

HOW TO DISAGREE WITHOUT BEING DISAGREEABLE

- Michele Moody-Adams*

I. INTRODUCTION

It is tempting to assume that disagreements about the principles, policies and institutions that shape contemporary political life — especially the disagreements that emerge during contemporary political contests in the United States — are uniquely uncivil. But for much of human history, disagreement about such matters has often been a rough and tumble affair and the best evidence of this emerges in contests for political power. Unflattering epithets about political opponents can be found in hieroglyphics on the tombs of Egyptian pharaohs, and political insult and invective were common in political competitions in ancient Rome. Moreover, with the rise of the modern political campaign and increased sophistication and complexity in the means for transmitting and targeting campaign messages innuendo, rumor, and even outright character assassination, became familiar fixtures of political life.¹

American political contests have often been acrimonious from the beginning of the republic. Thus, in 1800, the President of Yale charged that if Thomas Jefferson were to be elected, we would “see the Bible burned and ... our wives and daughters the victims of legal prostitution.”² During the presidential election of 1828, supporters of Andrew Jackson spread a rumor about John Quincy Adams that, while serving as American Ambassador to Russia, Adams had procured prostitutes for the Czar. Adams’s supporters responded with claims that Jackson and his wife were not legally married, and that if they were that would have Mrs. Jackson a bigamist. Civil war era campaigns were equally vicious. In 1864, *Harper’s Weekly* attacked Abraham Lincoln as a “buffoon”, “usurper”, “liar” and a “swindler.”³

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¹ KATHLEEN HALL JAMIESON, *DIRTY POLITICS: DECEPTION, DISTRACTION AND DEMOCRACY* (Oxford, 1993); JOSEPH CUMMINS, *ANYTHING FOR A VOTE: DIRTY TRICKS, CHEAP SHOTS, AND OCTOBER SURPRISES IN US PRESIDENTIAL CAMPAIGNS* (Quirk Books, 2012)

² Libby Copeland, *Stuck in the Muck*, WASHINGTON POST (Oct. 13, 2008).

³ Jamieson, *supra* note 1 at 43.

Moving forward to some well-known examples from the 21st century, 2009 was a banner year for political incivility. This is the year in which Representative Joe Wilson yelled out the accusation “you lie” in the middle of a speech by President Obama and in which Representative Alan Grayson (a Democrat) attacked a former female lobbyist who had become a government employee as a “K street whore.”⁴ But in recent years, political incivility may have reached a new low. In the Fall of 2018, for example, candidate for governor of Pennsylvania Scott Wagner warned his opponent to put on a catcher’s mask, since “I’m going to stomp all over your face with golf spikes.”⁵

I believe that we ought to be greatly worried by most such tactics and this essay aims to show why. To be sure, there can be a legitimate and important role for the well-crafted political insult as an entirely forgivable, and sometimes even useful, form of verbal mischief. But political insults are forgivable, and politically useful, only when they concisely and effectively highlight *relevant* weaknesses in an opponent’s talents and skills, clear and compelling shortcomings in the opponent’s policies and principles, or some critical and politically relevant deficiencies in the opponent’s character. They can be politically useful, only when they function as catchy, but potentially ‘falsifiable,’ information about the candidate or his policies. British politicians have often been especially adept with political insults of this kind — perhaps because verbal fluency and ironic sophistication do not elicit the sort of suspicion and mistrust one finds in the American political forum. Winston Churchill was a remarkably reliable source of the forgivable, potentially socially useful insult. For example, in 1945, on learning that a popular war hero planned to stand for MP as a member of the struggling Liberal Party, Churchill quipped that it was “The first time I had ever heard of a rat actually swimming out to join a sinking ship.” If I am right this quip is provocative evidence that political insult and invective can sometimes be an effective and forgivable form of verbal mischief.

But this essay is driven by the conviction that something dramatically unproductive, and even politically dangerous, happens when a society becomes unwilling or even unable to contain political insult and invective within reasonable boundaries. Widespread appreciation of the need to set reasonable boundaries for political insult and invective is an important precondition of stable political institutions because such institutions demand a civil “public square.” Particularly in a democracy, stable political institutions demand a public forum in which debate allows us to effectively recognize where our *shared* fundamental interests

⁴ Mike Tunison, *Grayson regrets calling Fed Adviser A Whore*, NBC WASHINGTON (Oct. 28, 2009), <https://www.nbcwashington.com/news/politics/Alan-Grayson-Regrets-Calling-You-a-Whore-66945462.html>

⁵ *GOP Candidate to Rival: “I am ging to stomp all over your face”*, MERCURY NEWS (Oct. 12, 2018) <https://www.mercurynews.com/2018/10/12/gop-candidate-to-rival-im-going-to-stomp-all-over-your-face/>

and values lie and encourages us to *think rationally* about how to promote those interests and values. When insult and invective move beyond reasonable boundaries—as the comments of Rep. Wilson, Rep. Grayson and gubernatorial candidate Scott Wagner all did—they have the potential to unleash the kind of rancor and vituperative abuse that will inevitably damage the public square and render political institutions dangerously unstable. Reasonable boundaries have ceased to exist, for instance, when it seems acceptable to shout down opponents in public forums, to rely on expression designed to instill fear and even terror, or to substitute innuendo and rumor for open and fair appraisals of truth. Such uses of expression are corrosive of the civil public square and ultimately, destructive of stable political institutions. Moreover, in so far as some of these tendencies have come to define far too many public debates in the current moment in American politics, there is reason to be concerned that we America is currently confronting a socially and politically dangerous decline in civility.

To justify these claims, I will first provide some clarity about what civility is and show why it is not incompatible with spirited public debate in a doctrinally diverse democracy. I then analyze the evolution of American political debate as an especially instructive example of processes that can lead to the decline, or even the disappearance, of the civil public square. Finally, I will address the challenge of promoting civility in complex, modern democracies — even as we preserve that fundamental requirement of free expression that is so central to informed public debate.

II. MAKING SENSE OF CIVILITY

I have introduced the idea of a civil public forum for debate — that is, the idea of a public square. As I use the word here, “civility” is not a matter of being polite, well-mannered or courteous. To be sure, trying to be courteous to those who disagree with us can certainly be a good thing. But serious disagreement sometimes requires the expression of convictions that politeness and courtesy, alone, might lead us to suppress. Civil disagreement may sometimes involve conversations that, of necessity, cannot be subject to all the rules of etiquette. Civility is, rather, a set of attitudes and actions that promote the persistence of communities, institutions and projects in which the equal right of each member to disagree with the others is protected as a fundamental good.

As we might expect, civility is especially important in those political and social institutions which are most fundamental to our existence as citizens. This includes, first, such institutions as legislative assemblies, courtrooms and political debates and forums in which the topics of discussion can be expected to be about decisions and actions likely to have a direct influence in shaping political policies, practices and institutions. But civility is also important in the procedures and processes critical to institutions run by people whom sociologist Michel Lipsky calls “street level bureaucrats”— such as school teachers, county clerks and police officers —“ordinary” (often non-elected) people who are in some sense the “face” of the government for most people, and who often play very critical roles in shaping our day to day existence as citizens. Moreover, civility also matters in the quasi-public encounters and interactions we may have in various institutions of civil society, including professional associations, interest-group based affinity groups, places of worship, and the like. But perhaps most importantly we must understand that the presence or absence of civility in all of these contexts will be likely to have an impact on at least some of our most ‘personal’ relationships in private life. When family members whose political commitments and party affiliations differ, report that these differences threaten to undermine family relationships, we should be led to acknowledge that civility is a virtue that helps preserve the conditions of respectful and constructive conversation in private as well as in public.

Some critics may object that those who lament a decline in civility are simply trying to take all the “fun” out of lively conversation and robust debate in the public square. They will remind us of the entertainment so often associated with the truly witty political insult, and they will wonder if it is possible to shut down socially and politically *corrosive* invective without silencing the entertainingly witty — and forgivably mischievous--insult. After all, they will urge, it is one thing to try to shout down an American President by prosaically yelling “you lie” on the floor of Congress; but it is surely an altogether different thing to claim of one’s opponent, as Churchill did of British Prime Minister Baldwin, in 1935, “Occasionally he stumbled over the truth, but hastily picked himself up and hurried on as if nothing had happened.” Wicked wit of this sort just seems not only to qualitatively differ from threats to stomp on an opponent’s face, but a potentially useful means of highlighting a politically relevant character trait.

Now I agree that it is neither unreasonable, nor politically corrosive to take a special delight in the wicked wit of the kind of political humor we have come to associate with Churchill. Nor is it unreasonable, or politically dangerous, for a political figure to indulge in his kind of humor. Yet there are two important features of this kind of wit that merit special consideration. First, a great deal of the pleasure of such

remarks is that they focus our attention as much on the wit and invention that produced the insult as on the insult itself. Moreover, the fact that they draw our attention to the wit and inventiveness with which the insult was crafted is part of what insures that the otherwise corrosive effects of insult need not damage the public square. But second, and perhaps more important, the remarks in question attempt to attack particular individuals on account of the merits or deficiencies of their policies and principles. As such, they are not a challenge to the very possibility of reasonable public debate but, instead, a potentially critical element of what such debate ought to be about.

Looking more closely at the invective from the American examples above, there isn't anything especially artful or inventive about disrupting a Presidential speech by yelling out "you lie" because one disagrees with its content. Moreover coming on the floor of Congress, such expression sends a message that at least some of our most influential political leaders have no respect for the principles of reasoned public debate. There is nothing artful or inventive about expressing disapproval of a former lobbyist by describing her as a "whore." At the very least, such a comment expresses bitter and deep-seated ill will and misogyny, and seems intended simply to poison the well, rather than to generate a politically informed laugh. Genuine political humor may contain insults, to be sure, but done right its corrosive effect on institutions can be limited, just because it has the capacity to *divert our attention* from the insult that it contains even as it delivers the insult. This may explain the willingness of some politicians who, despite being relentlessly mocked on the television programs such as "Saturday Night Live," remain willing nonetheless to appear on the program and play along with the joke. The diversion can sometimes even enhance the political appeal of a politician willing to engage in self- mockery.

But even as we allow ourselves to be entertained by genuine political humor, we must not forget what it can sometimes mean to "play along" with other kinds of insults that may be far less benign. Consider, for instance, a political campaign against incumbent legislators that — like the comment about stomping on an opponent's face—implies a willingness to use violence against opponents. The more we "play along" with such an implication, the easier it can become to feign ignorance of the content of the insult — and to remain strangely distant from what would happen if anyone acted on its implicit directives. The history of totalitarian violence in the twentieth century, and chilling recent examples in the American context, show that when the tendency to feign ignorance of this kind of content becomes widespread, there is no telling

what social evils may be shielded or even furthered by the equally widespread refusal to identify a socially and politically corrosive insult for what it is. Similarly, the more we “play along” with insults that cast doubt on the patriotism, the compassion, or the intelligence, of those who disagree with us — almost entirely *because* they disagree with us — the more we create a toxic environment for debate in general. It is hard not to believe that the increase in politically motivated violence in America since 2016 is an all too reliable example of this phenomenon.

A second criticism of calls for civility in public life is not concerned with celebrating political humor but the importance of protecting what are perceived to be the conditions for political dissent. On this objection, calls for civility are often seen as disguised attempts to silence discussion. Many of these criticisms echo an argument made, in the 1990’s, by anthropologist Laura Nader who insisted that those who champion civility are just looking to achieve a “coercive harmony” in political discussion — by which she meant repression and censorship “masquerading” as consensus.

But being critical of socially and politically corrosive invective is not equivalent to censorship or supporting censorship. Nor is it the same thing as demanding what is still sometimes called “political correctness” in public debate. It is certainly true that some people who have worried about the nature and tone of public discussion — from students and administrators on college campuses, to anxious city councilmen and state legislators — have offered clumsily crafted and potentially coercive “ground rules” of “respectful discourse and behavior” that are rightly seen as antithetical to respect for free expression and protest. Moreover I reject the idea that a tactic sometimes called the “shout-down” is a legitimate political tactic. The problem is not just that engaging in a shout-down is coercive and threatening, but that it typically ends up giving more credence (and more “air-time”) to corrosive views than they deserve. One of the surest ways to damage the public sphere is by giving excessive exposure to corrosive expression. Although it must be acknowledged that there is no algorithm for deciding how to strike the right balance between, on the one hand, ignoring threatening and corrosive content that may be dangerous precisely when we ignore its existence and, on the other hand, elevating corrosive political expression to a place of cultural importance by giving it too much exposure and attention.

Of course, in a third kind of objection, some who criticize calls for greater civility in public discourse are just as concerned about the tendency of these calls to produce self-censorship on the part of would-be provocateur, as they are about explicit censorship by others. But the fact that calls for civility may

encourage self-censorship is in no way a violation of freedom of expression. Being a mature and responsible participant in open and democratic debate means, at least in part, being ready to accept that others may be critical of the contributions one claims to make to that debate. Moreover, it must be recognized how often struggling with the question of whether to censor oneself reflects an implicit awareness that one's suppressed observation may not be a responsible contribution to democratic debate after all.

To be sure, critics who worry about the dangers of "coercive harmony" rightly appeal to the work of John Stuart Mill to help us understand that sometimes the only way to properly protect liberty of expression, in general, is to refrain from interfering with some of the most toxic expression. In Chapter Two of *On Liberty*, Mill famously insists that "If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind." But for Mill, liberty of expression comes with the responsibility to subject one's views to the test of disagreement and to be ready to defend one's against objections. In my view, this raises an important question about the implications of self-censorship that is seldom asked: How often is self-censorship an implicit statement that one is unwilling to accept the responsibilities of free expression that ought, ideally, to be thought inseparable from its privileges? If Mill is correct, that is, the right to free expression is (at least ideally) inextricably linked with the duty to exercise the right responsibly, self-proclaimed "defenders" of free expression who deny this link are woefully ignorant, and in an important sense morally deficient, in the assumption that free expression is just a matter of saying anything you want whenever you want — that is a liberty fit for children on a playground, not responsible citizens.

III. WHAT ACCOUNTS FOR THE DECLINE IN CIVILITY IN AMERICA?

But even if we could resolve these worries about distinguishing censorship from self-censorship, and about how to understand the substantive content of mature free expression, we would still be left with the question about what politically and socially constructive disagreement looks like. I began by saying that civil disagreement is not a matter of being polite or courteous — and in fact I suspect that civil

disagreement could never enrich and enliven political discourse if this were the case. But the one thing that politically and socially constructive disagreement demands is respect — and I will add robust respect — for those one claims to have an interest in engaging in debate. Unfortunately, robust respect for others is not easy to develop in large doctrinally complex political societies. By “robust respect” I mean an attitude towards the other that recognizes *in the other* a worth that crosses the lines of socio-economic class, religious affiliation, ethnic or national identity, and virtually all (though not exactly all) differences in belief. I say “virtually all” differences in belief because it is probably not possible to have the right kind of respect for others if you believe that some human beings are not worthy of respect; if you do not believe that you are a being worthy of respect; or if you would ever be willing to relinquish this belief in your own worthiness to be respected in response to anyone else’s attempt to persuade you otherwise

The kind of respect I claim to be necessary for civil discourse in public political debate is the kind of respect implicit in many religious traditions, and that is distinctively and forcefully articulated in the work of the philosopher Immanuel Kant. So it is not something that has never been talked about in the context of social thought. But developing and preserving the right kind of robust respect for others — and indeed oneself—is a challenge that too many contemporary political societies, perhaps especially American democracy, may be failing to meet.

The late 20th century historian and social theorist Christopher Lasch argued that a healthy civic life in which people meet each other as equals requires “wide-ranging, free-wheeling conversation” across class lines, and across various social divides.⁶ But those conversations are possible, he continued, only if there are places in which they can naturally and reliably occur:

“Civic life requires settings in which people meet each other as equals, without regard to race, class or national origins. [But] Thanks to the decay of civic institutions, ranging from political parties to public parks and informal meeting places, conversation has become almost as specialized as the production of knowledge. Social classes speak to themselves in a dialect of their own, inaccessible to outsiders.”⁷

⁶ CHRISTOPHER LASCH, *THE REVOLT OF THE ELITES AND THE BETRAYAL OF DEMOCRACY*, 117 (New York, W.W. Norton and Company, 1996).

⁷ LASCH, *Id.*

Lasch's point is that the kinds of social institutions we need in order to allow people to meet each others as equals in conversations are fast becoming "extinct" and that the disappearance of these institutions has exacerbated the problem of incivility in public life. We need institutions that encourage us to talk across the borders of class, religion, and ethnicity, and all too many of those institutions have either disappeared or become too feeble to discourage insularity. Lasch did not live to experience the worst effects of the contemporary segmentation of "media markets," or the processes by which certain uses of the internet — with its echo chambers and filter bubbles--has furthered cultural and intellectual insularity in contemporary democratic societies. He would surely have insisted — and I think correctly — that the trends he identified in the late twentieth century have been exacerbated by separation and segmentation of the means by which people get news and information. Moreover, he would have rightly argued that these developments have worked to create — and sustain — a dangerous rigidity in people's political attitudes and beliefs.

But the robust, mutually respectful conversations on which American political life depends, are being undermined by a second, and equally dangerous development. For in my view it is increasingly the case that people are too quick to express their interests and their disagreements about how to address those interests, in ways that focus almost solely on the *grievances they have* - grievances against fellow citizens, governmental structures, global trends, and sometimes all three rolled into one massive grievance. Moreover, ironically, sometimes, a person or movement may express profound grievances against persons or structures whose support they depend on in some other areas of life. (Consider, for instance those who may insist "I hate big government" but go on to insist even more vehemently, "but don't you dare touch my social security or my Medicare.")

There are three important dangers bound up with expressing one's interests though one's grievances. First when we give our grievances so much weight in shaping our response to political life, we will eventually have to find *someone* to have a grievance against. That is, when interest-based politics gives way to grievance-based politics, we have to find someone to blame for whatever perceived wrongs to which we believe we have been subject. Second, our grievances, and the claims we base upon them, typically not only serve to separate us from those we think we have grievances against, but also from those people and institutions we come to believe have a duty to compensate us for the grievances we have against others.

In the most extreme cases our grievances may even divide us against ourselves. This is what happens, for instance when one is critical of government involvement in health care but demands, at the same time, “but leave my medicare” alone. This familiar stance is profoundly inconsistent and self-undermining. But, third grievances are generally linked with feelings of anger and harm, with feelings that something we were somehow “due” has been taken from us, and with a tendency to think that the only way to repair the harm may be to seek retribution and revenge against those who caused it. When interest-based politics is transformed into grievance-based politics, the claims we make in public debate can only divide citizens from one another and endanger our social and political institutions.

The fundamental problem is that being part of a shared political life requires that we learn how to air competing interests in a way that does not undermine the life that we share. Yet when we air our interests only in terms of our grievances, or when the only interests we think we *have* are primarily a function of our grievances, we are operating in a moral domain that can only damage the foundations of political life. Political thinkers like Montesquieu, in the Spirit of the Laws, as well as the authors of the Federalist Papers sought to advance our understanding of political institutions and mechanisms that might minimize the effects of factions organized around interests. But I don’t think that these theorists could ever have imagined a time when so many people seemed to think of political life as an extended exercise in airing, and seeking compensation and revenge for some kind of grievance or other. Even people who have long claimed to define their political agency in *opposition* to the idea of “victimhood” or “grievance” have now become as fully victims as the people they once mocked. All across the political spectrum, from the most left-wing ‘progressive’ stance to the most right-leaning ‘conservatism,’ it can truly be said that we are all “victims” now!

To be sure, some great human endeavors have emerged out of the initial expression of grievance. In one of the most familiar examples, *The Declaration of Independence* complains of the “long train of abuses and usurpations” that preceded the creation of the United States. But great institutions last because those who are governed by them find ways to move beyond the simple airing of grievance. In particular, the political morality that makes democratic self-governance possible cannot be a political morality that puts the wrongs one has suffered above everything else that unites us.

If the foundation of one’s claim to have a politically weighty grievance involves the idea that there is a right to have certain of one’s grievances addressed, it becomes all too easy to put the prosecution of one’s

rights above respect for the obligations that accompany the rights, and even above observing the importance of respect for one's fellow citizens. When this happens, even the most reasonable claim to have a grievance can be transformed into a socially dangerous and morally problematic self-righteousness. In contemporary American life — though perhaps not only in American life — this process can be aided by the tendency to believe that being moral (and so properly identifying and airing one's grievances) just means being unwilling to compromise. This kind of rigidity and inflexibility work to create even greater psychological distance from the attitudes that are presupposed by a commitment to civil disagreement. After all, if you are sure that you are right, what reason could there possibly be to listen respectfully to any person or group with whom you disagree? For when confronted with the possibility of debate and disagreement, the person who sees herself as morally inviolable, and infallible, will either take the path that leads to personal martyrdom or to violent destruction of the institutions and practices that have failed to recognize her moral righteousness. Sophocles' *Antigone* takes the path of personal martyrdom when she assumes that only *she* adequately understands the demands of justice. Perhaps even more chilling is what happens when the would be martyr joins forces with others whose presumed "moral certainties" are rooted in the same insularity and inflexibility. This is the path that leads to intimidation, terror and war with outcomes that seriously endanger the well-being of persons and have the potential to destroy entire societies.

IV. HOW CAN WE ENCOURAGE ROBUST, MUTUALLY RESPECTFUL CONVERSATION WITHOUT UNDERMINING FREE EXPRESSION?

I have claimed that civil disagreement is crucial to democratic self-governance. But are there any effective solutions to the difficulties that modern democracies continue to face when they seek to produce and protect civil disagreement? What kinds of institutions promote the sort of conversations in which people meet each other as equals, and remain committed to free expression in those conversations, and what sorts of social practices are likely to sustain these institutions?

There are no easy answers to these questions. But I believe that educational institutions — from kindergarten through university — have several critical roles to play in providing plausible answers and helping to develop the solutions consistent with those answers. At the level of elementary schools, I

believe that we have to find a way to return to robust civic education. This is not just about teaching the content of founding documents that were crucial in shaping basic political institutions thereby ensuring that students actually know critical details of national and human history. It is also about helping to cultivate in students critical traits — habits of belief, emotion and action — that help people meet the demands of democratic self-governance. This includes such tendencies to respect the value of sacrifice, a readiness to compromise, a willingness to tolerate difference, to respect one's political opponents, and a readiness to forego resentment when we lose out in a political contest and to refrain from self-righteousness when we win. These are just some of the traits that, on my own account of the normative demands of democratic citizenship, schools ought to try to cultivate as part of an education for democratic self-governance.⁸ Taken together, these traits form part of a democratic civic ethos that connects citizens, *horizontally*, with each other just as fully as it connects them *vertically* to their political institutions.

But colleges and universities have an equally important role to play, primarily by helping to create contexts in which political debate and discourse can draw on the democratic civic ethos to make robust, but civil disagreement possible in the public forum. Here, I discuss just three of the most important functions that colleges and universities ought to perform.

First, college and universities ought to help students, fellow scholars, and laypersons alike understand that a healthy and productive self-conception — and a robust democratic way of life — can never really be organized primarily around one's grievances. Of course many of the most important intellectual and scholarly endeavors outside of the natural sciences — cannot avoid the study of reasons for certain *kinds* of grievances — particularly certain branches of historical inquiry and certain disciplines that focus on the challenges of identifying and responding to injustice. But thinkers as varied as Gandhi, Martin Luther King Jr, and Nelson Mandela have tried to show us that the effort to seek redress of even the most legitimate grievances and injustice cannot be a suitable basis for creating a constructive political future unless the effort at redress eventually affirms the value of all those who seek to participate in public life. Moreover, there is much evidence from empirical psychology that excessive attachment to one's status as a victim — however real, and deserving of recognition and response — cannot be the basis of robust self-respect. One of the most productive developments in social movements meant to respond to violence against

⁸ Moody-Adams, *Democratic Conflict and the Political Theory of Compromise*, in J. Knight, ed., *Compromise: NOMOS LIX* (New York University Press, 2018).

women, as well as in the work of advocacy groups supporting women with breast cancer, was the insistence on a preference for the concept of ‘survivor’ over a fixation on the concept of ‘victim.’

But second, colleges and universities can also play an important role in encouraging students to take up difficult conversations in a politically constructive way and to help them learn how to do so in their extra-curricular pursuits, in their affinity groups, in student government, and in organizations organized around intellectual and cultural interests. Regrettably, too many students across the political spectrum have come to think that *rights* of free expression are appropriately separated from concern to meet the *responsibilities* of free expression. Some students have come to think that just being a ‘provocateur’ or, sometimes just an agent for provocation committed by others is all that matters in the effort to protect free expression on campus. But being a provocateur, or an agent of provocation performed by others, is only part of valuing and protecting free expression. The other critical part involves, first, understanding what the nature and goals of the constructive use of free expression might be, and seeking to exercise the rights and privileges of free expression in a way that preserves the institutions that protect those rights and privileges for posterity. Only when the question “how can I disrupt and unsettle my community?” gives way to the question “how can I enrich, deepen and strengthen my community’s contribution to constructive political dialogue?” will we be on the path to demonstrating genuine commitment to protecting robust freedom of expression.

Third, however important it is for colleges and universities to be central in the project of developing and transmitting disciplinary expertise, it is also important that we leave students with a sense of the value of participating in “general conversations” across disciplines and across modes of expertise. John Dewey was one of the most vehement defenders of doing much more to break down barriers between experts and ordinary citizens in regards to their contributions to intellectual inquiry and democratic life.⁹ More recent pragmatist political philosophers like Elizabeth Anderson have sought to follow Dewey’s example by arguing for the creation of educational programs and institutions that require substantive interactions between the educated elite and the ordinary citizens who may lack access to certain kinds of privileged educational institutions.¹⁰ Such a readiness to balance respect for general conversation across the

⁹ JOHN DEWEY, *DEMOCRACY AND EDUCATION* (New York Free Press, 1916) and *THE PUBLIC AND ITS PROBLEMS* (1922).

¹⁰ Elizabeth Anderson, *Fair Opportunity in Education: A Democratic Equality Perspective*, 117 *ETHICS* 595–622 (2007).

educational divide with the cultivation and influence of expertise is rare. But in my view, it deserves much wider influence in academic life and in public life more generally.

Indeed a concerted effort to strike this balance in everything we do, especially in public debate, is critical to resisting what I call the “hubris of expertise”. By this I mean the idea, (1) that expertise (and the people who have it) are somehow more entitled to be listened to in public debate than anything (or anyone) else, and (2) the notion that experts should be exempt from the requirement to which everyone else is subject to take seriously criticisms from non-specialists. Of course I worry about the certain kinds of opposition to the methods and substance of expertise — especially to the methods of good science — that sometimes makes its way into public policy debates. But if democratic self-governance is to be real and if it is to have constructive outcomes, we simply must learn to strike a better balance between expertise and general knowledge in shaping a democratic will and implementing that will in democratic decisions and actions. In fact, it may ultimately be more rational — and certainly more conducive to democratic accountability and stability — to sometimes risk making policy mistakes rooted in the stance of the generalist, than to cement the arrogance and insularity that all too often emerges from policies shaped by the hubris of the experts.

What I have called the hubris of expertise, along with the political and social insularity that it generates, led Christopher Lasch to assume that the deterioration of public debate, and the decline of civil discourse, were somehow primarily the fault of the “elite” experts in society. Lasch was wrong about where to lay the blame for the deterioration of civil disagreement: in my view, the blame for that must be shared by experts and non-experts alike. Yet Lasch rightly reminds us that many non-elite, ‘non-expert’ average citizens now believe that society’s elite experts have wrongly come to dominate public debate, and that the (presumed) political dominance of elites is the root of what is wrong with contemporary political institutions. Given how widespread this dangerous belief has become, social elites must take care enough to show that they are also citizens, and that their expertise must ultimately be seen as one element, among others, that helps to promote shared interests and the well-being of all.

Yet some of the problems that plague contemporary democracies have less to do with the hubris of elite experts than with the failure of too many “ordinary” citizens to strike a democratically constructive balance between righteousness and humility. But what might a politically constructive balance between righteousness and humility look like? A powerful answer to that question emerges from the recent

advocacy of a woman named Meghan Phelps-Roper, who was once one of the most influential spokespeople for the Westboro Baptist Church (founded in Topeka Kansas) which preaches an allegedly biblically-inspired message of hatred and fear against a wide array of religious, ethnic and social groups. Since her departure from the Westboro Baptist Church, Phelps-Roper has become a proponent of four relatively simple principles that, if adopted widely, could have the potential to minimize the influence of hatred and vicious division in political life.¹¹ On her account, we must be ready (1) to assume that most of those with whom we disagree have either ‘neutral or good’ intent in expressing their convictions; (2) to ask the kinds of questions of our opponents that might help us better understand their convictions as well as their intent; (3) to remain calm in conversation and exchange with our opponents, even when we become ‘strident’ to pause the conversation until we can restore calm; and (4) to be ready to offer arguments for our convictions, that is, to try to articulate the reasons that underlie our views. The simplicity of these principles may seem to mask the difficulty that can sometimes be involved in any effort to engage those with whom we disagree in respectful conversation. But the story of Phelps-Roper’s own transformation, dramatically described in a profile in *The New Yorker*, is powerful evidence of the constructive power of Phelps-Roper’s principles.¹²

Ultimately, what any such transformation involves is an effort to learn to really communicate with those with whom we disagree. This is critical because, to adapt a line from the 1960’s film, *Cool Hand Luke*, what we have in contemporary political life is a destructive “failure to communicate.” Moreover, never has the failure of communication in the political realm seemed more dangerous and more intractable. But our disagreements have become so disagreeable because we lack the skill — and perhaps the will to communicate across social, cultural and doctrinal divides. So we must revive the will to engage in civil disagreement, and when we do, we must consider the efforts of thinkers as varied as John Dewey, Christopher Lasch and Meghan Phelps-Roper to show us how to perfect the skills that make civil disagreement possible. Their accounts hold out hope that we can create — and sometimes recreate — social contexts and political institutions in which constructive political debate and genuinely civil

¹¹ Phelps-Roper discusses these four principles at https://www.ted.com/speakers/megan_phelps_roper. For an account of her transition out of the Westboro Baptist Church community see, ADRIAN CHEN, *Unfollow: How a prized daughter of the Westboro Baptist Church came to question its beliefs*, THE NEW YORKER (Nov 23, 2015). <https://www.newyorker.com/magazine/2015/11/23/conversion-via-twitter-westboro-baptist-church-megan-phelps-roper>.

¹² CHEN, *Id.*

disagreement are possible. If we care about the future of democracy — and ultimately, about the future of the species — we must act on that hope and learn how to disagree in politics without being disagreeable.