to deliberate and vote on legislative proposals brought to it by any one of a variety of methods, including citizen signatures. The 525 members of this "fourth branch of government," having been selected by stratified random sample, and then required by law to participate, would deliberate in groups of 15 for several days before casting secret ballots. The result would be law, unless overridden or nullified by one of the other branches of government, in keeping with specified rules crafted in honor of the need for checks and the protection of individual rights (Leib, 2004, 12-29).

I believe, however, that the emphasis at this time should be on creating regular, cross-border dialogue outside of the policy process. Such dialogue could be highly democratizing in its own right, has the advantage that it can start small and then grow, and is probably necessary as a first step if we are ever to get the American public sufficiently behind a constitutional

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change of the magnitude Leib proposes. Many people will need to have had a positive experience engaging in public disagreement, hear positive stories from friends in that regard, or witness successful disagreement events before they would even consider letting randomly selected strangers make a law for them.

Another reason to aim to create conversations rather than decisions is that Americans are currently most divided by issues of fundamental morality, life and death, and basic identity. It is hard to deliberate across philosophical boundaries about such topics – e.g., marriage, terrorism, war, raising children, and personal behavior – in ways which move beyond strictly polite, get-nowhere exchanges while avoiding yelling, partisan grand-standing, and complete refusals to listen. The starting point for disagreement success (I say more about what that means below, with examples) in these areas will often need to be settings free of the pressure to make legal decisions or represent others in any official capacity, settings where participants are heard, maintain their original point of view if they want, and learn about the other.

Leib does, however, have legitimate concerns. One is that it will be an unrepresentative, elite groups of citizens who choose to participate in voluntary dialogue events which do not promise "action" at the end (2004, 5 and19). Also, perhaps actual policy has to hang in the balance in order to create responsible deliberative participation: "Until they [participants] are so engaged, they will embody many of the pathologies of deliberation (like deference to experts) without providing for any of the benefits (like more legitimacy and civic virtue)" (2004, 39).

On the first score, while it is true that it's not easy to get opposing perspectives into one room to talk, much less get busy and/or politically inactive people to show up, we have to start somewhere in an effort to create public understanding of what it is to talk across borders in a productive way. And there are ways to try and counter the problem of unrepresentative groups.

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One could, for example, try to create television programs that feature randomly selected Americans who get paid a nominal fee to engage in facilitated discussions of a particular issue. Or activists could aim to get local religious leaders and houses of worship involved in the creation of dialogue events, in order to reach beyond "the usual suspects."

When it comes to "pathologies of deliberation," it seems to me that there is no avoiding risk, whether the setting is low-stakes conversation or legally binding decision making. Indeed, our Senators and Representatives sometimes put on many a display of posturing, demonizing, pretending, and deferring when they "deliberate" about pending legislation. What is needed, then, is to consider how to counter the risks in setting-appropriate ways (as Leib does when it comes to his design of a national civic jury system).

Above all we need to become – as individuals and as a society – more pro-disagreement. A democracy of conversation requires, first and foremost, a culture that explicitly celebrates disagreement *as an activity*, meaning that it treats actual engagement in disagreement as a part of a life well-lived, and that it therefore routinely pushes for the inclusion of as many "sides" as possible in public talk of all kinds. Supported in this way, cross-border, public conversation would be inherently democratic, community-building, and anti-totalitarian. Held regularly, such talk would help participants see issues from multiple points of view, and would do so without asking them to give in to the non-thinking of mere tolerance. People who take part in such conversations would be more likely to face up to difficult issues politicians often avoid, and politicians would both be pushed and enabled to do better. In addition, such disagreement would cultivate respect for humanity, as participants observe themselves and others making sense, being civil, and in general doing a good job under the pressure of an encounter with opposing perspectives. It would thereby support the "moral freedom" (Wolfe, 2001) that so many

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Americans believe in, as discussants decide things for themselves in the face of, and with the help of, opposition. This would be disagreement success (again, I say more about what this means near the end of the essay).

This essay claims that American political history, while providing examples of disagreement success, is nonetheless marked by much disagreement failure. My hope is that this lens of analysis will help the dialogue and deliberation movement to counter the disturbing proliferation of "faux dialogue," by which I mean events which structure important perspectives out of the conversation, or in one way or another push, pressure, or shame participants into agreeing to pre-conceived conclusions. Manipulative conversations, of one kind or another, are widespread. Their architects come from across the political spectrum. Rather than a knowing attempt to fool or triumph, they are often merely a manifestation of a conversational dynamic or a result of assumptions about what counts as the "legitimate" sides to an issue. Even advocates and practitioners of dialogue and deliberation at times belie their own commitments by bringing to dialogue events unspoken demands for unity or otherwise pushing groups to "freely" reach this or that specific, pre-ordained conclusions. We what need to counter this tendency is a robust celebration and institutionalization of disagreement.

Disagreement Failure

Disagreement failure exists when ideas and experiences that are playing an important role in a given situation are not brought to the surface by means of cross-border, public conversation, either because such conversations have not taken place or because the conversations which did take place were not adequately in-depth and inclusive. Disagreement failure most fully exists when that lack of conversation and surfacing plays a role in creating, or allowing, a violation of

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basic human rights, a failure to realize worthwhile goals otherwise within reach, or the persistence of damaging misunderstandings.

My first example: On March 3, 1991, an amateur cameraman videotaped three white Los Angeles police officers, in the presence of eighteen fellow L.A.P.D. members, severely beating an unarmed black motorist, Rodney King. Millions of Americans saw King savagely struck, over and over, as he lay on the roadway. The release of the tape brought widespread outrage. Four of the policemen were accused and brought to trial. They, were, however, declared not guilty, a verdict that led to destructive rioting in several cities, causing 52 deaths in Los Angeles alone. Events took a further twist when, during the Los Angeles uprising, four black men were videotaped beating a white truck driver. When charged with assault, their bail amounts were one hundred times those set for the four policemen. After a controversial trial, in which the original (black) judge was removed from the bench for judicial misconduct, each of the defendants was found guilty. In the meantime, two of the four white police officers were recharged under federal law and convicted.

These events constituted disagreement failure in several ways. First, none of the eighteen officers who watched the beating stepped forward to say "stop." Second, the televised assault was followed by rioting and polarizing trials, rather than sustained, face-to-face, cross-viewpoint, mixed-race conversations about what happened. Third, the nation's long-standing failure to have such discussions helped to create the context in which the assault on King could happen in the first place.

Why didn't the spectator police try to stop the assault launched by their colleagues? Surely one reason was the popular notion that loyalty to one's group forbids disagreement. Even if some of the officers present did not personally endorse this notion, they nonetheless gave into

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it that day. One could argue that this was strictly an issue of character, and the answer is therefore personal responsibility; i.e., we must insist that every police officer uphold the law, plain and simple. By this view, the rest of us have no responsibility for the assault. We are only obliged to properly endorse, and enforce, the rule. This is, however, an irresponsible argument; it shifts too much weight onto the shoulders of each police officer, men and women who must make their way amidst powerful social norms and the routine practices that support them. In fact, many of us play a role in the transmission of these norm/practice combinations, one of which is the idea that appropriate group membership means agreeing with one's colleagues. In few places is this more prevalent than police departments, where codes of loyalty are deeply entrenched.

It is important to acknowledge the obvious: that street-level police must, as part of their work, often do things to other people which they do not want done to them, or which they profoundly fear, and that this work entails the possibility of sudden, unpredictable danger. The norm of police solidarity thus has reason behind it. Reliable back-up can be a matter of life and death. But how much solidarity is helpful? According to Robert Reiner, many police place solidarity in the position of first value. This is supposedly because they see the world outside as morally fallen, they see bureaucrats and judges as obstacles to justice more often than not, they see the population as inherently suspect and in need of correction, and they consider it essential that the police present a united front so as hold this fallen society together (2001, 89). This description may exaggerate, and surely does not describe all police attitudes, but we can nonetheless ask: Do those who patrol our streets actually need to place solidarity above dialogue and disagreement in order to get the job done and to be safe? No. The elevation of solidarity to first value can, in fact, create problems, for example if it leads to "group-think" and thus to poor

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investigation and error, or if it helps to create barriers between the police and the communities in which they work, and upon whom they ultimately depend for information and respect of their authority. Finally, as in the Rodney King case, a fierce code of mutual support can play a role in supporting or allowing the abuse of citizens by police.

This critique is supported by research on the implementation of "community policing," (Reiner, 2001), which suggests that police are more effective when they are able to build relationships of trust with community members by means of dialogue and joint activity, as aided by a considerable on-foot and friendly presence, but also suggests that it's hard to implement such practices in part because of "cop culture" (to use John P. Crank's phrase). What needs to be recognized is that, again, many of us who never set foot in a precinct house play a role in the transmission of whatever cop culture exists. As Crank says, "[L]ong before individuals become officers, many already have a high degree of esteem for and identification with the police and share many values associated with cop culture" (Crank, 1998, 192), and among these values is surely some antipathy to disagreement as a feature of a successful group.

Consider a couple of examples from the world of sports. Baseball announcers, when every player on the team rushes on the field to join a fight on behalf of a teammate, tend to glow about the team's future chances, or otherwise toss praise around because teammates "stood up for each other." Hockey announcers often note that a team isn't looking good if the players haven't been retaliating enough when one of their players is hit hard by an opponent. The implication in these and similar cases is that a group's sense of itself as a group depends on periodic displays of the members' willingness to back each other up in some total way, certainly by breaking the rules if necessary, and perhaps even by risking injury and employing or enduring violence.

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Yet another possible cause of the defensive solidarity at work in American cop culture may bring me into a realm of excessive speculation about the LAPD and Rodney King, but it's a subject that needs to be brought up. This is the location of the police on troubled borders of class and race, in a society which is marked by great inequality of condition, considerable residential segregation, and little cross-border, public conversation. This landscape is one in which many people feel discomfort, victimization, guilt, or anger in the presence of those from another economic level. Police are certainly vulnerable to having such feelings if their rounds involve them (or their colleagues) in high-stakes encounters with people who are both poor and members of racial minorities. The speculation I am led to by this is not about racism per se (though surely institutionalized racism and unjust racial profiling are among the results of the situation) but rather about the "siege mentality" that many say prevailed in the L.A.P.D in the 80's and 90's (Crank, 1998, 206). My point is that urban police are asked to do a job that is especially likely to generate an idea of racial minorities as "other," dangerous, and requiring a response of intense solidarity on the part of officers of the law. To my mind, this response, when it happens, represents disagreement failure. Needed conversations did not happen. Tragic distrust and misunderstandings prevail.

There are, then, many reasons why each of those spectator police failed to say "stop," some of which we can know more surely than others. One is central to this essay: the near-absence in America of cross-border talk about race and issues thought to be connected to race. Consider, in this light, the following questions:

* What causes crime, and what prevents it?
* How does the media shape the way we think about crime?
* What's behind the recent rash of cases of mishandled evidence in criminal cases?
* What are the right police policies when it comes to dealing with resistance by suspects?
* How should police officers be trained so they have an appropriate handle on their emotions and are likely to put the law above loyalty to their fellow officers?

* Why are black men scary to some? Can this phenomenon be grasped in a deeper way than by labeling it "racist"?
* Is racial profiling ever just? How should we deal with statistics about group behavior? To what use can such statistics legitimately be put, and what dangers do they present?
* How does it feel to be black and to be pulled over? What goes through one's mind?
* How does it feel to be a white police officer who has pulled over a black, male driver? What goes through one's mind?

If we had a more pro-disagreement society, these issues would, arguably, be widely – or at least occasionally – talked about in cross-race, cross-class settings. In that case much might have been different in the Los Angeles of March 1991. The police on the beat might have some experience saying "no" in a group setting. Their culture on the job might well have included more room for officers to do the right thing even when their partners don't. The attitude of many of the police toward African-American motorists might have been less suspicious. And, of course, the beating of King might not have happened.

The notion of disagreement failure also can be applied to what happened after the beating of King. The argument is that few had the opportunity to process the events in an inclusive, dialogic way, and, as a result, (1) a criminal court was put it in a position for which it was inherently unsuited, and (2) riots followed the verdict of acquittal. Consider the first point: the judge and jury in the trial of the police faced intense pressure. They were expected by many, and from competing viewpoints, to be arbiters of the race situation in America, in lieu of a missing national discussion. Different constituencies demanded that the court serve different concerns about order and social justice, concerns which reached well beyond the case.

What were these concerns? For some the problem to be rectified was police brutality. For others it was the need to provide officers of the law with firmer authority and support. Courts are ill-equipped to deal with such issues because they use an adversarial process. This process is designed to resolve questions of individual guilt regarding specific charges, and to

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resolve disputes about legal meaning, while at the same time protecting individual rights and checking the power of the government. As such, it does not provide an effective way, and courts are not the appropriate forum, to deal with social problems for which many groups share responsibility, which call for serious listening across borders, which require some degree of learning so as to create new possibilities, or which can best be resolved by means of gestures of generosity, empathy, apology, and the like. Many – maybe even most – social problems have these features.

Imagine an alternative (necessarily speculative) scenario. Imagine that, once the attack on King happened, and the video was out for all to see, Americans gathered, in mixed-race groups, to talk. What might have been said? If honesty prevailed, at least a few people would surely have claimed that the tape depicted, not a case of obvious and ugly assault, but a drama in which officers of the law acted in the line of duty, the latter being a realm where judgments have to be made on the spot, where the work being done is inherently dangerous and of great societal importance, and where respect for authority is both all-important and dangerously in decline. This claim would, however, have just as surely been countered by stories told by those who experience the police in a very different way, as a source of danger, as a force that can at any time suddenly step into their lives, randomly and capriciously, to do injustice and wreak havoc. From this point of view, lionizing the police in order to restore authority is wrongheaded times two: there isn't really anything to "restore," as there never was a time for them when the officers of the law successfully symbolized and defended a righteous order, and also the respect we need more of is one directed at law-abiding citizens of every skin color. This means holding police to a high standard of conduct, not stepping back so as to support their "authority."

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Of course if people actually spoke up in such a cross-racial setting they might not have reached the level of discourse I describe. They might instead have accused each other, defended themselves, and postured with no plan of listening, with maybe a few officious, empty statements thrown in as well. But bear with me and imagine people reacting to the King attack by truly working to sort out their thoughts and speak their minds. In that case at least some of the authority-conscious types would probably have argued that the police accused of assault are not likely to get a fair trial, thanks to all the public outrage, and because of the nation's history of racism, for which the police will be unfairly blamed. This argument would almost certainly have been countered by those bringing the opposing demand that the jury return a guilty verdict, in order to say "no" both to racist history and to present-day practices of racist presumption.

What else? If the talking went on for some time, and if the facilitation was of high quality, it's possible that face-to-face dialogue would have worked some of its characteristic magic, bringing to the participants a new appreciation of their shared humanity. This magic happens – if it happens – when participants actually *encounter* that shared humanity, in part by *learning* that others are like them in unexpected ways, in part by *imagining* the situation of others, and in part by actually *feeling* what others feel. This is empathy, a capacity that, according to recent research, is possessed by many of the primates and observable in the form of chemical reactions in the human brain (de Waal, 2006; Gordon, 2005).

It is, unfortunately, hard to grasp the possibility of dialogue magic if one not has somehow experienced it. The examples of disagreement success I provide ahead may help in that regard, but what is really needed is a proliferation of well-constructed, cross-border dialogue events which lead the various participants to tell others about the experience. In the meantime, it might be useful to try to imagine some heart-opening conversations in our heads. This in itself

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may develop some empathy. Where, then, might a healthy Rodney King dialogue have gone if it went a long ways? Maybe – and now I necessarily get even more speculative – at least a few members of the pro-acquittal group, seeing those on the other side of the issue as essentially like them (e.g., they play by the rules, want good schools for their kids, and want to be treated fairly), would have begun to realize – at some level – that up to then they had been treating King as a symbol of disorder, when really he was a person, a single individual, who, because of the concatenation of a long history and a particular circumstance, was beaten nearly to death. And maybe also they would have let go of some of their need to place the police in an iconic position, as pillars of order, thanks to the fact that the conversation led them – the pro-acquittal group – to be somewhat less afraid of disorder in the first place. They might in that case become more willing to consider combining respect for officers of the law with strict mechanisms of accountability.

What about those on the pro-conviction side? Their thoughts and beliefs might also have shifted as a result of the inherently humanizing action of well-conducted dialogue. They might have eased up in their assessment of racism as the heart of the problem. Or they might have re-understood racism in subtle ways, coming to see that those who began the day defending the police officers – and possibly the police themselves – were operating with mistaken ideas about reality, or thinking from a space of fear, rather than acting simply out of hate, or a lack of concern, for others.

If the participants' reflections had reached that far, any number of different conversations might have begun. People might have argued about fears felt jointly across the racial divide – fear of a general decline in authority, of a decline in order, of economic disaster, of kids with no respect for elders, of images of race and sex in the media, for example. Or perhaps participants

would have discussed race without moving into the usual stances of accusation and defense. Maybe some would then (as suggested above) have moved away from the all-or-nothing idea of racism as pure character failure to the notion that it's a way (an unfortunate, damaging way) by which people make sense of the world, and is therefore ultimately amenable – over time – to persuasion, or at least to the kind of persuasion that comes from new personal experience.

Of course these are just speculative visions. And they are biased, in that they reflect my own personal hopes. They are, moreover, rooted in particular and contestable interpretations of human nature, how ideas work, and where the idea of race comes from. Finally, even if millions of Americans were to sit down, in thousands of small groups, to talk about race using just the "right" process, they might not go anywhere near the places I have described, and without a doubt they would travel to spots I can't imagine, some good, some not so good. Such are the inherent risks of human dialogue. The point, nonetheless, is that there is reason to believe wherever the conversation went the overall result would have been positive, that America would have been different and better as a result.

It is of course true that engagement across extremes may exacerbate misunderstanding and conflict. Indeed one could surmise that the nation's current forms of disagreement are so stubborn and dangerous that highlighting them through encounter is too risky, too likely to intensify hate. To take this view seems to me to be sticking one's head deeply into the sand. There is no reason to believe that potentially violent levels of disagreement will abate if people somehow avoid encounters with the "other side." One can find racism, for example, in racially homogeneous parts of the country such as where I live: rural, northern New York. And I think history makes clear that truly dangerous levels of hate have sometimes been generated when there was a prolonged absence of talk across the relevant borders, when group-think and

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dehumanization went unchecked by actual encounters with the "other." Surely Apartheid lasted as long as it did in part because of the separation of the so-called racial groups of South Africa and the racist myths that thereby prevailed. My conclusion is that, on balance, the risks are lower if we engage each other across borders than if we do not.2

Unfortunately, no border-crossing, nationally visible conversation came to pass after Rodney King was beaten for all to see. What we got instead was a trial with too much at stake, along with media coverage that, as usual, focused on reporting events – the most violent, confrontational, and visually dramatic events – rather than on history, background facts, and competing attempts at explanatory theories. What we got, in sum, was disagreement failure.

Consider a second (more briefly considered) example, one which again concerns race, but which has nothing to do with courts per se. Many times Americans have responded to the prospect of new and different neighbors by engaging in defensive, sometimes violent, moves to keep them out of the neighborhood. Others have set out deliberately to create communities which exclude certain groups. Why? If we blame prejudice, racism, and snobbery, this mostly just begs the question. And it's not enough to point to simple human caution in the face of the unknown. What needs to grasped is the key role played by structurally based misunderstanding, as when economic forces combine with a limited range of experience to make potential newcomers seem like a threat to the established residents.

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2. In 2005 David Schadke, Reid Hastie, and Cass Sunstein helped to organize a "Deliberation Day" event (Sunstein, 2006; see also Ackerman and Fishkin, 2004, on the idea of Deliberation Day). Citizens in Colorado were gathered and asked to deliberate about affirmative action, global warming, and same-sex civil unions. The organizers found that, at the end of the day, the liberals had become more liberal and the conservatives more conservative. It is important to note, however, that the participants deliberated in small groups that were likely to be composed of the similar-minded. Thus I take this event to support my claim that encounters across real difference of viewpoint are what is truly needed.

Such misunderstanding could be said to have been on display in well-off Boca Raton,

Florida, in 2003, when many residents turned out at a City Council Meeting to oppose Habitat

for Humanity's attempt to build two affordable homes in the community:

> * Unidentified Woman #1: "There is no need to put a home on that neighbor – on our neighborhood, excuse me – that would depreciate the neighborhood."

> * Unidentified Woman #2: "I am totally against Habitat housing. I've put a lot of money into my home…"

> *Unidentified Woman #3: "A typical Habitat home would be a step back for my neighborhood" ("Analysis: Upper-Income…," 2003).

One homeowner, Patricia Mathis, spoke more diplomatically: "I don't know that anyone is

against the Habitat philosophy, but the philosophy, what we understand it to be, is you go into

neighborhoods where these homes would be fitting for those neighbors. That's not the situation

here" ("Analysis: Upper-Income…," 2003). Would the building of the less expensive Habitat

houses in fact have lowered local property values? Perhaps, but in all likelihood for no other

reason than the fact that some people believed they would, and they acted accordingly, leading to

increased attempts to sell and/or fewer attempts to buy.

If the point is to celebrate disagreement, as I believe it is, we should be careful how we

speak of the homeowners' point of view (and any other point of view). If one does not agree

with them, one should listen. That being said, it's fair to raise questions about the format of the

public hearing and its connection to the various views expressed. From what I understand,

individuals on various sides of the issue took turns speaking, each addressing their remarks to the

authorities, and indirectly to all present, including the press. Everyone knew that a political

decision hung in the immediate balance. Each speaker was, then, in effect publicly representing

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others at crunch-time. These are not ideal conditions for listening to, or being truly heard by, one's opponents.

What if instead the differing constituencies had spent significant time talking to each other, over time, before the hearing, in settings in which the goals were simply to see where others were coming from and build understanding? As with the King case, one cannot say for sure, but one can intelligently speculate. First, the homeowners might have developed more border-crossing ideas about what is "fitting" for a given neighborhood. Second, such attitudes might have altered the economic dynamic, meaning that Habitat housing might have had less negative affect on the market value of nearby, "higher-class" housing.

The idea that discussion can change people's attitudes and opinions finds support in the "deliberative polling" conducted by James S. Fishkin and others. The process has three steps. First a conventional survey is given to a random sample. Next the group is invited, "at the expense of the project, to engage in a weekend of small group discussions and larger plenary sessions in which it is given extensive opportunities to get good information, exchange competing points of view and come to a considered judgment." (Ackerman and Fishkin, 2003, 11-12). The group is then polled once again. According to Fishkin, "The resulting changes of opinion are often dramatic" (Ackerman and Fishkin, 2003, 7), and the change most consistently observed – after a mere weekend – is a more generous evaluation of those on the "other side" of whatever issues were discussed.

Given the high levels of residential segregation by race and class in the United States, and given the tight connection between this segregation and the dynamics of property values, the analysis offered here has profound implications. It suggests that, had cross-border conversational practice been a regular part of Americans' lives, neighborhood composition, and

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thus many class and race dynamics, might be drastically different, almost certainly much for the better. Thus it is that one can understand contemporary American political history as marked by significant disagreement failure.

Assumptions and Method

But, one might ask, are not the concepts being utilized here too slippery to be legitimate? One could say, after all, that it's inherently impossible to say definitively that this or that would, in fact, have happened if people had only talked more, or talked differently. Second, it could be argued that, because the concept is slippery in this way, it's too easy for someone to use it to dismiss any political outcome they don't like. It's too easy for someone to claim, in the event of a political defeat, "everyone would have come to my conclusion if they had just talked the right way." Taken together, these objections add up to the claim that the idea of disagreement failure – and perhaps by extension my overall argument that we need more disagreement – is fuzzy, paternalistic, and even potentially anti-democratic.

First, while it is indeed impossible to say anything *definitive* about what would have happened if things had been done differently, it is often possible to say something both well-supported and persuasive. This claim is consistent with the epistemology of critical, interpretative social science offered by Charles Taylor, Peter Winch, William E. Connolly, and a host of others who understand that, while humans are not in a position to reach truly indisputable conclusions about their lives together as cultural creatures, they must, qua humans, make daily leaps beyond the purely measurable to grasp the meaning of – to interpret – the situations they participate in or observe (Connolly, 1981; Taylor, 1971; Winch, 1977). To do social science is

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merely to use the same method with more self-consciousness, under the gaze of a scholarly community, and (hopefully) with more rigor.

There is, however, no denying that if-then, counterfactual theories pose a particular challenge. To plausibly claim disagreement failure one has to not only offer a reading of the social situation which prevails at a given time; one must also extrapolate from elements of that reading to offer an account of what *might* have happened had a heart-to-heart conversation occurred between specified people or groups. But, again, this imagining need not be purely speculative. It can be based on what people said, did, felt, and believed, as well as on the nation's history as it appears to have come to them. If, through such work, one discovers that misunderstandings prevailed, or that people were divided by conflicting ideas about reality, one can often plausibly claim that a good conversation would have changed hearts and minds in an important direction. Such extrapolative interpretation is really no different than much of life's wisdom, as when, for instance, someone realizes that, after a loved one has passed away, "if only we had talked, things would have been different."

As a logical matter, the response given above to the first objection is enough to dismiss the second one as well. This is because, once one agrees that one can sometimes know (in the limited, real-world, human sense of the word) that there was (or was not) a "disagreement failure," it follows that the fact that someone might misuse that conclusion for political purposes is not a valid objection to the concept itself. In other words, while a person might use the idea of disagreement failure to dismiss a political outcome they don't like, if there's been a failure there's been a failure. And, if, conversely, events are more plausibly described another way, so be it.

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Along these lines, I can defend my interpretation of the Rodney King episode as more than just a statement of my particular views, cloaked as an accusation of failure on the part of others, because there is plenty of evidence that misunderstanding had everything to do with what happened. There is evidence that conversations which would have been transformative were not often held. There is also evidence that many attempts at conversation about race have suffered from hidden agendas, from a failure to accept disagreement as a possible, successful outcome, and from a lack of inclusion of relevant topics and constituencies.3 And there is evidence that people misunderstand each other across the relevant borders.4

But this defense is not enough, given that my ultimate aim is not to convince theorists that the concept of disagreement failure is sound so much as it is to get people in general to endorse disagreement as a worthwhile part of their lives. And, sound or not, the ideas I am defending are, indeed, *prone* to the specified misuse. Someone who says that Americans should have talked more about this or that, and should now make up for it with new conversation, may very well have in mind dialogues structured to favor pre-conceived ideas about the conclusions all should reach, which in one way or another push, pressure, or shame participants into agreeing to those conclusions. And many contemporary programs intended to encourage deliberation suffer from precisely these problems.

What is needed, then, to defend the claim that the notion of disagreement failure can be a useful tool to improve mutual understanding is to build into it a non-paternalistic, anti-

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3. Thus Clinton's "One America in the 21st Century: The President's Initiative on Race" of 1997 came under fire immediately for failing to include opponents of affirmative action from the National Advisory Board on Race which oversaw the program (Berger, 1999).

4. For example, research reports that significantly higher percentages of blacks and Latinos, when compared to whites, believe that racial discrimination remains a common and institutionalized problem in the nation (Bobo, 1998 and 2001).

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manipulative idea of disagreement success. Before I turn directly to that task, I will provide two examples of the problematic sort of dialogue of which we had best be wary.

Ersatz Dialogue: Offering Two Sides of the Same Coin

The most common error in dialogue construction is defining the subject matter so that an actual encounter between truly different views is unlikely or impossible. This easily happens when those designing events are fundamentally like-minded. The resulting "pro" and "con" session ends up reinforcing a particular view of the world. Thus the Great Discussion Program, sponsored by the Foreign Policy Association, is said to be "designed to stimulate thinking and discussion in classrooms and communities across the country." Each year brings a new edition of *Great Decisions*, a book which is said to provide "balanced articles on eight crucial foreign policy issues." (Great Decisions Brochure, 2003). Lesson plans are provided for teachers and videos featuring "internationally recognized experts" on foreign policy are available. Question and Answer interview transcripts with said experts are available at the click of a mouse. Teachers and community members are encouraged to form discussion groups and the FPA provides such groups with publicity, a program handbook, tips for organizers and discussion leaders, the possibility of modest grant support, and access to an opinion balloting process.

Unfortunately, the "balanced" articles are, like the list of experts provided, not at all balanced. For example, in October 2003 I clicked on the FPA's "Iraq Watch, In Focus" (http://www.fpa.org/newsletter_info2496/newsletter_info.htm). There I found links to the ideas of a current Ambassador, a member of the Iraqi opposition to Saddam Hussein, and an ex-CIA agent, as well as to documents of the Senate Foreign Relations Committee. Of all the sources listed, only Robert Baer, the ex-CIA agent, is even modestly critical of U.S. policy, and his

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remarks raise questions only about the quality of intelligence – an important subject to be sure, but hardly a tool to help people critically consider the foundational assumptions of our foreign policy. Taken as a whole, the views presented by FPA merely reproduced the range of debate active within governmental circles; asking, for example, just how isolationist we can be in this age, and just how multilateral or unilateral we ought to be, while *of course* we try to remove Saddam Hussein from power.

A similar pattern of noble intention and narrow result can be seen in a recent initiative called "The People Speak" (TPS). Sponsored in 2003 by the United Nations Foundation, the Rockefeller Brothers Fund, and thirteen other organizations, the program seeks to foster "an ongoing discussion about the future of American foreign policy" (http://www.jointhedebate.org). I went to Schenectady Community College (SCC) to take part in one of the resulting dialogues, an event organized and hosted by Professor David J. Hennessy, an engaging and thoughtful political scientist who chairs the school's Business and Law program. Things got going slowly, as most of the audience straggled in a bit late, looking like students showing up at their professor's behest, and the presentations made were a bit hard to follow in places, perhaps because (as I found out afterwards) each of the two speakers had agreed to detour away from their actual positions, in order to try to present two sides. The talk did eventually get lively, however, and many perspectives were aired, thanks largely to the ideas, and the chutzpah, of some in the audience who managed, in the few minutes at their disposal, to take the issues beyond the questions which had been initially posed.

This was necessary because the TPS debate resolutions were almost as narrow in conception as those provided by the FPA. Organizers were, for example, asked by TPS to debate

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about one of the following resolutions (though at SCC we were actually presented with views

about both):

> -- RESOLVED, that the United States should use military force preemptively to meet the threats posed by hostile nations and groups seeking to acquire nuclear, biological, or chemical weapons.

> -- RESOLVED, that the United States should participate in military operations overseas only where vital American interests are at stake, not for democracy promotion or primarily humanitarian causes (http://www.jointhedebate.org).

Once again certain issues were not on the table. If one wanted to really bring out opposing sides

one could have said "RESOLVED, that (1) the U.S. government knows who poses a real threat,

and (2) it tells the public the truth about it." Or a declaration could have been put forward

asserting something about what, in fact, the "vital interests" of the United States are (instead of

taking for granted that we all agree about that). Instead the questions posed were those which

were already being debated within current leadership circles, such as isolationism versus

activism, and whether to act now or to wait a little longer.

I have no reason to believe that the "Great Decisions" and "The People Speak" were

anything but well-intentioned, but this does not make them benign. In fact, it's hard to imagine a

more effective way to discredit ideas than by leaving them out of an otherwise multi-sided and

genuine discussion. That which is excluded ends up appearing unreasonable, or as otherwise

beyond the pale of that worth considering. What, for example, about the views of those who

think that U.S. foreign policy has, for over one hundred years, whether under the tutelage of

Democrats or Republicans, mostly supported short-term profits for big businesses, at the expense

of the environment, small businesses, worker rights and needs, indigenous populations, small

farmers all over the world, and even the long-term interests of big business? This is more or less

the analysis which lies behind those occasionally televised protest signs which denounce "U.S.

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imperialism" and the like. Of course some think of protest as the very opposite of analysis, and this is understandable given the surface way the media generally cover such events, but shouldn't the Foreign Policy Association know better? And if the FPA won't include the perspectives of protestors, is it any wonder that the latter take their message to the streets?

There's no denying that someone must set the agenda for every discussion and that this will always constrain discourse. But a truly productive, non-manipulative debate is much more likely if the agenda-makers operate in a culture which endorses disagreement, to the point of including "extremes." All the TPS and FPA organizers had to do, after all, to broaden the horizons of their respective discussion forums was to click on one of hundreds of anti-imperialist or pacifist inspired web sites, for example that of the Americans Friends Service Committee, the national Quaker organization. They would have seen that a good deal of serious thinking lies behind, say, street action at World Bank meetings (e.g., http://www.afsc.org) and they could have then included some of that thinking in their lists of resources.

I don't mean to go down the conspiracy road. I am, in other words, not accusing the FPA or TPS of somehow trying to triumph politically by suppressing points of view at odds with their agenda. I find most such theories simplistic and unconvincing. In a way it would be nice if things worked that way: there would be bad guys to oppose; we would have a simple mandate to oust them from their privileged positions, letting objective truth and goodness shine through. But we don't need a coup d'etat. We do need difficult conversation. The people behind the FPA and TPS need it, and those of us who see them as mere propagandists need it too.

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Disagreement Success

But what does disagreement success look like? An example might help. In December 1994, a man shot and killed two people at two women's clinics, both in the Boston neighborhood of Brookline. In response, three pro-life and three pro-choice activists reluctantly agreed to meet and talk. Their main goal was to defuse the situation, but one of the participants – Francis Hogan, the President of Women Affirming Life – spoke of another aim, which was simply "to sit with people with whom I had such a profound disagreement and talk at a very deep level." She and her fellow activists had, she explained, "always thought of the people on the other side as kind of icons in a movement and had never really seen them as human beings on a kind of personal level" ("Interview," 2003). And one of those people on the other side – Nicki Nichols Gamble, the Director of the Center for Reproductive Law and Policy – likewise came to the meetings hoping "that through a conversation we might reduce the lack of civility in the dialogue and rhetoric and ... diminish the violence and hatred that was occurring between the two sides" ("Analysis: Dialogue…," 2003).

The dialogue was far from easy. The six women spent weeks just to decide what sort of talk was acceptable. Progress came when rules were established about terminology. Thus the "pro-choice" group was asked to refrain from calling abortion a "medical procedure," while the "pro-life" women had to try to call their opponents "pro-choice," since that was their self-chosen appellation. Slowly, progress was made; trust was established. And so, while the initial plan had been to meet four times, the gatherings continued for no less than seven years, and in the end each of the participants spoke of the experience as highly worthwhile. Some even said it was life-changing. Did anyone change their mind about abortion? No. Instead the central benefit,

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according to all involved, was improved understanding, both of themselves and their opponents. As Gamble put it,

> I think most of us on issues in which there are major divisions tend to talk primarily with those with whom we agree ... one of the enormous values of this kind of dialogue is ... you can not only learn to understand at a much deeper level the opposing point of view, but you've learned to articulate your own view that much more clearly and effectively ("Analysis: Dialogue…," 2003).

This idea was echoed by Rev. Anne Fowler, of the Religious Coalition for Reproductive Choice, who discovered a "hopefulness that people can tackle a very difficult, divisive, painful issue and be civilized and even friendly in the discussions" ("Interview," 2003). And Madeline McComish, of Massachusetts Citizens for Life, said she gained respect for the people on the other side, without confusing this with respect for the pro-choice stance: "I do respect their belief, the fact that it's sincerely held and that they have goodwill, but the position itself, I cannot respect." ("Analysis: Dialogue…," 2003).

Perhaps one reason McComish was able to see the good will of her opponents was that, as it turned out, she and they shared a good deal of common ground – concern for the poor, opposition to the death penalty, and belief in the validity of an active role for women in public life. But, it's important to note, McComish only found this out because she made the effort. "One thing I really learned ... is to really listen when you're talking to an opponent, ... and, if you don't understand, make sure you are really hearing what they say. I think that …would just help you as a human being in all your relationships" ("Analysis: Dialogue…," 2003).   Gamble seconded this notion: "I think the kind of conversation we had is the kind of conversation I would like to have on every important topic with everyone who's important in my life. And I think what we've learned is that it takes some effort to do that" ("Analysis: Dialogue…," 2003). This hard work, according to Gamble, paid off in ways that reached beyond the personal lives of

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the women involved, as each brought their respect for each other into groups they worked with and to the media; "... I think our commitment to speak civilly with one another really was manifested in the way the media covered the issue" ("Analysis: Dialogue…," 2003).

A very different sort of dialogue took place on a hot day in 1995, in the Multipurpose Room of the Student Union at SUNY Potsdam – the college where I work. Well over a hundred students were there to attend an open forum on the racial climate on campus. The gathering was the result of an attempt by the school to respond to a torrent of complaints by minority students, all started by one student's claim that she had been harassed and threatened for being outspoken about racial and funding issues on campus and for being out as a lesbian. The forum idea was simple but risky: the College provided publicity, official sanction, a space, an open mike, time limits, support people for speakers, and an only-students-can-talk rule. What came of it was an incredibly honest exchange of views, experiences, feelings, and ideas. Students from all possible sides of the issue showed great skill and thoughtfulness. The speakers were forthright and civil, challenging and considerate. And, to this day, many long-time faculty and staff say that the racial climate on campus has been consistently better since that meeting took place.

Another example: Some six years later, on September 11, 2001, the same room filled up again. This time those who took turns to rise and speak included students, faculty, and staff, as all groped to come to terms with that day's attack on the World Trade Center. There was no plan and no agenda, just a public space and some gentle facilitation. People spoke in many different ways. Some expressed anger. Some grieved. A few offered fairly sophisticated political opinions and arguments (the students maybe more so than the professors, and certainly with more brevity). But what inspired me – and we were all looking for some sort of inspiration where we could find it – was the fact that everyone was so gentle and respectful, even as they

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were profoundly upset, and despite being deeply in disagreement in many respects. No one can say what exactly the conversation accomplished – or will eventually accomplish – but for me it was a profoundly anti-terrorist experience, as we showed each other that there are non-violent ways to speak and be heard across sharp boundaries of emotion and ideology.

My final example is more light-hearted: On November 21, 2002, students at thousands of grade schools across the country participated in what was dubbed "Mix It Up at Lunch Day." The students were asked to make it a point during lunch to sit with, and talk to, students they had never sat with or talked to ("First Mix It Up Day…," 2002). The creators of the event were not trying to create philosophical discussions, nor were they responding to a specific crisis, but their initiative nonetheless shared key features with its more political cousins. In each case, the following could be observed:

* The participants had something specific to talk about or common experience to draw upon.
* An expectation of civility was communicated by the way the gatherings were structured.
* A plan was used that made it likely that all present would take part in the action, while allowing each individual to retain some control over how much, and how, they got involved.
* The settings were small-scale and face-to-face.
* There was a good chance of interaction between people who are, in one way or another, different from each other, or who perceive each other as such. Thus potential existed for the clash, or encounter, of multiple points of view.
* There was some uncertainty about what would happen. The events were not prepackaged or overly controlled by an agenda or a rigid set of questions.
* There was no insistence on agreement. The activity of interaction was considered an end in itself. Thus difference and disagreement were not merely tolerated; they were celebrated.
* This celebration of difference in no way implied that all the points of view or arguments expressed were equally valid. No one was instructed to tone down what they had to say, or to give equal credit to all points of view.

The list above provides something of a template for "disagreement events." The last three items are especially crucial, as they respond to – and might serve to guard against – the various forms of manipulative, faux dialogue proliferating across the political landscape. They – the three items – taken together with the idea of disagreement failure, point towards a definition of

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disagreement success: *Disagreement Success exists when ideas and experiences which have been*

playing an important role in a given situation are brought to the surface in cross-border, public

conversations, and when this conversation causes the terms of disagreement (or agreement) to

be rooted in new understandings of the situation and the people involved. Such success may very

well help to remedy or prevent serious harm or injustice. It may bring a variety of worthwhile

goals within reach. What it does not *do is require or imply agreement.*

Conclusion

In closing, I offer five principles of disagreement:

Value the Extreme: Extreme ideas are not necessarily worse, or better, than middle-of-the-road ones. The real danger lies in the rejection of the realm of ideas as the proper forum for solving problems. Thus we need to invite all concerns – including those articulated by terrorists – into the realm of discussion, so as to take them away from, and weaken, the sphere of violence.

Challenge Manipulation by Diving Into It: With so many images and ideas coming at us all the time, with so many people trying to sell us this or that, get us to believe something, or vote for someone, it's tempting to try to rely only on undisputed facts, or instead to give up on public discourse entirely, figuring that it's all just a "matter of opinion." But we will never get enough truly decisive facts, and public discourse is always already inside our heads – it can't be avoided. The best bet, then, is to dive in, examining and comparing impassioned views, including our own. We need not be afraid of bias. We can each learn how to weigh the claims of others, and then decide for ourselves. There is, in other words, a difference between being convinced and being manipulated, and engaged disagreement can help us reside in the world of the former.

Expect to Find Underlying Commonalities: Considerable common ground can often be found beneath even the most intense disagreement. Thus more engagement in actual disagreement would, ironically, tend to make people less angry and less accusing, helping them reach enough agreement to better address problems.

Put Time in Now, and Save It Later: A move to more disagreement might seem impossibly time-consuming and inefficient, but in the long run the time and energy spent on the front end will be repaid, with interest, when it's time to act (or refuse to act).

Combine Certainty with Uncertainty: Acting on principle does not require absolute certainty. On the contrary, it requires the personal strength to believe while also acknowledging that, as humans, we cannot indisputably prove the truth of our deepest beliefs. Humility is thus the first virtue of political morality.

These principles are offered both to support the dialogue and deliberation movement and to police that movement's (and every movement's) tendencies toward group-think, in all its subtle variety. The principles are, moreover, intended to counter the trepidation and cynicism many citizens have when it comes to engaging in disagreement in any public way. People are often, and understandably, highly suspicious of invitations to events which purport to offer an "educational" experience or which amount to strangers seeking access to their opinions. Many of us have too often been used for market research, or subjected to this or that sales pitch, under the guise of information gathering or idea sharing. Those trying to create public forms of deliberation thus need clear principles which keep them bound to high standards and which reassure potential participants. The message should be that we can seek national identity without seeking a unity of ideas, that we can be a nation by sharing in civil conversation, not by coming to the same conclusions. Just as family members can, by respectfully living together – listening to each other, showing care, and sharing tasks – constitute themselves as a community, so citizens can, by regularly meeting to engage in conversation, foster cross-border bonds without imposing a particular vision of the "politically correct," or sliding into moral relativism.

Fortunately, there are powerful elements in the American political tradition which support civil forms of contention and conversation. Many people are, correspondingly, taking to public conversation, experimenting with new forms of dialogue, and producing remarkable displays of civility, eloquence, mutual education, and commitment. Despite the awesome reach and sophistication of the modern state and its corporate friends, and in opposition to the expectations of all the experts who predict and manage their behavior, they are engaged in what Sheldon Wolin calls the "self-discovery of common concerns" (1996, 31). They are engaged in disagreement, and thus in democracy.

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