

POLITICAL POLARIZATION: PSYCHOLOGICAL EXPLANATIONS AND POTENTIAL SOLUTIONS

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Abstract: Deep disagreement can characterize public and private discussions of controversial policy issues. Differences in approach, understanding of the facts, and perceptions of each other can lead to contentious and unproductive debate, entrenched animosity, and the escalation of conflict. The psychological roots of these patterns are deep. But psychology also offers some lessons about how we might foster more constructive engagement across difference.

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INTRODUCTION

We are in a period of heightened attention to political polarization,¹ with many members of the public feeling a profound sense of division² and concern about the functioning of democracy.³ Debates over abortion, gun control, climate change, public health, policing, racial justice, taxation, and many, many other issues bring tensions to a boil.⁴ There is a sense that political debate is less grounded in facts and that opposing partisans are not even able to agree on the facts.⁵ Many bemoan lack of civility across political differences,⁶ and there

¹ See, e.g., Jaclyn Gallucci, *When It Comes to Politics, Americans Are Divided. Can Data Change That?*, FORTUNE (July 17, 2019, 10:18 AM), <https://fortune.com/2019/07/17/political-polarization-in-america-define/> [<https://perma.cc/XNW5-UVLL>]; Natalie Pattillo, *As Shutdown Pauses, Coverage Focuses on Partisan Polarization*, COLUM. JOURNALISM REV. (Jan. 25, 2019), <https://www.cjr.org/politics/shutdown-partisan-coverage.php> [<https://perma.cc/6UUF-S6J5>]; see also Samara Klar et al., *Is America Hopelessly Polarized, or Just Allergic to Politics?*, N.Y. TIMES (Apr. 12, 2019), <https://www.nytimes.com/2019/04/12/opinion/polarization-politics-democrats-republicans.html> [<https://perma.cc/4NXG-VU8K>] (suggesting that we are less polarized than we think).

² See, e.g., Kat Devlin et al., *People in Advanced Economies Say Their Society is More Divided than Before Pandemic*, PEW RSCH. CTR. (June 23, 2021), <https://www.pewresearch.org/global/2021/06/23/people-in-advanced-economies-say-their-society-is-more-divided-than-before-pandemic/> [<https://perma.cc/SL6M-XKHG>] (finding increases in perceived division from 2020 to 2021 in twelve out of thirteen countries surveyed); Maxine Najle & Robert P. Jones, PUB. RELIGION RSCH. INST., *American Democracy in Crisis: The Fate of Pluralism in a Divided Nation* (Feb. 19, 2019), <https://www.prii.org/research/american-democracy-in-crisis-is-the-fate-of-pluralism-in-a-divided-nation/> [<https://perma.cc/WM6K-XDWY>] (finding that “Americans are nearly unanimous in their belief that the country is divided over politics (91%), with 74% of Americans saying that the country is very divided”); see also Dan Balz et al., *Republicans and Democrats Divided over Jan. 6 Insurrection and Trump’s Culpability, Post-UMD Poll Finds*, WASH. POST (Jan. 1, 2022, 6:00 PM), <https://www.washingtonpost.com/politics/2022/01/01/post-poll-january-6/> [<https://perma.cc/HXL9-TW56>]; Daniel A. Cox, *After the Ballots Are Counted: Conspiracies, Political Violence, and American Exceptionalism*, SURV. CTR. AM. LIFE (Feb. 11, 2021), <https://www.americansurveycenter.org/research/after-the-ballots-are-counted-conspiracies-political-violence-and-american-exceptionalism/> [<https://perma.cc/7JFA-X359>].

³ Balz et al., *supra* note 2 (reporting similar rates and trajectories of pride/lack of pride in how the US democracy is working); Cox, *supra* note 2 (finding “bipartisan agreement that the American system of democracy is failing to address the concerns and needs of the public”).

⁴ *Americans’ Views of the Problems Facing the Nation*, PEW RSCH. CTR. (Apr. 15, 2021), <https://www.pewresearch.org/politics/2021/04/15/americans-views-of-the-problems-facing-the-nation/> [<https://perma.cc/QN64-TX9D>].

⁵ *Most Americans Say Political Debate in the U.S. Has Become Less Respectful, Fact-Based, Substantive*, PEW RSCH. CTR. (July 18, 2019), https://www.pewresearch.org/fact-tank/2019/07/18/americans-say-the-nations-political-debate-has-grown-more-toxic-and-heated-rhetoric-could-lead-to-violence-ft_19-07-18_toxicpolitics_most-americans-say-political-debate-us-less-respectful-fact-based-substantive/ [<https://perma.cc/9NQ9-2QRS>] (finding that 76 percent of American adults believe political debate has grown less fact-based in recent years); *Partisan Antipathy: More Intense, More Personal*, PEW RSCH. CTR. (Oct. 10, 2019), <https://www.pewresearch.org/politics/2019/10/10/partisan-antipathy-more-intense-more-personal/> [<https://perma.cc/3C5G-45MG>] (finding that three-quarters of those surveyed said

is heightened concern about political violence.⁷ People across the political spectrum report increasing animosity toward, and less willingness to engage with, people from different political parties.⁸ These negative feelings can form independently from whether or how much people are substantively divided on any given issue, giving rise to what is known as “affective polarization.”⁹ Many people seem fueled by “negative partisanship,” which is characterized as being *against* the other side rather than being affirmatively in favor of something.¹⁰ In

that members of opposing parties “cannot agree on the basic facts”); *see also* Stephan Lewandowsky, *The ‘Post-Truth’ World, Misinformation, and Information Literacy: A Perceptive from Cognitive Science*, in *INFORMED SOCIETIES* 69, 69 (Stéphane Goldstein ed., 2020).

⁶ *See, e.g.*, Jeremy A. Frimer et al., *Incivility is Rising Among American Politicians on Twitter*, 14 *SOC. PSYCH. & PERSONALITY SCI.* 259, 259 (2023); *A CRISIS OF CIVILITY? POLITICAL DISCOURSE AND ITS DISCONTENTS* (Robert G. Boatright et al. eds., 2019); WEBER SHANDWICK, POWELL TATE, & KRC RESEARCH, *CIVILITY IN AMERICA 2019: SOLUTIONS FOR TOMORROW* 2, 8–9, 12–15 (2019), <https://www.webershandwick.com/news/civility-in-america-2019-solutions-for-tomorrow/> [<https://perma.cc/8PDW-5RBY>]; *Public Highly Critical of State of Political Discourse in the U.S.*, PEW RSCH. CTR. (June 19, 2019), <https://www.pewresearch.org/politics/2019/06/19/public-highly-critical-of-state-of-political-discourse-in-the-u-s/> [<https://perma.cc/UBN2-TL29>] (finding that most citizens believe that the “tone and nature of political debate” in the United States has grown less respectful, less fact-based, and less focused on the issues).

⁷ Nathan P. Kalmoe & Lilliana Mason, *Most Americans Reject Partisan Violence, but There Is Still Cause for Concern*, VOTER STUDY GRP. (May 7, 2020), <https://www.voterstudygroup.org/blog/has-american-partisanship-gone-too-far> [<https://perma.cc/FW9U-S32G>]; *New Initiative Explores Deep, Persistent Divide Between Biden and Trump Voters*, UVA CTR. POL. (Sept. 30, 2021), <https://centerforpolitics.org/crystalball/articles/new-initiative-explores-deep-persistent-divides-between-biden-and-trump-voters/> [<https://perma.cc/EEN6-LMCA>] (reporting perceptions of members of other party as a “clear and present danger” to the American way of life). One consequence is that even mainstream partisans can feel uncomfortable expressing their political beliefs to others. EMILY VAN DUYN, *DEMOCRACY LIVES IN DARKNESS: HOW AND WHY PEOPLE KEEP THEIR POLITICS A SECRET* 4 (2022).

⁸ Shanto Iyengar et al., *The Origins and Consequences of Affective Polarization in the United States*, 22 *ANN. REV. POL. SCI.* 129, 130–31 (2019).

⁹ *Id.* at 131–32; *see also* LILLIANA MASON, *UNCIVIL AGREEMENT: HOW POLITICS BECAME OUR IDENTITY* 23, 47, 52–53 (2018) (describing social polarization, noting that “emotional partisan loathing is only minimally due to differences in policy opinions,” and finding that partisan identification is more important than policy preferences in shaping feelings about the parties). Affective polarization has been increasing and is driven primarily by increasing negative feelings toward the other party. Eli J. Finkel et al., *Political Sectarianism in America*, 370 *SCI.* 533, 533 (2020); *The Partisan Divide on Political Values Grows Even Wider*, PEW RSCH. CTR. (Oct. 5, 2017), <https://www.pewresearch.org/politics/wp-content/uploads/sites/4/2017/10/10-05-2017-Political-landscape-release-updt.pdf> [<https://perma.cc/L5BN-CA55>].

¹⁰ *See, e.g.*, Alan I. Abramowitz & Steven W. Webster, *Negative Partisanship: Why Americans Dislike Parties but Behave Like Rabid Partisans*, 39 *ADVANCES POL. PSYCH.* 119, 119 (2018); *see also* Jonathan R. Cohen, *Negative Identity and Conflict*, 35 *OHIO ST. J. DISP. RESOL.* 737, 738 (2020); Steven A. Lehr et al., *When Outgroup Negativity Trumps Ingroup Positivity: Fans of the Boston Red Sox and New York Yankees Place Greater Value on Rival Losses than Own-Team Gains*, 22 *GRP. PROCESSES & INTERGROUP RELS.* 26, 26 (2019).

addition, there is an “exhausted majority” who are “frustrated” and “share a sense of fatigue” with the nature of current public conversations.¹¹

Civic life often, and maybe necessarily, involves deep disagreement. Public and private discussions of controversial policy issues underscore our differing policy preferences, but also stem from and implicate our differing identities, group affiliations, and moral values.¹² Differences in our approaches to problems, our understanding of the relevant facts, and our perceptions of each other can lead to distrust, contentious and unproductive debate, entrenched animosity, and escalation of conflict. The practical result is gridlock and bad policy rather than mutually beneficial policy solutions,¹³ the rise of “antidemocratic tactics,”¹⁴ and a host of economic and emotional costs.¹⁵

Democracy, however, “is committed to the idea that sincere, well-intentioned, competent, informed, and rational citizens might nevertheless dis-

¹¹ STEPHEN HAWKINS ET AL., HIDDEN TRIBES: A STUDY OF AMERICA’S POLARIZED LANDSCAPE 11, 114 (2018); *see also* Sabrina Tavernise, *These Americans Are Done with Politics*, N.Y. TIMES, (Nov. 17, 2018), <https://www.nytimes.com/2018/11/17/sunday-review/elections-partisanship-exhausted-majority.html> [<https://perma.cc/L5D6-TFGZ>]; *Beyond Red vs. Blue: The Political Typology*, PEW RSCH. CTR. (Nov. 9, 2021), <https://www.pewresearch.org/politics/2021/11/09/beyond-red-vs-blue-the-political-typology-2/> [<https://perma.cc/8Y2K-V48V>] (outlining a range of groups and identities between and within parties, including the “Stressed Sideliners”).

¹² *See generally* JOSHUA GREENE, MORAL TRIBES: EMOTION, REASON, AND THE GAP BETWEEN US AND THEM (2013); JONATHAN HAIDT, THE RIGHTEOUS MIND: WHY GOOD PEOPLE ARE DIVIDED BY POLITICS AND RELIGION (2012). Much of my discussion and much of the research described focuses on the United States, but my analysis has broad applicability to non-US contexts, particularly to societies governed by western-style democracies. *See generally* Devlin et al., *supra* note 2.

¹³ *See, e.g.*, ROBIN STRYKER & ROBERT BOATRIGHT, POLITICAL POLARIZATION: NICD RESEARCH BRIEF NO. 6 (REVISED) 2, <https://nicdresearch.org/wp-content/uploads/sites/5/2022/02/NICD-Research-Brief-6-Polarization-Revised.pdf> [<https://perma.cc/M5X7-H46R>] (“Some members of Congress have reported being reluctant to cosponsor legislation written by the opposing party even when they agree with the substance of that bill, in order to deny the other party credit for passing it.”).

¹⁴ Finkel et al., *supra* note 9, at 535.

¹⁵ *See, e.g.*, *Stress in America™: The State of Our Nation*, AM. PSYCH. ASS’N (Nov. 1, 2017), <https://www.apa.org/news/press/releases/stress/2017/state-nation.pdf> [<https://perma.cc/AX2M-F6D2>]; Press Release, Am. Psych. Ass’n, *Stress in America 2022, Concerned for the Future, Beset by Inflation* (2022), <https://www.apa.org/news/press/releases/stress/2022/concerned-future-inflation> [<https://perma.cc/NWY8-XG7L>]; Zaid Jilani & Jeremy Adam Smith, *What Is the True Cost of Polarization in America?*, GREATER GOOD MAG. (March 4, 2019), https://greatergood.berkeley.edu/article/item/what_is_the_true_cost_of_polarization_in_america [<https://perma.cc/4PWF-T9C2>]; Joseph Marks et al., *Epistemic Spillovers: Learning Others’ Political Views Reduces the Ability to Assess and Use Their Expertise in Nonpolitical Domains*, 188 COGNITION 74, 74 (2019); Christopher McConnell et al., *The Economic Consequences of Partisanship in a Polarized Era*, 62 AM. J. POL. SCI. 5, 5 (2018). Some of the effects of incivility interact with an individual’s conflict orientation. *See generally* EMILY SYDNOR, *DISRESPECTFUL DEMOCRACY: THE PSYCHOLOGY OF POLITICAL INCIVILITY* (2019).

agree severely about moral and political questions.”¹⁶ Indeed, many of our systems are premised on the notion that vigorous debate and zealous advocacy can be a path to better decision making, with conflict functioning as “the seedbed that nourishes social change.”¹⁷ More effective engagement between and among those with a range of diverse perspectives can inspire problem solving and creativity in figuring out how to best accomplish our collective goals.

Moving from an atmosphere of vitriol, negative partisanship, and animosity to one of mutual understanding and respectful engagement is not an easy task. There are lots of factors at play—political structures, traditional and social media, legal doctrine, economics, and many more.¹⁸ This Article, however, will offer some additional insights based on psychological research that explores the psychological roots and contours of polarization and will suggest some strategies for bridging divides.

Most Americans (59 percent) say that “talking about politics with people they disagree with” is “stressful and frustrating.”¹⁹ This is true even among

¹⁶ SCOTT F. AIKIN & ROBERT B. TALISSE, *WHY WE ARGUE (AND HOW WE SHOULD): A GUIDE TO POLITICAL DISAGREEMENT IN AN AGE OF UNREASON* xiv (2d ed. 2019); *see also* PETER T. COLEMAN, *THE WAY OUT: HOW TO OVERCOME TOXIC POLARIZATION* 21 (2021) (noting that “some degree of ideological divergence has long been seen as a functional aspect of healthy, two-party system democracies”).

¹⁷ DEAN G. PRUITT & SUNG HEE KIM, *SOCIAL CONFLICT: ESCALATION, STALEMATE, AND SETTLEMENT* 10 (3d ed. 2004); *see also* LEWIS A. COSER, *THE FUNCTIONS OF SOCIAL CONFLICT* 16, 20–21, 47–48 (1956) (discussing the beneficial aspects of conflict); MORTON DEUTSCH, *THE RESOLUTION OF CONFLICT: CONSTRUCTIVE AND DESTRUCTIVE PROCESSES* 17 (1973) (differentiating constructive and destructive conflict); Howard Gadlin, *Productive Disagreement*, in 2 *THE NEGOTIATOR’S DESK REFERENCE* 239 (Chris Honeyman & Andrea Kupfer Schneider eds., 2017); Rachel Reed, *Talking Across the Aisle*, HARV. L. TODAY (Apr. 5, 2022), <https://today.law.harvard.edu/talking-across-the-aisle/> [<https://perma.cc/66U5-ERVA>] (quoting Morgan Franklin, “[I]f we are trying to solve these larger, societal problems, and we are only attempting to solve them with one or two perspectives, we’re missing out on a panoramic view of what’s happening in the world, and any solutions that we would come up with would be necessarily incomplete. . . . And so, we could be forced to continually reengage with the same problems, because we didn’t actually address them fully the first time.”).

¹⁸ *See generally* CHRIS BAIL, *BREAKING THE SOCIAL MEDIA PRISM: HOW TO MAKE OUR PLATFORMS LESS POLARIZING* (2021); EZRA KLEIN, *WHY WE’RE POLARIZED* (2020); STRYKER & BOATRIGHT, *supra* note 13, at 1; Steve Rathje et al., *Out-Group Animosity Drives Engagement on Social Media*, 118 *PNAS*, no. 26, 2021.

¹⁹ Ted Van Green, *Republicans and Democrats Alike Say It’s Stressful to Talk Politics with People Who Disagree*, PEW RSCH. CTR. (Nov. 23, 2021), <https://www.pewresearch.org/fact-tank/2021/11/23/republicans-and-democrats-alike-say-its-stressful-to-talk-politics-with-people-who-disagree/> [<https://perma.cc/ZQV9-XYHQ>]. People who see shared goals with those on the other side are less likely to find such conversations stressful than those who do not recognize such commonalities. But even among this group, most (53 percent) still report finding these conversations stressful. *Id.*; *see also* Charles A. Dorison et al., *Selective Exposure Partly Relies on Faulty Affective Forecasts*, 188 *COGNITION* 98, 99 (2019) (reporting that “people who hold strong opinions on an issue rated policy discussion with holders of opposing views as more aversive than any other activity listed, including household chores, yard work, and a visit to the dentist”).

friends or family members, creating rifts in relationships and straining holiday dinners.²⁰ But, ultimately, being able to talk to each other across difference seems like an essential first step—one that might at least alleviate distress and frustration and at best allow us to make some progress on the rest of the relevant dimensions. Effective engagement across differences can lead to a better and more nuanced understanding of those with whom we disagree, opening new opportunities for problem solving. This better understanding also enables us to be more persuasive and, consequently, better situated to be effective advocates on the underlying issues.²¹

I. WHAT MAKES DISCUSSION ACROSS DIFFERENCE HARD?

Members of the public certainly have differing policy preferences. But if that were all there was to it, surely discussions across these or other differences would not be as hard as they are. Research in psychology offers some insight into what else is going on. Our tendency to identify with and then to see the world through the lenses of social groups is a key contributor to the difficulties of cross-difference dialogue.

A. *Partisanship as Social Identity*

Human beings are predisposed to affiliate with social groups. These groups might be based on shared age cohort, gender, association with a particular sports team, status as a law student or lawyer, whether we are Mac users or PC users, a common religion or ideology, or really almost anything that might create groupings.²² Indeed, group affiliations can arise even with minimal differences between or among groups,²³ and the salience of any particular identity can shift depending on the context. But, importantly, these group affiliations play a key role in the ways in which we define ourselves and contribute to our social identities.²⁴

²⁰ See M. Keith Chen & Ryne Rohla, *The Effect of Partisanship and Political Advertising on Close Family Ties*, 360 SCI. 1020, 1020 (2018); Nick Corasaniti et al., *Voters See Democracy in Peril, but Saving It Isn't a Priority*, N.Y. TIMES (Oct. 18, 2022), <https://www.nytimes.com/2022/10/18/us/politics/midterm-election-voters-democracy-poll.html> [<https://perma.cc/9A6P-W4CW>] (finding that “[n]early one in five said political disagreements had hurt relationships with friends or family”).

²¹ See *infra* notes 187–210.

²² See generally Matthew J. Hornsey, *Social Identity Theory and Self-Categorization Theory: A Historical Review*, 2 SOC. & PERSONALITY PSYCH. COMPASS 204, 204 (2008); Henri Tajfel, *Social Psychology of Intergroup Relations*, 33 ANN. REV. PSYCH. 1, 1–2 (1982).

²³ See Henri Tajfel, *Experiments in Intergroup Discrimination*, 223 SCI. AM. 96, 98 (1970); Henri Tajfel & John Turner, *An Integrative Theory of Intergroup Conflict*, in THE SOCIAL PSYCHOLOGY OF INTERGROUP RELATIONS 33, 35 (W.G. Austin & S. Worchel eds., 1979); Tajfel, *supra* note 22, at 3–4.

²⁴ Iyengar et al., *supra* note 8, at 130; see also Hornsey, *supra* note 22, at 206 (defining “social identity” as “those aspects of an individual’s self-image that derive from the social categories to which he/she belongs, as well as the emotional and evaluative consequences of this

Desire to maintain a positive social identity inclines us to want to feel like the groups with which we are associated are “good” groups. We, therefore, tend to think highly of the groups with which we are affiliated, highlight the similarities among people in our “ingroups,” and emphasize the differences between the ingroup and some “outgroup” (or between “us” and “them”).²⁵ Perceived threats to an ingroup even cause physical stress responses.²⁶ These inclinations can lead to antagonism and hostility toward, blaming of, and discrimination against, members of the outgroup²⁷ and a desire for greater social distance from members of an outgroup.²⁸ In recent years, for example, parents have become more likely than they were in past decades to report distress at the thought of their child marrying someone of another political party.²⁹

In some instances, positions on particular issues can come to be more about signaling identification with a political party or other group and, thus, protecting a social identity, than about the substance of the issue itself. In this way, political positions can be as much about self-expression, expressing alignment with or loyalty to a particular group, as about the details of the particular policy at issue.³⁰

group membership”). See generally Roy F. Baumeister & Mark R. Leary, *The Need to Belong: Desire for Interpersonal Attachments as a Fundamental Human Motivation*, 117 PSYCH. BULL. 497, 497 (1995); Joshua Correll & Bernadette Park, *A Model of the Ingroup as a Social Resource*, 9 PERSONALITY & SOC. PSYCH. REV. 341, 341 (2005).

²⁵ Hornsey, *supra* note 22, at 206–07. These tendencies can also manifest in the dynamics among those on the same side of an issue, as when they hold different degrees of commitment to the cause. Maarten P. Zaal et al., *You’re Either with Us or Against Us! Moral Conviction Determines How the Politicized Distinguish Friend from Foe*, 20 GRP PROCESSES & INTERGROUP RELS. 519, 520 (2015).

²⁶ See, e.g., Sinthujaa Sampasivam et al., *The Effects of Outgroup Threat and Opportunity to Derogate on Salivary Cortisol Levels*, 13 INT’L J. ENV’T RSCH. & PUB. HEALTH 616, 617 (2016).

²⁷ See, e.g., Andrew E. Monroe & Bertram F. Malle, *People Systematically Update Moral Judgments of Blame*, 116 J. PERSONALITY & SOC. PSYCH. 215, 232 (2019).

²⁸ See, e.g., MASON, *supra* note 9, at 55 (finding that people are less willing to spend time with, establish friendships with, live next door to, or marry someone from the outparty); see also Iris Hui, *Who is Your Preferred Neighbor? Partisan Residential Preferences and Neighborhood Satisfaction*, 41 AM. POL. RSCH. 997, 1017 (2013).

²⁹ Shanto Iyengar et al., *Affect, Not Ideology: A Social Identity Perspective on Polarization*, 76 PUB. OP. Q. 405, 416–18 (2012).

³⁰ See generally Nathaniel Geiger et al., *Political Ingroup Conformity and Pro-Environmental Behavior: Evaluating the Evidence from a Survey and Mousetracking Experiment*, 72 J. ENV’T PSYCH. 1, 2 (2020); Leonie Huddy & Alexa Bankert, *Political Partisanship as a Social Identity*, OXFORD RSCH. ENCYCLOPEDIA (May 24, 2017), <https://doi.org/10.1093/acrefore/9780190228637.013.250> [<https://perma.cc/XM25-HVYW>]; Dan M. Kahan et al., *Motivated Numeracy and Enlightened Self-Government*, 1 BEHAVIOURAL PUB. POL’Y 54, 56 (2017) (noting that sometimes “opposing positions on a policy-relevant fact . . . come to be seen as symbols of membership in and loyalty to competing groups”). See, e.g., David Hogg (@davidhogg111), TWITTER (May 14, 2021, 6:06 AM), <https://twitter.com/davidhogg111/status/1393191013808754688> [<https://perma.cc/8EGJ-G2YW>] (“I feel the need to continue wearing my mask outside even though I’m fully vaccinated because the inconvenience

Group identification can even affect basic perceptions like sense of smell. In one study, researchers had a research assistant wear a single t-shirt for an entire week—even when exercising and sleeping—so that it acquired a fairly pungent odor. Student study participants were less disgusted by the smell when the logo on the shirt was from their own university (their ingroup) than when it was from a rival university (an outgroup).³¹ They were also less disgusted by the rival shirt when their broader identity as a university student was made salient (a broader ingroup that would encompass both universities).³²

Political parties are key groupings that seem to have become more focal in recent years.³³ In addition, in recent decades, the political parties have tended to sort themselves in ways that align and overlap with other group identities.³⁴ This “alignment of ideological identities and demography transforms political orientation into a mega-identity that renders opposing partisans different from, and even incomprehensible to, one another.”³⁵

B. *Motivated Reasoning*

Discussions on civic issues can be hard, in part, because people may seem to be talking past each other—with each having different views of the facts, holding different conceptions of fairness, and prioritizing different values. There is certainly misinformation (and disinformation) readily available.³⁶ Distorted information can be sticky, continuing to linger and having influence even

of having to wear a mask is more than worth it to have people not think I’m a conservative.”).

³¹ Stephen D. Reicher et al., *Core Disgust Is Attenuated by Ingroup Relations*, 113 PNAS 2631, 2633 (2016). Study participants also used less hand sanitizer after interacting with the shirt when it sported an ingroup logo. *Id.*

³² *Id.*

³³ Huddy & Bankert, *supra* note 30; Emily A. West & Shanto Iyengar, *Partisanship as a Social Identity: Implications for Polarization*, 44 POL. BEHAV. 807, 810 (2020) (“[T]he bias based on party affiliation exceeded the bias based on other group memberships including race and religion.”) (internal citations omitted); Nick Rogers & Jason J. Jones, *Using Twitter Bios to Measure Changes in Self-Identity: Are Americans Defining Themselves More Politically Over Time?*, 2 J. SOC. COMPUTING 1, 1 (2021). On ideologies, see generally Leor Zmigrod, *A Psychology of Ideology: Unpacking the Psychological Structure of Ideological Thinking*, 17 PERSPS PSYCH. SCI. 1072 (2022); Jennifer McCoy et al., *Polarization and the Global Crisis of Democracy: Common Patterns, Dynamics, and Pernicious Consequences for Democratic Polities*, 62 AM. BEHAV. SCIENTIST 16 (2018).

³⁴ Iyengar et al., *supra* note 8, at 134 (also arguing that “sorting has made it much easier for partisans to make generalized inferences about the opposing side, even if those inferences are inaccurate”); KLEIN, *supra* note 18, at 69; MASON, *supra* note 9, at 14, 24–44, 61–77; AIKIN & TALISSE, *supra* note 16, at xiv.

³⁵ Finkel et al., *supra* note 9, at 534. See generally Patrick J. Egan, *Identity as Dependent Variable: How Americans Shift Their Identities to Align with Their Politics*, 64 AM. J. POL. SCI. 699, 699 (2020).

³⁶ See, e.g., Jennifer Jerit & Yangzi Zhao, *Political Misinformation*, 23 ANN. REV. POL. SCI. 77, 78 (2020); Sander van der Linden, *Misinformation: Susceptibility, Spread, and Interventions to Immunize the Public*, 28 NATURE MED. 460, 460 (2022).

when it has been corrected and is known to be false.³⁷ But, in addition, our own pre-existing views, interests, expectations, and identities influence our construal of the world around us. Depending on our prior experiences, we pay attention to, remember, and credit different things.³⁸

One aspect of this motivated cognition is that we tend to prefer to expose ourselves to information that supports our pre-existing views, preferences, beliefs, and goals, and to avoid exposing ourselves to information or views that we find less congenial.³⁹ Thus, we tend to prefer to engage with others who see the world in ways that are similar to the ways we see it and are disinclined to seek out opposing views.⁴⁰ This, of course, affects what news we pay attention to and who we tend to talk to—and raises concerns that we mostly exist in distinct bubbles.⁴¹

Motivated cognition continues to have its effects once we are exposed to information. For example, our basic visual perception can be influenced by what we expect or hope to see.⁴² Our ideologies influence how we evaluate the basic logical validity of propositions.⁴³ And we tend to interpret the information

³⁷ See, e.g., Lisa K. Fazio et al., *Knowledge Does Not Protect Against Illusory Truth*, 144 J. EXPERIMENTAL PSYCH. 993, 999–1000 (2015); Nathan Walter & Riva Tukachinsky, *A Meta-Analytic Examination of the Continued Influence of Misinformation in the Face of Correction: How Powerful Is It, Why Does It Happen, and How to Stop It?*, 47 COMM. RSCH. 155, 155 (2020).

³⁸ See generally Ziva Kunda, *The Case for Motivated Reasoning*, 108 PSYCH. BULL. 480, 480 (1990); Raymond S. Nickerson, *Confirmation Bias: A Ubiquitous Phenomenon in Many Guises*, 2 REV. GEN. PSYCH. 175, 197 (1998); Avani Mehta Sood, *Motivated Cognition in Legal Judgments—An Analytic Review*, 9 ANN. REV. L. & SOC. SCI. 307, 308 (2013).

³⁹ See, e.g., William Hart et al., *Feeling Validated Versus Being Correct: A Meta-Analysis of Selective Exposure to Information*, 135 PSYCH. BULL. 555, 555 (2009) (finding this tendency to be even stronger with regard to political issues).

⁴⁰ Jeremy A. Frimer et al., *Liberals and Conservatives Are Similarly Motivated to Avoid Exposure to One Another's Opinions*, 72 J. EXPERIMENTAL SOC. PSYCH. 1, 1 (2017). One reason for this may be that we overestimate the aversiveness of exposing ourselves to conflicting views. Dorison et al., *supra* note 19, at 98 (finding that people expect more negative affect because they overestimate the degree of disagreement).

⁴¹ Gus Wezerek et al., *Do You Live in a Political Bubble?*, N.Y. TIMES (May 3, 2021), <https://www.nytimes.com/interactive/2021/04/30/opinion/politics/bubble-politics.html> [https://perma.cc/S688-X4R9].

⁴² See, e.g., Emily Balcetis & David Dunning, *See What You Want to See: Motivational Influences on Visual Perception*, 91 J. PERSONALITY & SOC. PSYCH. 612, 612 (2006); David Dunning & Emily Balcetis, *Wishful Seeing: How Preferences Shape Visual Perception*, 22 CURRENT DIRECTIONS PSYCH. SCI. 33, 33 (2013); Yuan Chang Leong et al., *Neurocomputational Mechanisms Underlying Motivated Seeing*, 3 NATURE HUM. BEHAVIOUR 962, 962 (2019); Y. Jenny Xiao et al., *Perceiving the World Through Group-Colored Glasses: A Perceptual Model of Intergroup Relation*, 27 PSYCH. INQUIRY 255, 255 (2016). See generally Yael Granot et al., *Justice Is Not Blind: Visual Attention Exaggerates Effects of Group Identification on Legal Punishment*, 143 J. EXPERIMENTAL PSYCH. 2196, 2196 (2014).

⁴³ Anup Gampa et al., *(Ideo)Logical Reasoning: Ideology Impairs Sound Reasoning*, 10 SOC. PSYCH. & PERSONALITY SCI. 1075, 1082 (2019).

that we encounter in accordance with our preferences and prior beliefs.⁴⁴ In one study, participants were asked to watch video footage of a protest and to evaluate the behavior of the protesters—whether they were creating an obstruction, the degree to which they presented a risk of violence, and to what extent they were involved in persuasion, intimidation, or physical interference with others.⁴⁵ All participants watched the same video, but some of them were told that the protest had happened outside an abortion clinic; others were told that it occurred outside a military recruitment center.⁴⁶ Assessments of the protesters' behavior varied by whether the purposes of the protest aligned with viewers' own beliefs and values.⁴⁷ That is, protest behavior was judged more approvingly when the purpose of the protest fit the viewer's policy preferences and more harshly when the reason for the protest was contrary to the viewer's ideals.⁴⁸

These sorts of interpretational differences were also at play in the United States Supreme Court's decision in *Scott v. Harris*.⁴⁹ The case involved a high-speed police chase that ended when officer Timothy Scott rammed his police car into the car of fleeing Victor Harris, resulting in a crash that left Harris a quadriplegic.⁵⁰ Central to the Court's assessment of the force used by Scott were dash-cam videos that depicted the chase. Justice Scalia, writing for the majority, was "happy . . . to [let] the videotape speak for itself," finding that there was no genuine issue of material fact about whether Scott's actions were objectively reasonable.⁵¹ The majority opinion described Harris' driving as "shockingly fast" and the chase as being "of the most frightening sort."⁵² Scalia

⁴⁴ Charles G. Lord et al., *Biased Assimilation and Attitude Polarization: The Effects of Prior Theories on Subsequently Considered Evidence*, 37 J. PERSONALITY & SOC. PSYCH. 2098, 2108 (1979); Nickerson, *supra* note 38, at 197.

⁴⁵ Dan M. Kahan et al., "They Saw a Protest": *Cognitive Illiberalism and the Speech-Conduct Distinction*, 64 STAN. L. REV. 851, 854–55, 883–84 (2012).

⁴⁶ *Id.* at 851–52, 883–84.

⁴⁷ *Id.* at 851–52, 884–85.

⁴⁸ *Id.*; see also Albert H. Hastorf & Hadley Cantril, *They Saw a Game; A Case Study*, 49 J. ABNORMAL & SOC. PSYCH. 129, 132–34 (1954) (finding partisan interpretations by the fans of opposing sports teams); Navanté Peacock & Monica Biernat, *Two Tales of Two Protests: Principled and Partisan Attitudes Toward Politically Charged Protests*, 52 J. APPLIED SOC. PSYCH. 51, 51 (2022). See generally Peter H. Ditto et al., *At Least Bias Is Bipartisan: A Meta-Analytic Comparison of Partisan Bias in Liberals and Conservatives*, 14 PERSPS. ON PSYCH. SCI. 273, 274 (2019) (reporting a meta-analysis of "the tendency to evaluate otherwise identical information more favorably when it supports one's political beliefs and allegiances"); Jennifer K. Robbennolt, *Evaluating Empirical Research Methods: Using Empirical Research in Law and Policy*, 81 NEB. L. REV. 777, 778–89 (2002).

⁴⁹ Dan M. Kahan et al., *Whose Eyes Are You Going to Believe? Scott v. Harris and the Perils of Cognitive Illiberalism*, 122 HARV. L. REV. 837, 838 (2009); see also NEAL FEIGENSON & CHRISTINA SPIESEL, *LAW ON DISPLAY: THE DIGITAL TRANSFORMATION OF LEGAL PERSUASION AND JUDGEMENT* 35–49 (2009). To watch the video, see Supreme Court of the United States, *Scott v. Harris—MP4 File*, (Apr. 30, 2007), https://www.supremecourt.gov/media/video/mp4files/scott_v_harris.mp4 [<https://perma.cc/8RTA-88NA>].

⁵⁰ Kahan et al., *supra* note 49, at 838.

⁵¹ *Id.* at 840–41.

⁵² *Id.* at 845–46.

described seeing the car “swerve around more than a dozen other cars, cross the double-yellow line, and force cars traveling in both directions to their respective shoulders to avoid being hit. We see it run multiple red lights and travel for considerable periods of time in the occasional center left-turn-only lane.”⁵³

In contrast, Justice Stevens, in dissent, described the episode as “a nighttime chase on a lightly traveled road in Georgia where no pedestrians or other ‘bystanders’ were present.” He noted that “[a]t no point during the chase did respondent pull into the opposite lane other than to pass a car in front of him” and that when he did, he “used his turn signal.” In addition, Stevens noted, when there were oncoming cars, Harris “slowed and waited for the cars traveling in the other direction to pass before overtaking the car in front of him.”⁵⁴

Researchers subsequently asked a variety of people to watch the video of the chase and to report on their perceptions. Most viewers concurred with the majority’s understanding of what the video showed.⁵⁵ Other viewers, however, interpreted what they saw in a different way, concluding that Harris’s driving did not present a deadly risk, that the police were more at fault than Harris, and that the use of deadly force was not justified.⁵⁶ Certain groups—including Black Americans, those with lower incomes, and those with more egalitarian views—were more likely than others to view the video this way.⁵⁷

These sorts of effects can extend to evaluations of scientific evidence. In one study, researchers asked people to imagine research studies that investigated the effects of a variety of controversial policy interventions—a ban on handguns, the legalization of medical marijuana, the death penalty, and a school voucher program.⁵⁸ Some participants were told that the study had found the policy to be effective; others were told that the intervention had been ineffective.⁵⁹ Across these issues, study participants were more skeptical of the study when it produced results that were contrary to the participants own views on the issue.⁶⁰

Other research has found that people differentially evaluate the methodologies and persuasiveness of studies depending on their findings. That is, people find studies that support their existing beliefs to be of higher quality and more persuasive than studies that contradict those beliefs, such that identical methods are evaluated differently depending on the results that they produce.⁶¹ Other

⁵³ *Scott v. Harris*, 550 U.S. 372, 379 (2007).

⁵⁴ *Id.* at 389–92 (Stevens, J., dissenting).

⁵⁵ Kahan et al., *supra* note 49, at 864.

⁵⁶ *Id.* at 865–66.

⁵⁷ *Id.* at 867.

⁵⁸ Robert J. MacCoun & Susannah Paletz, *Citizens’ Perceptions of Ideological Bias in Research on Public Policy Controversies*, 30 *POL. PSYCH.* 43, 51–52 (2009).

⁵⁹ *Id.* at 50.

⁶⁰ *Id.* at 55; *see also* Ditto et al., *supra* note 48, at 273.

⁶¹ Lord et al., *supra* note 44, at 2098.

studies of this “biased assimilation” have similarly found that congenial evidence is evaluated more leniently as people wonder, “Can I believe this?” while less preferred evidence is scrutinized more closely as people look for flaws and ask, “Must I believe this?”⁶²

Preferences and beliefs can also influence the ways in which we evaluate the credibility of other information we encounter. For example, one study found that people tend to be more likely to believe that soundbites upholding ingroup values are real when they are from an ingroup politician.⁶³ Similarly, people tend to believe that quotes undermining ingroup values are real when they are from an outgroup politician.⁶⁴ In contrast, people tend to disbelieve quotes attributed to an ingroup politician that undermine ingroup values or quotes attributed to an outgroup politician that support ingroup values.⁶⁵ Similarly, people tend to be more willing to believe negative fake news stories about politicians from an opposing party.⁶⁶

Our memories can be affected in similar ways. For instance, people are more susceptible to false memories that are consistent with their partisan identities. One study, for example, presented participants with a series of altered photographs that purported to show events that had not in fact happened and asked them whether they remembered the events.⁶⁷ There was a lot of misremembering, with around half of participants “remembering” each false event.⁶⁸ But partisanship also affected memories. Conservatives, for example, were more likely than liberals to report remembering President Barack Obama shaking hands with Iranian President Mahmoud Ahmadinejad and liberals were more likely than conservatives to report remembering that President George W. Bush was on vacation during Hurricane Katrina, neither of which happened.⁶⁹

⁶² Erica Dawson et al., *Motivated Reasoning and Performance on the Wason Selection Task*, 28 PERSONALITY & SOC. PSYCH. BULL. 1379, 1379 (2002). Motivated reasoning also influences responses to politicians’ moral violations. See, e.g., Annemarie S. Walter & David P. Redlawsk, *Voters’ Partisan Responses to Politicians’ Immoral Behavior*, 40 POL. PSYCH. 1075, 1075 (2019); see also ROBERT B. CIALDINI, *INFLUENCE, NEW AND EXPANDED: THE PSYCHOLOGY OF PERSUASION* 370 (2021) (noting that “deception that strengthens a ‘we’-group is viewed by members as morally superior to truth-telling that weakens their group”).

⁶³ Andrea Pereira et al., *Identity Concerns Drive Belief: The Impact of Partisan Identity on the Belief and Dissemination of True and False News*, GRP. PROCESSES & INTERGROUP RELS. 1, 7, 17 (2021).

⁶⁴ *Id.*

⁶⁵ *Id.* at 18.

⁶⁶ *Id.* at 17; see also Narina Nunez & Kimberly Schweitzer, *Perceptions of Campaign Donors and Their Impact on Judgments of Judicial Fairness*, 28 PSYCH., CRIME, & L. 289, 310 (2022) (finding that “liberal participants thought judges would be less fair when donors were conservative, and conservative participants thought judges would be less fair when donors were liberal”).

⁶⁷ Steven J. Frenda et al., *False Memories of Fabricated Political Events*, 49 J. EXPERIMENTAL SOC. PSYCH. 280, 281, 283 (2013).

⁶⁸ *Id.* at 283.

⁶⁹ *Id.* at 283–84.

Judgments of fairness and appropriate behavior are also complicated by our preferences and expectations. It is easy to draw on different metrics for judging fairness—focusing on equity, equality, need, fair procedures, and so on—to come to conclusions that match our interests.⁷⁰ And, although in the abstract most people agree that “it is very important that elected officials treat their opponents with respect,” more tend to think it is important for out-party members to treat in-party members with respect than think that in-party members should treat out-party members with respect.⁷¹

Finally, our reactions to policy proposals can be influenced simply by who is proposing them. Although most people tend to believe that the substance of a policy or proposal ought to influence their evaluations more than political considerations,⁷² this does not always turn out to be the case. Partisan affiliation combined with an adversarial stance, distrust, and zero-sum thinking often results in “reactive devaluation,” such that proposals and policies appear less appealing when they are put forward or supported by the other side.⁷³

⁷⁰ Morton Deutsch, *Equity, Equality, and Need: What Determines Which Value Will Be Used as the Basis of Distributive Justice?*, 31 J. SOC. ISSUES 137, 147 (1975); Tage Shakti Rai & Alan Page Fiske, *Moral Psychology Is Relationship Regulation: Moral Motives for Unity, Hierarchy, Equality, and Proportionality*, 118 PSYCH. REV. 57, 61–65 (2011); Eric Luis Uhlmann et al., *The Motivated Use of Moral Principles*, 4 JUDGMENT & DECISION MAKING 479, 489 (2009); see also Jason Dana et al., *Exploiting Moral Wiggle Room: Experiments Demonstrating an Illusory Preference for Fairness*, 33 ECON. THEORY 67, 67 (2007).

⁷¹ PEW RSCH. CTR., PUBLIC HIGHLY CRITICAL OF STATE OF POLITICAL DISCOURSE IN THE U.S. 6 (2019), <https://www.pewresearch.org/politics/2019/06/19/public-highly-critical-of-state-of-political-discourse-in-the-u-s/> [<https://perma.cc/ZB7H-43TQ>].

⁷² Leaf Van Boven et al., *Psychological Barriers to Bipartisan Public Support for Climate Policy*, 13 PERSPS. PSYCH. SCI. 492, 500 (2018) (finding that 86 percent of respondents “believed that policy content . . . should influence their policy evaluation more than partisan considerations” while “only 5% thought that partisan considerations should carry more weight than policy content”).

⁷³ Lee Ross & Andrew Ward, *Psychological Barriers to Dispute Resolution*, in BARRIERS TO NEGOTIATED RESOLUTION OF CONFLICT 255, 270 (Kenneth J. Arrow et al. eds., 9th ed. 1995); see also Geoffrey L. Cohen, *Party Over Policy: The Dominating Impact of Group Influence on Political Beliefs*, 85 J. PERSONALITY & SOC. PSYCH. 808, 808 (2003); Ditto et al., *supra* note 48, at 273, 282 (meta-analysis); John Gastil et al., *The Cultural Orientation of Mass Political Opinion*, 44 POL. SCI. & POL. 711, 711 (2011); Carlee Beth Hawkins & Brian A. Nosek, *Motivated Independence? Implicit Party Identity Predicts Political Judgments Among Self-Proclaimed Independents*, 38 PERSONALITY & SOC. PSYCH. BULL. 1437, 1437 (2012) (finding reactive devaluation even among independents); Elizabeth Popp & Thomas J. Rudolph, *A Tale of Two Ideologies: Explaining Public Support for Economic Interventions*, 73. J. POL. 808, 811 (2011); David Tannenbaum et al., *On the Misplaced Politics of Behavioural Policy Interventions*, 1 NATURE HUM. BEHAVIOUR, no. 0130, 2017, at 1 (finding that people find behavioral interventions more ethical when the nature of the intervention matches their political beliefs and less ethical when it does not); Van Boven et al., *supra* note 72, at 492, 500. See generally Jay J. Van Bavel & Andrea Pereira, *The Partisan Brain: An Identity-Based Model of Political Belief*, 22 TRENDS COGNITIVE SCIS. 213, 213 (2018).

*C. Perceptions and Meta-Perceptions*⁷⁴

Members of different groups also tend to have distorted perceptions of each other. Interestingly, people misperceive the make-up of the parties themselves. In particular, people overestimate the proportion of a party's membership that comes from "party-stereotypical" categories and underestimate the proportion that are "counter-stereotypical."⁷⁵ One study found, for example, that in 2015 people estimated on average that 32 percent of Democrats were gay, lesbian, or bisexual and that 39 percent were union members, compared to only 6 percent and 10.5 percent who were, respectively. On the other side of the aisle, people estimated that 38 percent of Republicans earned over \$250,000 per year and that 45 percent were over the age of sixty-five, compared to only 2 percent and 21 percent who were.⁷⁶

We tend to underestimate the proportion of people in the other party who are relatively moderate and to overestimate the proportion who are ideologically extreme. That is, when we think of a typical person from one of the parties, we tend to call to mind those who are more extreme in their views. Then we tend to think of these more available examples as representative of the whole party.⁷⁷

People also tend to perceive the policy divides among members of the public on particular issues to be bigger than those divides actually are. People rightly recognize that there are differences in policy preferences, but they tend to view members of the outgroup party as having more extreme views than they actually do.⁷⁸ Perceptions of the outgroup in these studies are often even more

⁷⁴ See generally Samantha L. Moore-Berg et al., *The Prime Psychological Suspects of Toxic Political Polarization*, 34 CURRENT OP. BEHAV. SCIS. 199, 199–202 (2020) (reviewing studies).

⁷⁵ Douglas J. Ahler & Gaurav Sood, *The Parties in Our Heads: Misperceptions About Party Composition and Their Consequences*, 80 J. POL. 964, 967–70 (2018).

⁷⁶ *Id.* at 968. See generally Jeffrey M. Jones, *LGBT Identification in U.S. Ticks Up to 7.1%*, GALLUP (Feb. 17, 2022), <https://news.gallup.com/poll/389792/lgbt-identification-ticks-up.aspx> [<https://perma.cc/M8P7-RNNN>] (finding that 7.1 percent of US adults overall identify as LGBT; younger generations report higher rates such that 20.8 percent of Generation Z identify as LGBT).

⁷⁷ James N. Druckman et al., *(Mis)estimating Affective Polarization*, 84 J. POL. 1106, 1108, 1111 (2022).

⁷⁸ Matthew S. Levendusky & Neil Malhotra, *(Mis)Perceptions of Partisan Polarization in the American Public*, 80 PUB. OP. Q. 378, 382–86 (2016); Robert J. Robinson et al., *Actual Versus Assumed Differences in Construal: "Naïve Realism" in Intergroup Perception and Conflict*, 68 J. PERSONALITY & SOC. PSYCH. 404, 404 (1995); David K. Sherman et al., *Naïve Realism and Affirmative Action: Adversaries are More Similar than They Think*, 25 BASIC & APPLIED SOC. PSYCH. 275, 284 (2003); Jacob Westfall et al., *Perceiving Political Polarization in the United States: Party Identity Strength and Attitude Extremity Exacerbate the Perceived Partisan Divide*, 10 PERSPS. PSYCH. SCI. 145, 145 (2015); see *The Perception Gap, MORE IN COMMON* (2019), <https://perceptiongap.us/> [<https://perma.cc/KN6F-C3D3>].

extreme than the actual views of even the most strongly identified partisans.⁷⁹ People also view members of their own party as having more extreme policy preferences than they themselves do, though these distortions are smaller than their distortions of outgroup views.⁸⁰ We may, therefore, be less ideologically polarized on many issues than we think—a phenomenon known as “false polarization.”⁸¹ Our affective polarization may consequently outstrip our substantive divides.⁸²

Related studies find similar gaps in the perceptions of a range of underlying values. For example, people tend to underestimate the degree to which members of other parties support democracy and democratic principles.⁸³ Conversely, people tend to overestimate the degree to which members of the other party support political violence.⁸⁴ Importantly, the greater their miscalculations, the more people are likely to express support for violence and other “anti-democratic processes” and willingness to engage in violence or “subvert democratic principles” in other ways.⁸⁵

Finally, studies find that people overestimate how much each side dislikes, perceives negatively, is prejudiced against, or dehumanizes the other.⁸⁶ Such

⁷⁹ PEW RSCH. CTR., *supra* note 71, at 14; Levendusky & Malhotra, *supra* note 78, at 378–79, 385–86; *see also* Christine Horne & Monica Kirkpatrick Johnson, *Testing an Integrated Theory: Distancing Norms in the Early Months of Covid-19*, 64 SOC. PERSPS. 970, 980–81 (2021).

⁸⁰ Levendusky & Malhotra, *supra* note 78, at 386; Robinson et al., *supra* note 78, at 413 (describing that neutral parties and independents also overestimate the extremity of partisans and the resulting gap).

⁸¹ Philip M. Fernbach & Leaf Van Boven, *False Polarization: Cognitive Mechanisms and Potential Solutions*, 43 CURRENT OP. PSYCH. 1, 2 (2022); *see also* Robinson et al., *supra* note 78, at 414.

⁸² COLEMAN, *supra* note 16, at 21–23 (distinguishing between four kinds of polarization: affective (relating to feeling negatively about the other group and positively about one’s own), ideological (relating to substantive issues), political (relating to parties or ideologies), and perceptual (relating to meta-cognition) and arguing that, although it seems clear that politicians have become more ideologically polarized and that the public has become more affectively polarized, it is less clear that ideological polarization among members of the public has increased); Finkel et al., *supra* note 9, at 533–34; STRYKER & BOATRIGHT, *supra* note 13, at 3; *see, e.g.*, Anya Kamenetz, *The Education Culture War is Raging. But for Most Parents, It’s Background Noise*, NPR (Apr. 29, 2022, 5:00 AM), <https://www.npr.org/2022/04/29/1094782769/parent-poll-school-culture-wars> [<https://perma.cc/47HC-UWAX>].

⁸³ *See* Michael H. Pasek et al., *Misperceptions About Out-Partisans’ Democratic Values May Erode Democracy*, 12 NATURE SCI. REPS, no. 16284, 2022, at 1, 4.

⁸⁴ Joseph S. Mernyk et al., *Correcting Inaccurate Metaperceptions Reduces Americans’ Support for Partisan Violence*, 119 PNAS, no. 16, 2022, at 1, 2.

⁸⁵ Pasek et al., *supra* note 83, at 2, 4–6; Mernyk et al., *supra* note 84, at 2; *see also* Lisa Farwell & Bernard Weiner, *Bleeding Hearts and the Heartless: Popular Perceptions of Liberal and Conservative Ideologies*, 26 PERSONALITY & SOC. PSYCH. BULL. 845, 845 (2000); Jesse Graham et al., *The Moral Stereotypes of Liberals and Conservatives: Exaggeration of Differences Across the Political Spectrum*, 7 PLOS ONE, no. 12, 2012, at 1, 1, 4.

⁸⁶ Samantha L. Moore-Berg et al., *Exaggerated Meta-Perceptions Predict Intergroup Hostility Between American Political Partisans*, 117 PNAS 14864, 14865–69 (2020); Jeffrey

overestimations are important because these sorts of perceptions are associated with wanting to keep social distance from the other, supporting “policies that harm the country and flout democratic norms to favor the ingroup political party,”⁸⁷ and perceiving that the “outgroup is motivated by purposeful obstructionism.”⁸⁸ Driven by misperceptions of how big the divides are, people also mispredict how unpleasant it would be to engage with the other side.⁸⁹

These sorts of distortions are ubiquitous, but tend to be most likely when the differences between the parties are the focus of attention,⁹⁰ when an underlying issue is particularly important or core to the individual’s identity,⁹¹ or for those who most strongly identify with their political party or have more extreme partisan attitudes.⁹² However they arise, these sorts of perception gaps can mean that people are skeptical that collaboration will be worthwhile or that finding common ground is possible.⁹³

D. *Naïve Realism*

We have seen how perceptions and judgments can be influenced by expectations and preferences. But, despite these patterns, we tend to believe that the way we perceive and experience the world is objective and unfiltered, not fully appreciating how our perceptions and understandings are filtered through our own perspective, knowledge, experiences, and interests.⁹⁴ This experience of “naïve realism” creates the “feeling that [our] own take on the world enjoys particular authenticity.”⁹⁵ Because we experience the world in a way that feels authentic and objective, it is easy to notice and accept that others are biased by their own experiences, but difficult to see that we are as well.⁹⁶ Psychologist Lee Ross has called this illusion of objectivity “the truly fundamental attribution error.”⁹⁷

Lees & Mina Cikara, *Inaccurate Group Meta-Perceptions Drive Negative Out-Group Attributions in Competitive Contexts*, 4 NATURE HUM. BEHAVIOUR 279, 280 (2020).

⁸⁷ Moore-Berg et al., *supra* note 86, at 14864.

⁸⁸ Lees & Cikara, *supra* note 86, at 279.

⁸⁹ Dorison et al., *supra* note 19, at 103.

⁹⁰ Nicholas Epley & Eugene M. Caruso, *Perspective Taking: Misstepping into Others’ Shoes*, in HANDBOOK OF IMAGINATION & MENTAL SIMULATION 297, 304 (Keith D. Markman et al. eds., 1st ed. 2009).

⁹¹ John R. Chambers et al., *Misperceptions in Intergroup Conflict: Disagreeing About What We Disagree About*, 17 PSYCH. SCI. 38, 38 (2006).

⁹² Westfall et al., *supra* note 78, at 145.

⁹³ Robinson et al., *supra* note 78, at 416.

⁹⁴ Emily Pronin et al., *Understanding Misunderstanding: Social Psychological Perspectives*, in HEURISTICS AND BIASES: THE PSYCHOLOGY OF INTUITIVE JUDGMENT 636, 646 (Thomas Gilovich et al. eds., 2002).

⁹⁵ *Id.*

⁹⁶ See Emily Pronin et al., *Objectivity in the Eye of the Beholder: Divergent Perceptions of Bias in Self Versus Others*, 111 PSYCH. REV. 781, 790 (2004).

⁹⁷ Lee Ross, *From the Fundamental Attribution Error to the Truly Fundamental Attribution Error and Beyond: My Research Journey*, 13 PERSPS. ON PSYCH. SCI. 750, 754 (2018).

One corollary of the illusion of objectivity is that people tend to believe that they are less influenced by their own political orientation or their own self-interest than are others, overestimating the extent of these influences on other people.⁹⁸ Substantial majorities of people in each of the major political parties believe that people in the out-party are “more closed minded than other Americans.”⁹⁹ A number of studies have found that people tend to attribute their own views to normative factors such as an understanding of the background facts or relevant history, careful analysis of the details of the policy or proposal in question, consideration of what is in the best interests of the country, or concern for long-term outcomes.¹⁰⁰ They attribute the views of others who agree with them to similar considerations.¹⁰¹ In contrast, people tend to attribute the views of people holding positions opposed to theirs to nonnormative influences such as misinformation, biases, slanted media coverage, propaganda, allegiance to political party, and self-interest.¹⁰²

People do, of course, sometimes appreciate that their views on a particular issue or in a particular instance have been influenced by their beliefs or prior experiences. This recognition, however, tends “to be accompanied by the insistence that, in their own case, [these beliefs or experiences are] uniquely enlightening—indeed, that it is the *lack* of such enlightenment that is making those on the other side of the issue take their misguided position.”¹⁰³

The feelings of objectivity and authenticity of experience associated with naïve realism mean that people have a “tendency to express their views as mat-

⁹⁸ See Chip Heath, *On the Social Psychology of Agency Relationships: Lay Theories of Motivation Overemphasize Extrinsic Incentives*, 78 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 25, 26 (1999); Dale T. Miller, *The Norm of Self-Interest*, 54 AM. PSYCH. 1053, 1053 (1999); Rebecca K. Ratner & Dale T. Miller, *The Norm of Self-Interest and Its Effects on Social Action*, 81 J. PERSONALITY & SOC. PSYCH. 5, 14 (2001); Robinson et al., *supra* note 78, at 414.

⁹⁹ *Partisan Antipathy: More Intense, More Personal*, PEW RSCH. CTR. (Oct. 10, 2019), <https://www.pewresearch.org/politics/2019/10/10/partisan-antipathy-more-intense-more-personal/> [https://perma.cc/3XR7-4SSG].

¹⁰⁰ Cohen, *supra* note 73, at 811 and throughout; Pronin et al., *supra* note 96, at 790; Michael C. Schwalbe et al., *The Objectivity Illusion and Voter Polarization in the 2016 Presidential Election*, 117 PNAS 21218, 21218–19 (2020); see also Pronin et al., *supra* note 96, at 783–84 (arguing that introspection about bias tends not to reveal “any phenomenological trace of the bias in question” and that we tend to be more willing to rely on the veracity of our own introspection than we are on others’ introspection, a phenomenon known as the “introspection illusion”).

¹⁰¹ Pronin et al., *supra* note 96, at 790; Schwalbe et al., *supra* note 100, at 21219.

¹⁰² Cohen, *supra* note 73, at 819; Pronin et al., *supra* note 96, at 790; Schwalbe et al., *supra* note 100, at 21219. Undecided voters perceived partisans on both sides “to have been influenced more by nonnormative considerations than by normative ones.” *Id.* at 21220; see also Robinson et al., *supra* note 78, at 405; Van Boven et al., *supra* note 72, at 500 (arguing that this means that “people exaggerate how much partisans reactively devalue the opposing side’s ideas”); Adam Waytz et al., *Motive Attribution Asymmetry for Love vs. Hate Drives Intractable Conflict*, 111 PNAS 15687, 15687 (2014).

¹⁰³ Pronin et al., *supra* note 96, at 790; see also Sherman et al., *supra* note 78, at 276.

ters of fact . . . rather than as subjective personal opinions.”¹⁰⁴ This phenomenological experience can also make us less open-minded¹⁰⁵ and confident that we should be able to convince others of the merits of our views.¹⁰⁶ If our experience and information are right—and we, of course, think that they are—then other people “will, or at least should, share that take, if they are attentive, rational, and objective perceivers of reality and open-minded seekers of truth.”¹⁰⁷ When others fail to come around to our position, there is an inclination to presume that such failure is the result of bias, faulty reasoning, a lack of information, self-interest, or intransigence.¹⁰⁸

Having made these attributions of the others’ predispositions to bias and faulty motives, it is easy to see any disagreement as more intense and persistent, to be more pessimistic about the possibility of finding common ground, and to act less cooperatively and more competitively.¹⁰⁹ Each side may be disposed to “talk when we would do well to listen and to be less patient than we ought to be when others express the conviction that they are the ones who are being misunderstood or judged unfairly.”¹¹⁰ Any incivility in the interaction makes arguments seem less sound.¹¹¹ As both sides make similar attributions and behave in similarly unhelpful ways, we get caught in a downward spiral of conflict.¹¹²

II. WHAT MIGHT HELP?

There is no easy fix to all of this. And, to be sure, the goal is not to eliminate disagreement or difference. Differences are important and conflict can be constructive. Instead, we might more usefully aspire to foster the ability for the

¹⁰⁴ Schwalbe et al., *supra* note 100, at 21221.

¹⁰⁵ *Id.* at 21223.

¹⁰⁶ Lee Ross & Andrew Ward, *Naive Realism in Everyday Life: Implications for Social Conflict and Misunderstanding*, in *VALUES AND KNOWLEDGE* 103, 116 (Edward S. Reed et al. eds., 1996).

¹⁰⁷ Pronin et al., *supra* note 94, at 646. Naive realism also leads to the belief that we make more accurate assessments of other people than they make of us. This is the *illusion of asymmetric insight*. Emily Pronin et al., *You Don’t Know Me, But I Know You: The Illusion of Asymmetric Insight*, 81 *J. PERSONALITY & SOC. PSYCH.* 639, 639 (2001) (“We insist that our ‘outsider perspective’ affords us insights about our peers that they are denied by their defensiveness, egocentricity, or other sources of bias. By contrast, we rarely entertain the notion that others are seeing us more clearly and objectively than we see ourselves.”).

¹⁰⁸ Ross & Ward, *supra* note 106, at 111; Kathleen A. Kennedy & Emily Pronin, *When Disagreement Gets Ugly: Perceptions of Bias and the Escalation of Conflict*, 34 *PERSONALITY & SOC. PSYCH. BULL.* 833, 845 (2008); Pronin et al., *supra* note 96, at 794.

¹⁰⁹ Kennedy & Pronin, *supra* note 108, at 845.

¹¹⁰ Pronin et al., *supra* note 107, at 652–53.

¹¹¹ Jason R. Popan et al., *Testing the Effects of Incivility During Internet Political Discussion on Perceptions of Rational Argument and Evaluations of a Political Outgroup*, 96 *COMPUTS. HUM. BEHAV.* 123, 130 (2019).

¹¹² *Id.* at 129.

populace to engage with differences in a more productive way,¹¹³ a goal that seems at once both modest and daunting.

A. *Awareness of Biases*

First, it is useful to simply be aware of the psychological influences at play—understanding the effects of social identities, motivated reasoning, reactive devaluation, perceptions and meta-perceptions, and naïve realism. If we understand and are more conscious of the lenses through which we view the world and the assumptions that we make, we can better take them into account.¹¹⁴

In this regard, it is important to reiterate that it is easier to see and accept these sorts of effects in other people than in ourselves.¹¹⁵ It is easier to notice and identify instances in which other people manifest these phenomena. But these are things that influence people more generally—not just those on one side or another and not just other people. So, it is important to be open to the reality of our own lenses.

B. *Grounded Perceptions*

1. *Shared Information*

Dispute resolution scholars and practitioners know that it is not necessary that people agree on the facts to have productive discussion.¹¹⁶ But they also know that it can also be useful to introduce objective data and to develop some

¹¹³ Finkel et al., *supra* note 9, at 536 (suggesting that the goal is “to move toward a system in which the public forcefully debates political ideals and policies while resisting tendencies that undermine democracy and human rights”); Daniel L. Shapiro, *The Power of the Civic Mindset: A Conceptual Framework for Overcoming Political Polarization*, 52 CONN. L. REV. 1077, 1080 (2021) (describing a “civic mindset” that “motivates concern for our own political interests and the legitimate interests of the multitude of political groups within society, resulting in a vibrant political space within which partisan competition and national unity can thrive”); see also Carrie Menkel-Meadow, *Why We Can’t “Just All Get Along”: Dysfunction in the Polity and Conflict Resolution and What We Might Do About It*, 2018 J. DISP. RESOL. 5, 6 (2018); Jennifer K. Robbennolt & Vikram D. Amar, *The Role of Lawyers and Law Schools in Fostering Civil Public Debate*, 52 CONN. L. REV. 1093, 1093 (2021).

¹¹⁴ Meytal Nasie et al., *Overcoming the Barrier of Narrative Adherence in Conflicts Through Awareness of the Psychological Bias of Naïve Realism*, 40 PERSONALITY & SOC. PSYCH. BULL. 1543, 1543 (2014) (finding “greater openness to the adversary’s narrative when they were made aware of naïve realism bias”).

¹¹⁵ See, e.g., Pronin et al., *supra* note 96, at 793; Qi Wang & Hee Jin Jeon, *Bias in Bias Recognition: People View Others but Not Themselves as Biased by Preexisting Beliefs and Social Stigmas*, 15 PLOS ONE, no. 10, 2020, at 1, 1.

¹¹⁶ See, e.g., ROGER FISHER ET AL., GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN 78 (3d ed. 2011) (“Agreement is often based on disagreement.”); Michael Moffitt, *Contingent Agreements: Agreeing to Disagree About the Future*, in THE NEGOTIATOR’S DESK REFERENCE 619, 619 (Chris Honeyman & Andrea Kupfer Schneider eds., 2017).

shared understandings.¹¹⁷ Given the motivated reasoning processes described above, is a shared view even possible?

Some good news is that although we are inclined to see things through our own lenses, there are boundaries on these influences and constraints on our ability to believe anything we want to believe. On many issues, science can still provide some common ground.¹¹⁸ There are certainly some issues for which “policy-relevant fact[s] have] become suffused with culturally divisive meanings” and for which identity pressures take precedence over the scientific facts.¹¹⁹ But for most issues, those that are not entangled in “divisive cultural conflict, citizens of all levels of science comprehension generally form positions that are consistent with the best available evidence.”¹²⁰

The degree of ambiguity in the factual landscape, too, is relevant. The more ambiguous the situation or the more mixed the scientific findings, the more room there is for different perceptions. In contrast, less ambiguity or a more robust base of research means less room for differing interpretations. “[P]eople motivated to arrive at a particular conclusion attempt to be rational and to construct a justification of their desired conclusion that would persuade a dispassionate observer. They draw the desired conclusion only if they can muster up the evidence necessary to support it.”¹²¹ Ultimately, few people can “see whatever they want in the data. The available evidence constrains our interpretations . . . and the stronger and more comprehensive the evidence, the less wiggle room available for bias.”¹²²

¹¹⁷ See, e.g., Peter S. Adler, *Negotiating the Facts*, in THE NEGOTIATOR’S DESK REFERENCE 455, 455 (Chris Honeyman & Andrea Kupfer Schneider eds., 2017); FISHER ET AL., *supra* note 116, at 84–93 (describing the utility of objective criteria).

¹¹⁸ KLEIN, *supra* note 18, at 93 (“[M]ost of the time people are perfectly capable of being convinced by the best evidence.”); Jill Suttie, *How to Close the Gap Between Us and Them*, GREATER GOOD MAG. (Nov. 7, 2013), https://greatergood.berkeley.edu/article/item/how_to_close_the_gap_between_us_and_them [<https://perma.cc/LPD6-UPWT>] (“It’s true that people tend to reject science if it conflicts with their worldview. But everybody appeals to science when it suits them, and no other source of knowledge has that distinction. . . . Science is our common ground.”). See generally *Science and Technology: Public Perceptions, Awareness, and Information Sources*, NAT’L SCI. BD. (May 4, 2020), <https://nces.nsf.gov/pubs/nsb20227/executive-summary> [<https://perma.cc/6N3Q-6CCS>] (reporting general positive views of science); Suzanne Hoogeveen et al., *The Einstein Effect Provides Global Evidence for Scientific Source Credibility Effects and the Influence of Religiosity*, 6 NAT. HUM. BEHAVIOUR 523, 523 (2022) (finding that “across cultures science is a powerful and universal heuristic that signals the reliability of information”).

¹¹⁹ Kahan et al., *supra* note 30, at 57.

¹²⁰ *Id.*; see also CHIP HEATH & KARLA STARR, MAKING NUMBERS COUNT: THE ART AND SCIENCE OF COMMUNICATING NUMBERS 133 (2022) (arguing that “good translations” of data can also “build mutual ground”).

¹²¹ Kunda, *supra* note 38, at 482–83.

¹²² Robert J. MacCoun, *Biases in the Interpretation and Use of Research Results*, 49 ANN. REV. PSYCH. 259, 281 (1998); see also Tom Pyszczynski & Jeff Greenberg, *Toward an Integration of Cognitive and Motivational Perspectives on Social Inference: A Biased Hypothesis-Testing Model*, 20 ADVANCES EXPERIMENTAL SOC. PSYCH. 297, 333 (1987) (noting “the products of people’s inferential activities reflect a compromise between conclusions that

2. Debunking

In the current political climate, misinformation is widespread and can spread easily.¹²³ It can, therefore, be important to “debunk” such misinformation when possible.¹²⁴ Misinformation, however, can be “sticky,” persisting even in the face of new information or a correction.¹²⁵ To make things worse, the more times something is repeated, the truer it seems to be.¹²⁶ It is not sufficient, therefore, to simply label misinformation as incorrect. Instead, successful debunking starts and ends with clear articulations of the correct information. In between these clear statements should come an explanation of why the misinformation is wrong, repeating the misinformation itself only once in doing so.¹²⁷ It is useful to “[e]xplain (1) why the mistaken information was thought to be correct in the first place and (2) why it is now clear it is wrong and (3) why the alternative is correct.”¹²⁸ Given what we know about the role of identity in shaping beliefs, it can be helpful for the correction to be provided by a source

may satisfy a variety of motives and those that can be supported by the information that is available.”).

¹²³ See *supra* notes 36–37; see also Stephan Lewandowsky et al., *Beyond Misinformation: Understanding and Coping with the “Post-Truth” Era*, 6 J. APPLIED RSCH. MEMORY & COGNITION 353, 353 (2017).

¹²⁴ Ullrich K. H. Ecker et al., *The Psychological Drivers of Misinformation Belief and Its Resistance to Correction*, 1 NATURE REVS. PSYCH. 13, 13 (2022); STEPHAN LEWANDOWSKY ET AL., THE DEBUNKING HANDBOOK 4 (2020). Preventing misinformation is better—before it takes hold—because it can be harder to correct misinformation after the fact. But that is a topic for another day. See, e.g., Jon Roozenbeek et al., *Psychological Inoculation Improves Resilience Against Misinformation on Social Media*, 8 SCI. ADVS., no. 34, 2022, at 1, 1. See generally Man-pui Sally Chan et al., *Debunking: A Meta-Analysis of the Psychological Efficacy of Messages Countering Misinformation*, 28 PSYCH. SCI. 1531, 1531 (2017).

¹²⁵ Hollyn M. Johnson & Colleen M. Seifert, *Sources of the Continued Influence Effect: When Misinformation in Memory Affects Later Inferences*, 20 J. EXPERIMENTAL PSYCH.: LEARNING, MEMORY, & COGNITION 1420, 1420 (1994); Lee Ross et al., *Perseverance in Self-Perception and Social Perception: Biased Attributional Processes in the Debriefing Paradigm*, 32 J. PERSONALITY & SOC. PSYCH. 880, 880 (1975). See generally Stephan Lewandowsky et al., *Misinformation and Its Correction: Continued Influence and Successful Debiasing*, 13 PSYCH. SCI. PUB. INT. 106, 106 (2012).

¹²⁶ Nadia M. Brashier & Elizabeth J. Marsh, *Judging Truth*, 71 ANN. REV. PSYCH. 499, 503 (2020); Christian Unkelbach et al., *Truth by Repetition: Explanations and Implications*, 28 CURRENT DIRECTIONS PSYCH. SCI. 247, 252 (2019); see, e.g., COLEMAN, *supra* note 16, at 114 (describing “threshold-effect changes”) (“When we are exposed to information contradicting our attitudes, that information—even if we ignore, discount, or deny it—can seep into our thinking and accumulate over time until it crosses some threshold. Then people radically reverse their views. So nothing much changes until everything changes.”). On the positive side, this also means that there is utility in continuing to debunk erroneous information and repeat accurate information. See also Kimberlee Weaver et al., *Inferring the Popularity of an Opinion from Its Familiarity: A Repetitive Voice Can Sound Like a Chorus*, 92 J. PERSONALITY & SOC. PSYCH. 821, 831 (2007).

¹²⁷ LEWANDOWSKY ET AL., *supra* note 124, at 12.

¹²⁸ *Id.* at 13.

that has credibility with the relevant identity group (such as a co-partisan),¹²⁹ for the message to be framed to resonate with that group,¹³⁰ and to “avoid[] the stigmatization of groups for holding inaccurate beliefs.”¹³¹

3. *Meta-Perceptions*

Given the misapprehensions described above, it would also be useful to correct the misperceptions that groups have about each other.¹³² One way to do this would be to simply expose people to more accurate information. People who are given accurate descriptions of the composition of the political parties tend to have more favorable views of outgroup party members.¹³³ People who learn about the tendency to mispredict how aversive it will be to encounter opponents or opposing information make more accurate (less negative) forecasts and are more willing to expose themselves to contrary views.¹³⁴ When people anticipate the possibility of negotiating with a counterpart who is described as having views that accurately represent a typical member of the other side, they expect more positive emotion, predict more common ground, and have higher hopes for being able to reach agreement than they do when anticipating a negotiation with a stereotypical opponent.¹³⁵ People who have accurate information about outgroup attitudes are less likely to anticipate obstructionism from the

¹²⁹ See, e.g., Dan Kahan, *Fixing the Communications Failure*, 463 NATURE 296, 297 (2010); Dan M. Kahan et al., *Cultural Cognition of Scientific Consensus*, 14 J. RISK RSCH. 147, 149–50 (2011); Tannenbaum et al., *supra* note 73, at 1–2; JAY J. VAN BAVEL & DOMINIC J. PACKER, *THE POWER OF US: HARNESSING OUR SHARED IDENTITIES TO IMPROVE PERFORMANCE, INCREASE COOPERATION, AND PROMOTE SOCIAL HARMONY* 90 (1st ed. 2021). One possibility is to use a “convert communicator,” one who is a member of the same in-group but has come to adopt an alternative view. See, e.g., Christopher Graves & Steve Simpson, *Former Skeptics Can Be Your Best Spokespeople*, HARV. BUS. REV. (Oct. 28, 2016), <https://hbr.org/2016/10/former-skeptics-can-be-your-best-spokespeople> [<https://perma.cc/RQ2C-QFK3>]; John M. Levine & Ronald S. Valle, *The Convert as a Credible Communicator*, 3 SOC. BEHAV. & PERSONALITY 81, 81 (1975); *Bob Inglis: How I Changed My Mind About Climate Change*, NPR (Dec. 3, 2021, 11:57 AM), <https://npr.org/transcripts/1061214253> [<https://perma.cc/MFY7-CTL4>]; see also Blake Hudson & Evan Spencer, *Denying Disaster: A Modest Proposal for Transitioning from Climate Change Denial Culture in the South-eastern United States*, 40 U. ARK. LITTLE ROCK L. REV. 545, 563 (2018).

¹³⁰ See *infra* notes 197–202.

¹³¹ LEWANDOWSKY ET AL., *supra* note 124, at 11. Avoiding stigmatization or disdain also helps to create space for changing minds. See *infra* notes 192–97.

¹³² Moore-Berg et al., *supra* note 86, at 14870 (suggesting that getting people to “update their meta-perceptions to match reality . . . may be an easier ‘sell’ than asking participants to identify with or like the outgroup more than they do currently”).

¹³³ Ahler & Sood, *supra* note 75, at 977. See generally Nour Kteily et al., *They See Us as Less than Human: Metadehumanization Predicts Intergroup Conflict via Reciprocal Dehumanization*, 110 J. PERSONALITY & SOC. PSYCH. 343, 343 (2016).

¹³⁴ Dorison et al., *supra* note 19, at 105.

¹³⁵ Sherman et al., *supra* note 78, at 284–85; see also Druckman et al., *supra* note 77, at 1114 (finding more positive ratings of people described with the characteristics more typical of a “modal” partisan).

other side¹³⁶ and tend to moderate their own views.¹³⁷ And correcting misperceptions about the other side's support for violence decreases support for violence as well as willingness to engage in it.¹³⁸

It is also possible to develop more accurate meta-perceptions by taking the perspective of members of the outgroup or through direct contact between groups. Both strategies are potentially helpful. But they each also present some complications.

Perspective taking—considering the views, experiences, emotions, and interests of another person—is one way to bridge the perception gap. Studies have found that perspective taking can result in more empathy for the other, less stereotyping, greater feelings of similarity, more awareness of the situational constraints that the other faces, and more cooperation.¹³⁹

But perspective taking is not always easy or accurate.¹⁴⁰ Particularly when we try to take the perspective of someone with very different views, our expectations can incline us to exaggerate the perspective of the other side.¹⁴¹ It is also tempting to think about another's perspective through an argumentative lens, as we look for ways that their perspective might be wrong.¹⁴²

This means that we need to think carefully about how we go about perspective taking. Perspective taking may be the most successful when the perspective taker connects with the other person, asks them for their perspective, and listens carefully to what they say.¹⁴³ Given our faulty expectations about each other, we may be better served by exploring fresh information about, and insight into,

¹³⁶ Lees & Cikara, *supra* note 86, at 283–84.

¹³⁷ Douglas J. Ahler, *Self-Fulfilling Misperceptions of Public Polarization*, 76 J. POL. 607, 617 (2014).

¹³⁸ Mernyk et al., *supra* note 84, at 1–2. *But see* David E Broockman et al., *Does Affective Polarization Undermine Democratic Norms or Accountability? Maybe Not*, AM. J. POL. SCI. (forthcoming 2022) (manuscript at 1, 13–14, app. at 9 fig.A6), <https://doi.org/10.1111/ajps.12719>; Jan G. Voelkel et al., *Interventions Reducing Affective Polarization Do Not Necessarily Improve Anti-Democratic Attitudes*, 7 NATURE HUM. BEHAVIOUR 55, 56 (2022); *see also* Steven Sloman et al., *Are Voters Influenced by the Results of Consensus Conference?*, BEHAVIOURAL PUB. POL'Y 395, 396 (2021).

¹³⁹ *See* Tal Eyal et al., *Perspective Mistaking: Accurately Understanding the Mind of Another Requires Getting Perspective, Not Taking Perspective*, 114 J. PERSONALITY & SOC. PSYCH. 547, 548–49 (2018) (reviewing studies); William M. Bernstein & Mark H. Davis, *Perspective-Taking, Self-Consciousness, and Accuracy in Person Perception*, 3 BASIC & APPLIED SOC. PSYCH. 1, 5–9 (1982); Nicholas Epley et al., *Perspective Taking as Egocentric Anchoring and Adjustment*, 87 J. PERSONALITY & SOC. PSYCH. 327, 327–28 (2004); Adam D. Galinsky & Gordon B. Moskowitz, *Perspective-Taking: Decreasing Stereotype Expression, Stereotype Accessibility, and In-Group Favoritism*, 78 J. PERSONALITY & SOC. PSYCH. 708, 721 (2000).

¹⁴⁰ *See, e.g.*, Eyal et al., *supra* note 139, at 548.

¹⁴¹ Epley & Caruso, *supra* note 90, at 304.

¹⁴² Ross, *supra* note 97, at 765 (noting that “in practice the exercise [of perspective taking] too often becomes an exploration of the sources of the erroneous views of the other”).

¹⁴³ Eyal et al., *supra* note 139, at 565 (finding that perspective taking is difficult and that accuracy about another person is better aided by engaging in conversation with them).

the other person, rather than relying on what we (think we) already know about them. We might think about this, therefore, as a process of “getting” perspective rather than a process of perspective “taking.”¹⁴⁴

Another way to correct and improve impressions is through positive contact experiences between and among groups.¹⁴⁵ Decades of research has found that positive intergroup contact can result in more positive attitudes and less prejudice toward the outgroup; more empathy, perspective taking, and trust; less anxiety and threat; and increased willingness to work together.¹⁴⁶ Contact experiences can help to generate a better understanding of the basis for opposing views.¹⁴⁷ Although agreement on the substance of the underlying issues will not always follow, this broader understanding can contribute to increased mutual respect, less stereotyping, the ability to talk more civilly and productively, and argument that avoids focusing on straw men.¹⁴⁸

¹⁴⁴ *Id.* at 562. Reading novels or engaging with other literary or theatrical media may also help broaden perspective. *See, e.g.*, Jessica Black & Jennifer L. Barnes, *Fiction and Social Cognition: The Effect of Viewing Award-Winning Television Dramas on Theory of Mind*, 9 PSYCH. AESTHETICS, CREATIVITY, & ARTS 423, 428 (2015); Emanuele Castano et al., *The Effect of Exposure to Fiction on Attributional Complexity, Egocentric Bias and Accuracy in Social Perception*, 15 PLOS ONE, no. 5, 2020, at 1, 6–7; David Comer Kidd & Emanuele Castano, *Reading Literary Fiction Improves Theory of Mind*, 342 SCI. 377, 377 (2013); Steve Rathje et al., *Attending Live Theatre Improves Empathy, Changes Attitudes, and Leads to Pro-Social Behavior*, 95 J. EXPERIMENTAL SOC. PSYCH., no. 104138, 2021, at 1, 9. *But see* Maria Eugenia Panero et al., *Does Reading a Single Passage of Literary Fiction Really Improve Theory of Mind? An Attempt at Replication*, 111 J. PERSONALITY & SOC. PSYCH. e46, e52 (2016).

¹⁴⁵ *See generally* Elizabeth Levy Paluck et al., *The Contact Hypothesis Re-Evaluated*, 3 BEHAVIOURAL PUB. POL’Y 129, 131, 134–35 (2019); Stefania Paolini et al., *Intergroup Contact Research in the 21st Century: Lessons Learned and Forward Progress If We Remain Open*, 77 J. SOC. ISSUES 11, 16 (2021); Thomas F. Pettigrew & Linda R. Tropp, *A Meta-Analytic Test of Intergroup Contact Theory*, 90 J. PERSONALITY & SOC. PSYCH. 751, 752 (2006); *see also* Fiona A. White et al., *Beyond Direct Contact: The Theoretical and Societal Relevance of Indirect Contact for Improving Intergroup Relations*, 77 J. SOC. ISSUES 132, 134–35 (2021) (focusing on indirect contact); Magdalena Wojcieszak & Benjamin R. Warner, *Can Interparty Contact Reduce Affective Polarization? A Systematic Test of Different Forms of Intergroup Contact*, 37 POL. COMM’N. 789, 794 (2020) (finding positive effects of observing cooperative interparty interaction).

¹⁴⁶ *See* Jessica Boin et al., *The Generalization of Intergroup Contact Effects: Emerging Research, Policy Relevance, and Future Directions*, 77 J. SOC. ISSUES 105, 109 (2021); Tabea Hässler et al., *A Large-Scale Test of the Link Between Intergroup Contact and Support for Social Change*, 4 NATURE HUM. BEHAVIOUR 380, 380, 382 (2020); Pettigrew & Tropp, *supra* note 145, at 751–52.

¹⁴⁷ MATTHEW S. LEVENDUSKY & DOMINIK A. STECULA, WE NEED TO TALK: HOW CROSS-PARTY DIALOGUE REDUCES AFFECTIVE POLARIZATION 3, 7 (2021); Diana C. Mutz, *Cross-Cutting Social Networks: Testing Democratic Theory in Practice*, 96 AM. POL. SCI. REV. 111, 114 (2002). *See generally* ARLIE RUSSELL HOCHSCHILD, STRANGERS IN THEIR OWN LAND: ANGER AND MOURNING ON THE AMERICAN RIGHT (2016).

¹⁴⁸ *See, e.g.*, James Fishkin et al., *Is Deliberation an Antidote to Extreme Partisan Polarization? Reflections on “America in One Room”*, 115 AM. POL. SCI. REV. 1464, 1469 (2021) (finding that deliberation resulted in less affective and attitudinal polarization); LEVENDUSKY & STECULA, *supra* note 147, at 31, 44 (finding that cross-party dialogue resulted in warmer

Some positive contact across difference may happen organically as people encounter each other in schools and workplaces, on the sidelines of kids' sporting events, and in social groups. But such experiences tend to happen less frequently and spontaneously as we become increasingly sorted in where we live, shop, go to school, work, and otherwise congregate.¹⁴⁹ Some activities, like jury service, may still play a role in bringing people from different backgrounds together in a common project.¹⁵⁰ But it may take some effort to find activities that will naturally bring us in contact with others outside our usual groups.¹⁵¹ Into this void, a variety of organizations have emerged that are working to facilitate opportunities for contact and discussion among people with different backgrounds and beliefs.¹⁵² Some of these platforms can be used by organizations or communities to advance exchange among their members.¹⁵³ Not all of these programs have been studied, but there is evidence that these sorts of cross-

feelings toward each other, more trust, less desire for social distance, more perceived common ground, better understanding, and more respect); *see also* Robinson et al., *supra* note 78, at 416 (“Even if such discussions do not lead to consensus about policy, they could at least reduce stereotyping (by neutral observers as well as by the partisans themselves) and allow the partisans to see the other side as less of an unreasoning, unreasonable, ideologically driven monolith.”).

¹⁴⁹ AIKIN & TALISSE, *supra* note 16, at 4, 179. *See generally* KLEIN, *supra* note 18. *See also* Wezerek, *supra* note 41.

¹⁵⁰ *See generally* JOHN GASTIL ET AL., *THE JURY AND DEMOCRACY: HOW JURY DELIBERATION PROMOTES CIVIC ENGAGEMENT AND POLITICAL PARTICIPATION* (2010).

¹⁵¹ *See* ROBERT B. TALISSE, *OVERDOING DEMOCRACY: WHY WE MUST PUT POLITICS IN ITS PLACE* 132–33 (2019). Even this may be harder than it sounds. *Id.* at 132. Robert Talisse describes the experience of suggesting that people might volunteer to pick up litter in a public park as a way to engage in a common venture across divides. *Id.* One participant responded by noting that this would not be effective because picking up litter was a “liberal” activity. *Id.* Talisse recognized that his instinct to see the activity in nonpolitical terms was not shared by all citizens. *Id.* at 132–33.

¹⁵² *See, e.g., America in One Room*, STAN. DELIBERATIVE DEMOCRACY LAB (2019), <https://cd.d.stanford.edu/2019/america-in-one-room/> [<https://perma.cc/MN8E-BPR6>]; AMERICA TALKS, <https://americatalks.us/> [<https://perma.cc/E7KH-LXX2>]; BRAVER ANGELS, <https://braverangels.org/> [<https://perma.cc/EVR5-6ZJ6>]; BRIDGE ALLIANCE, <https://www.bridgealliance.us/> [<https://perma.cc/7GDP-P396>]; DIVIDED WE FALL, <https://www.dividedwefalltv.org/> [<https://perma.cc/MBW9-H4D7>] (“reveal[ing] ordinary people wrestling with what it truly means to be an American, the divides that prevent unity, and what we can do to bridge the gaps”); LIVINGROOM CONVERSATIONS, <https://livingroomconversations.org/> [<https://perma.cc/QXW2-KYPX>]; MY COUNTRY TALKS, <https://www.mycountrytalks.org/> [<https://perma.cc/S8GL-TJHC>] (“help[ing] societies around the world to connect over the issues that divide them”); *One Small Step*, STORYCORPS, <https://storycorps.org/discover/onesmallstep/> [<https://perma.cc/3UG2-FSSL>] (“bring[ing] strangers with different political views together to record a 50-minute conversation—not to debate politics, but to learn who [they] are as people”); INT’L ASS’N FOR PUB. PARTICIPATION, <http://www.iap2.org> [<https://perma.cc/A36F-7K6S>]; *see also Key Principles and Best Practices*, NAT’L INST. CIV. DISCOURSE, <https://nicd.arizona.edu/wp-content/uploads/2020/09/Engaging-Differences-Key-Concepts-and-Best-Practices.pdf> [<https://perma.cc/7R2Z-NBMF>].

¹⁵³ *See, e.g., America Talks*, *supra* note 152; *My Country Talks*, *supra* note 152.

difference discussions can reduce issue polarization, affective polarization, and social distancing.¹⁵⁴

Importantly, though, as with perspective taking, not all contact between and among members of different groups will have constructive effects. Indeed, negative contact is likely to make things worse.¹⁵⁵ And exposure to each other's "moral rhetoric" can increase polarization.¹⁵⁶ For contact to improve understanding, it must be set up to foster meaningful engagement among groups. Opportunities for collaboration, to identify and work toward common goals, and for group members to feel empowered and accepted are key.¹⁵⁷ It can also be helpful for each group to perceive that the other group wants to be in contact with them (i.e., "contact meta-perceptions" are important).¹⁵⁸

C. Curiosity, Listening, and Understanding

All of this means that the nature of the interactions that take place is important. We need encounters in which people are able to engage with each oth-

¹⁵⁴ Fishkin et al., *supra* note 148, at 1477–78; LEVENDUSKY & STECULA, *supra* note 147, at 28–31. Additional research on the effects of these efforts would be useful.

¹⁵⁵ Paolini et al., *supra* note 145, at 16 ("Negative contact is liable to exacerbate intergroup bias and conflict through similar, as well as distinct routes, just as positive contact reduces them."); Christopher A. Bail et al., *Exposure to Opposing Views on Social Media Can Increase Political Polarization*, 115 PNAS 9216, 9216 (2018); *see also* Lydia E. Hayward et al., *Toward a Comprehensive Understanding of Intergroup Contact: Descriptions and Mediators of Positive and Negative Contact Among Majority and Minority Groups*, 43 PERSONALITY & SOC. PSYCH. BULL. 347, 347 (2017); Sarina J. Schäfer et al., *Does Negative Contact Undermine Attempts to Improve Intergroup Relations? Deepening the Understanding of Negative Contact and Its Consequences for Intergroup Contact Research and Interventions*, 77 J. SOC. ISSUES 197, 197 (2021).

¹⁵⁶ Matthew Feinberg & Robb Willer, *From Gulf to Bridge: When Do Moral Arguments Facilitate Political Influence?*, 41 PERSONALITY & SOC. PSYCH. BULL. 1665, 1676 (2015). This also suggests that we ought to pay attention to the range of effects our ingroup rhetoric may have. Ingroup members may reward each other (with "likes" or other indicators of comradery) for highly moral messages that may be oversimplified and caricatured. Such messages may entertain and create energy within the ingroup, but they may also widen the divide between the groups.

¹⁵⁷ *See* Pettigrew & Tropp, *supra* note 145, at 760 (finding that studies with "optimal conditions" found larger effects of contact); Tabea Hässler et al., *Need Satisfaction in Intergroup Contact: A Multinational Study of Pathways Toward Social Change*, 122 J. PERSONALITY & SOC. PSYCH. 634, 635–36 (2022); Zaid Jalani, *What Makes a Good Interaction Between Divided Groups?*, GREATER GOOD MAG. (May 14, 2019), https://greatergood.berkeley.edu/article/item/what_makes_a_good_interaction_between_divided_groups [<https://perma.cc/Z5JZ-8QN9>].

¹⁵⁸ *See* Sofia Stathi et al., *Do They Want Contact with Us? The Role of Intergroup Contact Meta-Perceptions on Positive Contact and Attitudes*, 30 J. CMTY. & APPLIED SOC. PSYCH. 461, 461 (2020). It is also worth grappling with the potential for contact to reduce support for social change. *See* Hässler et al., *supra* note 146, at 380; Hässler et al., *supra* note 157, at 636; *see also* Tabea Hässler et al., *Intergroup Contact and Social Change: An Integrated Contact-Collective Action Model*, 77 J. SOC. ISSUES 217, 217 (2021).

er, express themselves, listen to each other, and learn from each other.¹⁵⁹ For this to happen, it is important to come to such conversations from a stance of curiosity¹⁶⁰ and to be mindful about the assumptions we might be making about the other person.¹⁶¹ In addition, just as it can be better to “get” perspective, it can be quite helpful to allow the other to voice (or “give”) their own perspective.¹⁶²

Great benefits can come from asking follow-up questions that invite the conversation partner to elaborate on their perspective, reasoning, values, or experiences. These questions should not be to score points or to cross-examine, even though that may be our natural inclination. Rather, questions can be framed to learn more about the other’s lived experiences, the people or events that they think have influenced their beliefs and identities, and what questions they have about their own views and those of others.¹⁶³ These sorts of questions tend to have three interrelated effects. People who invite elaboration in this way are perceived as more open minded, receptive, and responsive,¹⁶⁴ and they are liked more.¹⁶⁵ Not only are they perceived to be more open, but the process of coming up with elaboration questions actually seems to generate more openness on the part of the speaker.¹⁶⁶ This openness, then, inclines the recipients of such questions to feel more receptive to the questioner in return.¹⁶⁷

¹⁵⁹ See, e.g., COLEMAN, *supra* note 16, at 17 (describing “dialogue” as “a process of open and reflective speaking, hearing, learning, and discovery that is unfamiliar to most of us”).

¹⁶⁰ Chris Guthrie, *Be Curious*, 25 NEGOT. J. 401, 401 (2009); Susan L. Podziba, *Civic Fusion: Moving from Certainty Through Not Knowing to Curiosity*, 30 NEGOT. J. 243, 247 (2014); see also Katya Migacheva & Linda R. Tropp, *Learning Orientation as a Predictor of Positive Intergroup Contact*, 16 GRP. PROCESSES & INTERGROUP RELS. 426, 426 (2012); Mary C. Murphy et al., *Leveraging Motivational Mindsets to Foster Positive Interracial Interactions*, 5 SOC. & PERSONALITY PSYCH. COMPASS 118, 118 (2011).

¹⁶¹ See *supra* Part I.C. On the utility of “calling-in” see Jessica Bennett, *What if Instead of Calling People Out, We Called Them In?*, N.Y. TIMES (Nov. 19, 2020), <https://www.nytimes.com/2020/11/19/style/loretta-ross-smith-college-cancel-culture.html> [<https://perma.cc/2CLK-DLHU>].

¹⁶² See Emile G. Bruneau & Rebecca Saxe, *The Power of Being Heard: The Benefits of ‘Perspective-Giving’ in the Context of Intergroup Conflict*, 48 J. EXPERIMENTAL SOC. PSYCH. 855, 855–56, 864 (2012).

¹⁶³ See Menkel-Meadow, *supra* note 113, at 16–17; see also TANIA ISRAEL, *BEYOND YOUR BUBBLE: HOW TO CONNECT ACROSS THE POLITICAL DIVIDE* 55–57 (2020) (discussing the importance of asking open-ended questions).

¹⁶⁴ See Frances S. Chen et al., *Tell Me More: The Effects of Expressed Interest on Receptiveness During Dialog*, 46 J. EXPERIMENTAL SOC. PSYCH. 850, 851 (2010); Karen Huang et al., *It Doesn’t Hurt to Ask: Question-Asking Increases Liking*, 113 J. PERSONALITY & SOC. PSYCH. 430, 430 (2017).

¹⁶⁵ Huang et al., *supra* note 164, at 430. Interestingly, people do not tend to anticipate the effect of question-asking on liking. *Id.*

¹⁶⁶ See Chen et al., *supra* note 164, at 852.

¹⁶⁷ See *id.* This receptiveness does not have to come at the expense of one’s deeply held beliefs. Receptiveness increased openness to the other’s views but did not change ratings of the strength of beliefs (own or other’s). See *id.* at 851. For a more detailed discussion of questions focused on promoting dialogue, see ISRAEL, *supra* note 163, at 55–59.

The other component is that conversation partners need to listen to each other. The kind of listening that is important here—sometimes referred to as “high quality listening”—is focused on trying to understand the other’s experience, perspective, and reasoning,¹⁶⁸ not with an eye toward responding or countering or arguing or judging or even sharing information,¹⁶⁹ but to understand.¹⁷⁰ Ultimately, what is important is that speakers experience the listener as receptive to their perspective, experiences, ideas, and views. People desire to experience “felt understanding[;]” that is, to feel “that members of an outgroup understand and accept [as subjectively valid] the perspectives of ingroup members, including ingroup members’ beliefs, values, experiences, and self-definition/identity.”¹⁷¹

We often hold erroneous lay theories about what will convey openness and receptivity, focusing on politeness and formality.¹⁷² But communicating receptiveness has more to do with expressing a genuine willingness to engage with the other person, asking questions, listening, acknowledging the other’s perspective, demonstrating understanding of that perspective, and highlighting common ground.¹⁷³

When talking with someone who engaged in high-quality listening, people tend to experience less social anxiety and feel less defensive.¹⁷⁴ This creates

¹⁶⁸ Guy Itzhakov et al., *I Am Aware of My Inconsistencies but Can Tolerate Them: The Effect of High Quality Listening on Speakers’ Attitude Ambivalence*, 43 PERSONALITY & SOC. PSYCH. BULL. 105, 105 (2017). In contrast, low-quality listening can be counterproductive. *Id.* at 112; see also Jonathan R. Cohen, “Open-Minded Listening”, 5 CHARLOTTE L. REV. 139, 144 (2014) (discussing the importance of open-minded listening and the factors that hinder and promote it).

¹⁶⁹ Even when conversation partners agree, it can be easy to slip into listening to *respond*.

¹⁷⁰ See generally KATE MURPHY, YOU’RE NOT LISTENING: WHAT YOU’RE MISSING AND WHY IT MATTERS 19 (2019) (“To listen well is to figure out what’s on someone’s mind and demonstrate that you care enough to want to know.”).

¹⁷¹ See Andrew G. Livingstone et al., “They Just Don’t Understand Us”: *The Role of Felt Understanding in Intergroup Relations*, 119 J. PERSONALITY & SOC. PSYCH. 633, 634 (2020).

¹⁷² See Julia A. Minson & Frances S. Chen, *Receptiveness to Opposing Views: Conceptualization and Integrative Review*, 26 PERSONALITY & SOC. PSYCH. REV. 93, 102 (2022); Michael Yeomans et al., *Conversational Receptiveness: Improving Engagement with Opposing Views*, 160 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 131, 137 (2020) (finding that people feel as though they are receptive when they are “using titles, expressing gratitude . . . [or not] swearing”).

¹⁷³ See Minson & Chen, *supra* note 172, at 102, 105–06; Yeomans et al., *supra* note 172, at 135 (also finding more “hedges,” fewer “negations,” and less focus on “explanatory reasoning”); see also Xuan Zhao et al., “Thank You, Because”: Discussing Disagreement While Finding Common Ground (unpublished manuscript).

¹⁷⁴ Itzhakov et al., *supra* note 168, at 106; see Guy Itzhakov et al., *The Listener Sets the Tone: High-Quality Listening Increases Attitude Clarity and Behavior-Intention Consequences*, 44 PERSONALITY & SOC. PSYCH. BULL. 762, 763 (2018); Podziba, *supra* note 160, at 253 (“A person at ease is better able to consider new ideas and information. A person who feels uncomfortable will hold tighter to the assumptions that make him or her feel secure.”).

space for them to be more self-reflective and curious,¹⁷⁵ more comfortable wrestling with contradictions, and more open to change.¹⁷⁶ When talking with someone who is receptive, speakers tend to express less extreme attitudes¹⁷⁷ and take a broader perspective.¹⁷⁸ Feeling understood builds trust and orients perspectives toward fostering unity.¹⁷⁹ Receptiveness is also associated with less escalation of conflict and more willingness to work together going forward.¹⁸⁰

A threshold goal here is simply to listen and to understand. But listening and understanding is also the foundation for realizing other goals. Openness and listening can initiate a positive cycle (as contrasted to the negative spiral described above) in which listening begets listening, trust is built, and parties engage in mutual receptiveness.¹⁸¹ As one side engages receptively with the other's point of view, it creates the space for the other side to respond in kind and increases willingness to be open-minded.¹⁸² When someone believes that the other person has considered things from their perspective, they like that person more and feel a greater similarity to the other.¹⁸³ People may come to identify different overlapping identities that move them from seeing themselves as members of opposing groups to understanding the ways in which they are

¹⁷⁵ Guy Itzhakov et al., *Can High Quality Listening Predict Lower Speakers' Prejudiced Attitudes?*, 91 J. EXPERIMENTAL SOC. PSYCH., no. 104022, 2020, at 1, 1–2. High-quality listening can also lead to more attitude clarity, the “subjective sense of truly knowing one's attitude on a topic.” Itzhakov et al., *supra* note 174, at 762–63.

¹⁷⁶ Itzhakov et al., *supra* note 175, at 2, 5.

¹⁷⁷ Itzhakov et al., *supra* note 168, at 118.

¹⁷⁸ See Guy Itzhakov & Harry T. Reis, *Perceived Responsiveness Increases Tolerance of Attitude Ambivalence and Enhances Intentions to Behave in an Open-Minded Manner*, 47 PERSONALITY & SOC. PSYCH. BULL. 468, 469 (2021); Harry T. Reis et al., *Perceived Partner Responsiveness Promotes Intellectual Humility*, 79 J. EXPERIMENTAL SOC. PSYCH. 21, 29 (2018).

¹⁷⁹ Livingstone et al., *supra* note 171, at 633; see also Joshua L. Kalla & David E. Broockman, *Reducing Exclusionary Attitudes Through Interpersonal Conversation: Evidence from Three Field Experiments*, 114 AM. POL. SCI. REV. 410, 411, 418 (2020) (finding that “non-judgmental exchange of narratives” was associated with reduced prejudice and more support for inclusive policies).

¹⁸⁰ Yeomans et al., *supra* note 172, at 138–41.

¹⁸¹ Brian P. Reschke et al., *Mutual Receptiveness to Opposing Views Bridges Ideological Divides in Network Formation* (Oct. 2, 2020) (unpublished manuscript) (available at SSRN https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3703958 [<https://perma.cc/7FZE-MFUZ>]); Minson & Chen, *supra* note 172, at 97 (describing how receptiveness is “mutually constituted”); see also Kteily et al., *supra* note 133, at 343, 364 (explaining how reciprocity mediates the effect of metadepersonalization on depersonalization).

¹⁸² See Itzhakov & Reis, *supra* note 178, at 481 (finding that responsiveness influenced “behavior intentions to act in an open-minded way”); see also Minson & Chen, *supra* note 172, at 93 (finding that “one's receptiveness to opposing views both shapes and is shaped by the social environment, and specifically the receptiveness of one's counterpart”).

¹⁸³ Noah J. Goldstein et al., *Perceived Perspective Taking: When Others Walk in Our Shoes*, 106 J. PERSONALITY & SOC. PSYCH. 941, 941 (2014).

members of a common group or share common goals.¹⁸⁴ A receptive listener “thus invite[s] behaviors normally reserved for those on our side—thoughtful consideration of their arguments, politeness, and willingness to interact in the future (actions that they, too, will interpret as cues of receptiveness).”¹⁸⁵ “Over time, reservoirs of emotional positivity that accumulate in relationships can act as a buffer during heated conversations, making it easier for people to hear, empathize, and learn from the other side.”¹⁸⁶ The potential for an encounter to spiral in either a positive or negative way highlights the importance of setting a responsive tone in the earliest moments of the interaction, a sort of responsiveness “Butterfly Effect.”¹⁸⁷

Listening and understanding can also lay the groundwork for persuasion. Many of us tend to think that to be persuasive we must argue, be declarative,

¹⁸⁴ See, e.g., Matthew S. Levendusky, *Americans, Not Partisans: Can Priming American National Identity Reduce Affective Polarization?*, 80 J. POL. 59, 59, 66 (2017). See generally VAN BAVEL & PACKER, *supra* note 129; Samuel L. Gaertner & John E. Dovidio, *The Common Ingroup Identity Model*, in HANDBOOK OF THEORIES OF SOCIAL PSYCHOLOGY 439, 439 (Paul A. M. Van Lange et al eds., 2012); Sam McFarland et al., *Global Human Identification and Citizenship: A Review of Psychological Studies*, 40 ADVANCES POL. PSYCH. 141, 153 n.2 (2019). See also Jimmy Carter, *Jimmy Carter: I Fear for Our Democracy*, N.Y. TIMES (Jan. 5, 2022), <https://www.nytimes.com/2022/01/05/opinion/jan-6-jimmy-carter.html> [<https://perma.cc/35NE-CZCQ>] (“[W]e must resist the polarization that is reshaping our identities around politics. We must focus on a few core truths: that we are all human, we are all Americans and we have common hopes for our communities and our country to thrive.”); Carrie Menkel-Meadow, *Applying Conflict Resolution Insights to Hyper-Polarization: “When Will (We) Ever Learn?”*, 39 CONFLICT RESOL. Q. 375, 376 (2022) (suggesting “re-orienting” so that we see ourselves as “all in this together”); Nancy A. Welsh, *Introduction to Symposium on “ADR’s Place in Navigating a Polarized Era”*, 35 OHIO STATE J. ON DISP. RESOL. 581, 581 (2020) (“[W]hen our nation has faced crises . . . our conflict-ridden system has fostered productive debate and tension and yielded good outcomes, often better than those that would have resulted from an autocracy or a one-party system, as long as the key actors at some point decided that they cared more about preserving our nation and system of government than winning on a particular issue.”). An optimistic view holds that there are “no actual disagreements [] so deep that there are no shared background commitments” and that it may be possible to “actually create common ground in developing a shared culture of reasoning together.” AIKIN & TALISSE, *supra* note 16, at 55–56. But see Rachele Benjamin et al., *Who Would Mourn Democracy? Liberals Might, But It Depends on Who’s in Charge*, 122 J. PERSONALITY & SOC. PSYCH. 779, 798 (2022).

¹⁸⁵ Minson & Chen, *supra* note 172, at 99.

¹⁸⁶ COLEMAN, *supra* note 16, at 104 (noting the importance of establishing respect at the beginning of the process). People who self-report as being receptive also tend to expose themselves to more opposing information and evaluate arguments more impartially. See Julia A. Minson et al., *Why Won’t You Listen to Me? Measuring Receptiveness to Opposing Views*, 66 MGMT. SCI. 3069, 3077 (2020).

¹⁸⁷ COLEMAN, *supra* note 16, at 95–96 (describing how “the emotional experiences and the tone of disputants that arises in the first few minutes of discussions over divisive sociopolitical issues often sets the course of the emotional climate of the remainder of the session. In fact, the initial emotions of the disputants, whether positive or negative, often only become stronger.”).

and convey certainty¹⁸⁸ and that listening seems like giving in. But listening and receptiveness can actually increase one's ability to be persuasive.¹⁸⁹ Someone with whom we have been able to thoughtfully engage has more credibility.¹⁹⁰ We like them and tend to feel more similar to them—both key aspects of influence.¹⁹¹ People whose self-worth has been affirmed tend to be more open to and make less biased evaluations of information that contradicts their beliefs.¹⁹² Less defensiveness and more willingness to reciprocally engage creates more space for minds to change.¹⁹³

Psychologist Adam Grant gives the example of a mom who was disinclined to vaccinate her children for measles.¹⁹⁴ The scripts followed by her children's doctors over the years—lectures that covered the benefits of vaccines and the risks that choosing not to vaccinate posed to the children—did not sway her.¹⁹⁵ In fact, these conversations felt condescending and like an attack on her parenting.¹⁹⁶ But a different kind of conversation after the birth of one of her children caused her to change her mind. The doctor with whom she had this conversation

didn't judge her for not vaccinating her children, nor did he order her to change. . . . [He told her that] he was afraid of what might happen if [her son] got the measles, but [that] he accepted her decision and wanted to understand it better. For over an hour, he asked her open-ended questions about how she had reached the decision not to vaccinate. He listened carefully to her answers, acknowledging that the world is full of confusing information about vaccine safety. At the end of the discussion, [the doctor] reminded [her] that she was free to choose whether or not to immunize, and he trusted her ability and intentions. Before [the mom] left the hospital, she had [her son] vaccinated. A key turning

¹⁸⁸ Mohamed A. Hussein & Zakary L. Tormala, *Undermining Your Case to Enhance Your Impact: A Framework for Understanding the Effects of Acts of Receptiveness in Persuasion*, 25 PERSONALITY & SOC. PSYCH. REV. 229, 229 (2021) (“The majority of participants indicated that conveying certainty (95.3%), making declarative statements (68.4%), focusing on supportive arguments (66.4%), and highlighting prior successes (61.7%) would make them more persuasive.”).

¹⁸⁹ Daniel Ames et al., *The Role of Listening in Interpersonal Influence*, 46 J. RES. PERSONALITY 345, 347 (2012); Hussein & Tormala, *supra* note 188, at 229; Yeomans et al., *supra* note 172, at 141.

¹⁹⁰ Minson & Chen, *supra* note 172, at 99 (“A person who is thoughtfully engaging with our perspective is far more difficult to write off as ill-intentioned or irrational.”).

¹⁹¹ CIALDINI, *supra* note 62, at 424.

¹⁹² Geoffrey L. Cohen et al., *When Beliefs Yield to Evidence: Reducing Biased Evaluation by Affirming the Self*, 26 PERSONALITY & SOC. PSYCH. BULL. 1151, 1160 (2000).

¹⁹³ See *supra* notes 174–80; see also Hussein & Tormala, *supra* note 188, at 229. There is a vast literature on the psychology of persuasion. See generally William D. Crano & Radmila Prislin, *Attitudes and Persuasion*, 57 ANN. REV. PSYCH. 345 (2006); JENNIFER K. ROBBENOLT & JEAN R. STERNLIGHT, *PSYCHOLOGY FOR LAWYERS: UNDERSTANDING THE HUMAN FACTORS IN NEGOTIATION, LITIGATION, AND DECISION MAKING* 141–80 (2d ed. 2021).

¹⁹⁴ ADAM GRANT, *THINK AGAIN: THE POWER OF KNOWING WHAT YOU DON'T KNOW* 143 (2021).

¹⁹⁵ *Id.* at 144–45.

¹⁹⁶ *Id.* at 145.

point, she recalls, was when [the doctor] “told me that whether I chose to vaccinate or not, he respected my decision as someone who wanted the best for my kids. Just that sentence—to me, it was worth all the gold in the world.”¹⁹⁷

The doctor’s ability and willingness to engage in a meaningful and respectful conversation ended up being powerfully persuasive.

Listening and understanding also helps one be able to talk to another person in their own terms. Take, for example, the perspective of one conservative: “[I]f you want to sell solar panels to guys like me, tell them you can make them energy *independent*. Feeding clean energy back into the grid, you can make them free *entrepreneurs*. Just don’t mention climate change.”¹⁹⁸ Talking with another person in their language and with attention to their values and concerns makes the discussion more accessible, meaningful, and fluent to the other and can make it harder to discount less comfortable messages and arguments.¹⁹⁹ Similarly, understanding where the other side is coming from can help identify who might be the most effective message bearers.²⁰⁰

But it turns out that people do not tend to instinctively engage in this sort of matching.²⁰¹ For example, research participants asked to write an argument that is persuasive to someone on the other side of the issue tend to make arguments that would resonate with other members of their own side rather than arguments framed to appeal to the other side—an instance of the “myside bias.”²⁰² Because framing arguments to appeal to the other side’s perspective is not our natural instinct, it is important to give this conscious attention, informed by an understanding of their perspective.

At the same time, it is also important to pay attention to opportunities to tamp down moralization and partisan cues. Moralized attitudes are more re-

¹⁹⁷ *Id.* at 147–48. See generally Jennifer Hettema et al., *Motivational Interviewing*, 1 ANN. REV. CLINICAL PSYCH. 91 (2005).

¹⁹⁸ HOCHSCHILD, *supra* note 147, at 249; see also Matthew Feinberg & Robb Willer, *The Moral Roots of Environmental Attitudes*, 24 PSYCH. SCI. 56, 56 (2013); Blair Kidwell et al., *Getting Liberals and Conservatives to Go Green: Political Ideology and Congruent Appeals*, 40 J. CONSUMER RES. 350, 350 (2013).

¹⁹⁹ See Matthew Feinberg & Robb Willer, *Moral Reframing: A Technique for Effective and Persuasive Communication Across Political Divides*, 13 SOC. & PERSONALITY PSYCH. COMPASS, no. e12501, 2019, at 1, 4; Feinberg & Willer, *supra* note 156, at 1670–73; Andrew Luttrell et al., *Challenging Moral Attitudes with Moral Messages*, 30 PSYCH. SCI. 1136, 1136 (2019). People who see the usefulness of empathy toward an outgroup for persuasion tend to use more perspective taking language and appeals to common goals. They are more persuasive and able to reduce the outgroup’s animosity toward their broader group, even without moderating the strength of the positions that they advocate. Luiza A. Santos et al., *Belief in the Utility of Cross-Partisan Empathy Reduces Partisan Animosity and Facilitates Political Persuasion*, 33 PSYCH. SCI. 1557, 1567–69 (2022).

²⁰⁰ See LEWANDOWSKY ET AL., *supra* note 124, at 13.

²⁰¹ Feinberg & Willer, *supra* note 156, at 1665.

²⁰² *Id.* at 1668–69; see also Mark Felton et al., *Arguing to Agree: Mitigating My-Side Bias Through Consensus-Seeking Dialogue*, 32 WRITTEN COMM’N 317, 317 (2015).

sistant to change or compromise, and lead to bigger divides.²⁰³ Presenting arguments in moralized terms can be persuasive when the underlying attitudes are grounded in moral concerns and the morals of the message and the recipient are matched.²⁰⁴ But these moralized messages can also lead to increased attitude moralization and increased division.²⁰⁵ Arguments framed in nonmoral terms can be effective, while also avoiding this potential downside. One study, for example, found moral and nonmoral arguments to be equally persuasive, but that the nonmoral arguments helped to “de-moralize” the relevant underlying attitudes.²⁰⁶ And arguments framed in nonmoral terms can actually be more effective when the underlying attitudes themselves are not moralized.²⁰⁷ Similarly, avoiding partisan language and examples can also help reduce the salience of political identities²⁰⁸ and reactive devaluation.²⁰⁹ It can, therefore, be useful to consider examples that draw from or evoke a range of viewpoints.²¹⁰

To be clear, to be willing to engage with, think through, and evaluate other points of view or counterproposals is not the same as agreeing with them, being unprincipled, or having weak convictions.²¹¹ To listen and engage with respect is not the same thing as neutrality as to the underlying issues.²¹² By asking

²⁰³ Kristin N. Garrett & Alexa Bankert, *The Moral Roots of Partisan Division: How Moral Conviction Heightens Affective Polarization*, 50 BRIT. J. POL. SCI. 621, 621–22 (2018) (“Individuals who express a higher propensity to moralize politics display a wider gap in partisan affect, greater divide in presidential approval, and more relationship distance, social media distance, anger, incivility and antagonism toward partisan opponents.”). See generally Linda J. Skitka et al., *The Psychology of Moral Conviction*, 72 ANN. REV. PSYCH. 347 (2021).

²⁰⁴ Luttrell et al., *supra* note 199, at 1136.

²⁰⁵ Rabia I. Kodapanakkal et al., *Moral Frames Are Persuasive and Moralize Attitudes; Nonmoral Frames Are Persuasive and De-Moralize Attitudes*, 33 PSYCH. SCI. 433, 433 (2022).

²⁰⁶ *Id.* at 433–34.

²⁰⁷ Luttrell et al., *supra* note 199, at 1136. There is also evidence that people are disinclined to talk with others who use “moral-emotional” language. William J. Brady & Jay J. Van Bavel, *Social Identity Shapes Antecedents and Functional Outcomes of Moral Emotion Expression in Online Networks 2* (2022) (unpublished manuscript) (on file with the author).

²⁰⁸ Van Boven et al., *supra* note 72, at 502.

²⁰⁹ See *id.* at 500. People’s assessments of nudging interventions are more similar when they are described without partisan examples. Tannenbaum et al., *supra* note 73, at 3.

²¹⁰ Tannenbaum et al., *supra* note 73, at 4.

²¹¹ Minson & Chen, *supra* note 172, at 94.

²¹² On the distinction between neutrality and trust, see Alonzo Emery, *A Conversation with Whitney Benns: Educator, Facilitator, and Emotional Labor Organizer*, DISP. RESOL. MAG. (June 4, 2021), https://www.americanbar.org/groups/dispute_resolution/publications/dispute_resolution_magazine/2021/dr-magazine-reckoning-with-race-and-racism/a-conversation-with-whitney-benns/ [<https://perma.cc/K2UL-YTEZ>] (describing facilitating difficult conversations drawing on “[r]elationships. Being known personally and my political commitments being known. That is not about neutrality. That is about trust.”); Rebecca Hollander-Blumoff & Tom R. Tyler, *Procedural Justice in Negotiation: Procedural Fairness, Outcome Acceptance, and Integrative Potential*, 33 L. & SOC. INQUIRY 473, 492 (2008) (describing that while negotiators are not expected to be neutral, they can still be expected to listen to the other side’s positions, act in good faith, and treat each other with respect).

questions with a goal of understanding, listening to the answers, accepting the validity of the speaker's subjective experiences, identifying points of agreement, and so on, it is possible to communicate that the listener "truly considered [the speaker's] point of view *while continuing to hold firm to her own position*."²¹³ Speakers can perceive that a conversation partner has listened to them even if the listening does not change their perceptions of the degree to which the listener agrees with what they have said.²¹⁴ Even if minds are not changed, these sorts of conversations can lay the groundwork for the hard work of moving forward, creating a reserve of goodwill on which to draw when things get tough.²¹⁵

D. Complexity

It is also important to recognize the complexity of the perspectives, policies, and views at issue. Policy can be complicated, implicating a range of goals, values, mechanisms, and outcomes.²¹⁶ "Most of the issues over which we are divided today . . . *have more than two sides*. These are all highly complex, multidimensional matters that are often intertwined with other issues and present us with challenging dilemmas and trade-offs."²¹⁷ "Part of what makes Big Questions so important and, well, *big*, is precisely the fact that reasonable, sincere, informed, and intelligent persons can disagree over their answers."²¹⁸

²¹³ Minson & Chen, *supra* note 172, at 99 (emphasis added); *see also* Livingstone et al., *supra* note 171 (describing the importance of accepting others' "perspectives as authentic and subjectively valid ('you really believe/feel/experienced that' as opposed to 'you say that you think/feel X, but we do not think you do')" and distinguishing this from agreement).

²¹⁴ *See, e.g.*, Itzhakov et al., *supra* note 168.

²¹⁵ One participant in an across-divide dialogue found that the discussion "humanized people whose views I was in the habit of dismissing as ignorant. Hearing them describe their values, I recognized a logic and morality that, although different from my own, were consistent with their beliefs and experiences. Evaluated from my frame of reference, their stance didn't make sense; however, the underlying stories revealed new insights that guided me to understand how they arrived at their conclusions. . . . I found myself articulating my own values with greater nuance than I typically had occasion to express within [my own] circles. . . . This dialogue did not change my views [on the issues], but it did change my views about people who disagree with me on [the issue]." ISRAEL, *supra* note 163, at 8.

²¹⁶ *See, e.g.*, Joseph G. Allen & Helen Jenkins, *The Hard Covid-19 Questions We're Not Asking*, N.Y. TIMES (Aug. 30, 2021), <https://www.nytimes.com/2021/08/30/opinion/us-covid-policy.html> [<https://perma.cc/TCR4-G3QN>].

²¹⁷ COLEMAN, *supra* note 16, at 144; *see also* Carrie Menkel-Meadow, *Peace and Justice: Notes on the Evolution and Purposes of Legal Processes*, 94 GEO. L.J. 553, 557 (2006) (noting that "[m]odern social and legal life needs to get beyond the binary, adversarial idea that there are only two sides to an argument or the 'truth'").

²¹⁸ AIKIN & TALISSE, *supra* note 16, at 69. "[I]ntractable conflicts are those in which, paradoxically, the conflict itself becomes increasingly more complex (involving new issues, circumstances, and disputants over time), but disputants' perceptions and experiences of the conflict become steadily more simplistic (us vs. them, good vs. evil), stable, and resistant to attempts at resolution." Katharina G. Kugler & Peter T. Coleman, *Get Complicated: The Effects of Complexity on Conversations over Potentially Intractable Moral Conflicts*, 13 NEGOT. & CONFLICT MGMT. RES. 211, 213 (2020).

People are also complicated, with numerous, sometimes conflicting, sometimes overlapping identities,²¹⁹ and complex and sometimes contradictory emotions.²²⁰

Complexity, however, is hard to grapple with. We tend to prefer consistency and are averse to seeming or feeling inconsistent,²²¹ which makes contending with complexity difficult and uncomfortable.²²² “Questioning ourselves makes the world more unpredictable. It requires us to admit that the facts may have changed, that what was once right may now be wrong. Reconsidering something we believe deeply can threaten our identities, making it feel as if we’re losing a part of ourselves.”²²³

It can be difficult to recognize the other side’s ambivalence or complexity of perspective. Just as we tend to overestimate the extremity of others’ positions,²²⁴ we tend to overestimate the consistency and certainty of those beliefs.²²⁵ Speakers themselves can also overestimate the degree to which they have conveyed their own ambivalence. In an illusion of transparency, speakers often believe that their own emotions and states of mind are relatively transparent even when they are not.²²⁶

As difficult as it may be, it can be very productive to grapple with complexity. Recognizing the complexity of people’s social identities can increase tolerance.²²⁷ Similarly, thinking in more complex ways can motivate less extreme appraisals.²²⁸ To take one non-political example, consider a study that asked participants to taste and assess the overall quality of cookies while keeping in mind either two or six specific characteristics (for example, “number and quality of the chocolate chips, degree of sweetness and richness, degree of buttery taste, fresh or stale, soft or firm, crispy or chewy”). Participants who were

²¹⁹ See generally Sonia Roccas & Marilyn B. Brewer, *Social Identity Complexity*, 6 PERSONALITY & SOC. PSYCH. REV. 88 (2002) (outlining the concept of “social identity complexity”); COLEMAN, *supra* note 16, at 145–47 (describing complexity of social identities); KLEIN, *supra* note 18 (noting that overlapping identities used to be reflected across political parties).

²²⁰ Kristen A. Lindquist & Lisa Feldman Barrett, *Emotional Complexity*, in HANDBOOK OF EMOTIONS 513, 513 (Michael Lewis et al. eds., 3d ed. 2008). See generally COLEMAN, *supra* note 16, at 145–47 (describing different kinds of complexity).

²²¹ CIALDINI, *supra* note 62, at 291; see LEON FESTINGER, A THEORY OF COGNITIVE DISSONANCE 1–2 (1957).

²²² COLEMAN, *supra* note 16, at 38 (“Given our deep need for consistency, people tend to hate extreme complexity.”). Degree of comfort with contradiction can be associated with culture. See, e.g., Kaiping Peng & Richard E. Nisbett, *Culture, Dialectics, and Reasoning About Contradiction*, 54 AM. PSYCH. 741, 741 (1999).

²²³ GRANT, *supra* note 194, at 4.

²²⁴ See *supra* notes 77–81.

²²⁵ See, e.g., Sherman et al., *supra* note 78, at 276.

²²⁶ Thomas Gilovich et al., *The Illusion of Transparency: Biased Assessments of Others’ Ability to Read One’s Emotional States*, 75 J. PERSONALITY & SOC. PSYCH. 332, 344 (1998).

²²⁷ Roccas & Brewer, *supra* note 219, at 102–03.

²²⁸ See, e.g., Patricia W. Linville, *The Complexity-Extremity Effect and Age-Based Stereotyping*, 42 J. PERSONALITY & SOC. PSYCH. 193, 193–94, 204–05 (1982).

asked to think in more complex terms (considering all six characteristics) made less extreme evaluations than those who were asked to think in less complex terms.²²⁹

More complexity in thinking can also generate more productive discussions. One study asked pairs of people with opposing views on a topic to engage in a discussion and attempt to generate a consensus position statement on the issue.²³⁰ Participants who were led to engage in more complex thinking experienced more emotional complexity and spent more time inquiring as opposed to advocating.²³¹ Importantly, greater complexity in thinking also resulted in more success in generating a joint statement, and those statements demonstrated more sophisticated reasoning.²³²

A variety of strategies can be used by individuals, workgroups and committees, and other organizations to foster increased complexity in thinking and discussion. One strategy is to pay attention to and try to get increasingly comfortable with our own internal contradictions and self-complexity.²³³ It can help to reframe any discomfort that arises as an indication of growth.²³⁴ One study found that people who were instructed to seek out discomfort as a sign of growth became more open to opposing viewpoints.²³⁵ It can also be useful to adopt a view of one's self that is "anchor[ed] . . . in flexibility rather than consistency."²³⁶ This sort of comfort with complexity and inconsistency creates space to "simultaneously hold in mind and respect multiple discordant perspectives,"²³⁷ to be simultaneously "repelled by someone's political views" and able to recognize their good qualities,²³⁸ and to both "hold your own truth" and "open[] up some space to be curious about how the other person sees it."²³⁹

²²⁹ *Id.* at 205.

²³⁰ Kugler & Coleman, *supra* note 218, at 215–16, 218.

²³¹ *Id.* at 219.

²³² *Id.* at 223; see also Barbara Mellers et al., *Do Frequency Representations Eliminate Conjunction Effects? An Exercise in Adversarial Collaboration*, 12 PSYCH. SCI. 269, 270 tbl.1 (2001) (describing process of adversarial collaboration in which scientists who disagree work together to design joint research, attempting to design agreed upon protocols that would produce results that could change their minds); see also Cory J. Clark et al., *Keep Your Enemies Close: Adversarial Collaborations Will Improve Behavioral Science*, 11 J. APPLIED RES. MEMORY & COGNITION 1, 6 (2022).

²³³ COLEMAN, *supra* note 16, at 149.

²³⁴ Kaitlin Woolley & Ayelet Fishbach, *Motivating Personal Growth by Seeking Discomfort*, 33 PSYCH. SCI. 510, 510–11, 518 (2022) (characterizing discomfort as "a sign that you are taking in new information—it's feedback that you are educating yourself and getting an understanding of [your/the other] side's position").

²³⁵ *Id.* at 518.

²³⁶ GRANT, *supra* note 194, at 12.

²³⁷ Podziba, *supra* note 160, at 244.

²³⁸ ISRAEL, *supra* note 163, at 35.

²³⁹ Reed, *supra* note 17; see also Z.D. Gurevitch, *The Power of Not Understanding: The Meeting of Conflicting Identities*, 25 J. APPLIED BEHAV. SCI. 161, 161–63, 165 (1989).

And it can allow a deeper grappling with the complexities of contentious issues.

A good listener can also make other people more comfortable experiencing and dealing with inconsistent and contradictory feelings and beliefs.²⁴⁰ Similarly, acknowledging (the inevitable) weaknesses of an idea, voicing uncertainty, and recognizing and communicating instances in which one's own thinking has evolved are all ways to signal openness to engagement.²⁴¹ As people begin to engage in respectful conversation that acknowledges uncertainty, room is created for more perspectives to be shared and for reservations, uncertainties, and contradictions to be expressed, creating a more complex dialogue.²⁴²

Despite the common instinct to complexify through debate, it can be more effective to focus on integrating information and arguments instead. Structuring information or discussion as pros and cons or as a debate between positions sets up an adversarial frame. Starting with problem descriptions that combine and connect different perspectives on the issues can be more effective.²⁴³ One study, for example, found that presenting information as raising a complicated and interwoven set of challenges generated more nuanced thinking, a greater chance of finding consensus, more highly developed joint statements, and more willingness to meet again than when discussions were framed around the same information framed as pros and cons.²⁴⁴

Another way to complexify thinking is to “consider the opposite,” that is, to intentionally consider the possibility that one's perceptions are wrong, to ex-

²⁴⁰ Itzchakov et al., *supra* note 168, at 106.

²⁴¹ Hussein & Tormala, *supra* note 188, at 229; Sherman et al., *supra* note 78, at 287.

²⁴² Rocío Galarza Molina & Freddie J. Jennings, *The Role of Civility and Metacommunication in Facebook Discussions*, 69 COMM'N STUD. 42, 53 (2018) (finding that respectful comments on social media “promote mental elaboration and discussion”); Soo-Hye Han et al., *Is Civility Contagious? Examining the Impact of Modeling in Online Political Discussions*, 4 SOC. MEDIA & SOC'Y 1, 6 (2018) (finding that respectful comments on social media led to more relevant comments and more contributed perspectives); Kahan et al., *supra* note 45, at 896–97 (noting that for ingroup members, expression of uncertainty signals lower “identity cost” and for outgroup members it “dispels the animosity associated with naive realism”); *see also* Mengran Xu & Richard E. Petty, *Two-Sided Messages Promote Openness for Morally Based Attitudes*, 48 PERSONALITY & SOC. PSYCH. BULL. 1151, 1159 (2021).

²⁴³ Kugler & Coleman, *supra* note 218, at 225 (suggesting “information that is not black-and-white but reveals different points of views on complex issues and describes them in relation to each other”); Robinson et al., *supra* note 78, at 416 (suggesting “discussions in which participants talk about their factual assumptions and the complexities of their values rather than simply defending their positions”).

²⁴⁴ Kugler & Coleman, *supra* note 218, at 213, 223; *see also* COLEMAN, *supra* note 16, at 144 (arguing that this approach makes it harder to ignore contrary information and results in the most balanced understanding); Sherman et al., *supra* note 78, at 287 (“Hearing the other side explicate their *own* position did nothing to attenuate the false polarization effect. Hearing them acknowledge and explicate the arguments . . . offered by the *other side* that they found at least somewhat persuasive, significantly decreased the false polarization effect . . .”) (citing C. Puccio & L. Ross, *Reducing the False Polarization Effect: Effects of Offering “Own Side” Versus “Other Side” Arguments* (2000) (unpublished manuscript) (on file with Stanford University)).

plicitly reflect on how things might look from alternative vantage points, and to consciously look for evidence that might disconfirm one's expectations.²⁴⁵

Finally, one way to increase appreciation for the complexity of difficult issues is to ask people to explain the mechanics of the particular policy. Just as people know less than they think they know about how things like toilets, zippers, and cylinder locks work,²⁴⁶ it turns out that people know much less about complex policies than they think they do—a reflection of the “illusion of explanatory depth.”²⁴⁷ When people justify their views or advocate for their position, they tend to become more entrenched.²⁴⁸ But when they try to explain how a policy works, they begin to realize that they do not have a complete understanding, and they tend to moderate their positions.²⁴⁹

E. Intellectual Humility and Room for Change

All of this requires intellectual humility, recognizing the potential fallibility of our understandings and the limitations on our information.²⁵⁰ This entails being open to information and views that will potentially challenge or even overturn one's current beliefs or ways of thinking. Those with a high degree of in-

²⁴⁵ See Charles G. Lord et al., *Considering the Opposite: A Corrective Strategy for Social Judgment*, 47 J. PERSONALITY & SOC. PSYCH. 1231, 1231 (1984); see also Caitlin Drummond & Baruch Fischhoff, *Does “Putting On Your Thinking Cap” Reduce Myside Bias in Evaluation of Scientific Evidence?*, 25 THINKING & REASONING 477, 477, 499 (2019).

²⁴⁶ See, e.g., Leonid Rozenblit & Frank Keil, *The Misunderstood Limits of Folk Science: An Illusion of Explanatory Depth*, 26 COGNITIVE SCI. 521, 526 (2002).

²⁴⁷ See Philip M. Fernbach et al., *Political Extremism Is Supported by an Illusion of Understanding*, 24 PSYCH. SCI. 939, 939 (2013).

²⁴⁸ See *id.* at 941, 943.

²⁴⁹ *Id.* at 943, 945 (“More generally, the present results suggest that political debate might be more productive if partisans first engaged in a substantive and mechanistic discussion of policies before engaging in the more customary discussion of preferences and positions.”); see also Adam L. Alter et al., *Missing the Trees for the Forest: A Construal Level Account of the Illusion of Explanatory Depth*, 99 J. PERSONALITY & SOC. PSYCH. 436, 446 (2010) (finding that trying to explain a preferred candidate's stance on a policy issue decreased perceived understanding and reduced overconfidence); Joseph A. Vitriol & Jesseca K. Marsh, *The Illusion of Explanatory Depth and Endorsement of Conspiracy Beliefs*, 48 EUR. J. SOC. PSYCH. 955, 961 (2018) (finding that trying to explain a policy decreases self-reported understanding). *But see* Jan G. Voelkel et al., *I Know That I Know Nothing: Can Puncturing the Illusion of Explanatory Depth Overcome the Relationship Between Attitudinal Dissimilarity and Prejudice?*, 3 COMPREHENSIVE RESULTS SOC. PSYCH. 56, 65–67 (2018) (finding a decrease in perceived understanding but no moderating effect on the relationship between attitude-dissimilarity and prejudice). See also Matthew Fisher & Frank C. Keil, *The Illusion of Argument Justification*, 143 J. EXPERIMENTAL PSYCH. GEN. 425, 426–27 (2014) (finding people similarly tend to experience an *illusion of argument justification*, in that they overestimate their ability to make a compelling argument before they attempt to articulate that argument).

²⁵⁰ Mark R. Leary et al., *Cognitive and Interpersonal Features of Intellectual Humility*, 43 PERSONALITY & SOC. PSYCH. BULL. 793, 793 (2017) (defining intellectual humility as “recognizing that a particular personal belief may be fallible, accompanied by an appropriate attentiveness to limitations in the evidentiary basis of that belief and to one's own limitations in obtaining and evaluating relevant information”).

tellectual humility show a greater willingness to encounter differing views, more respectful explanations for why another person would disagree with their views, more valuing of others' contributions and positions, less affective polarization, less emotional reactivity, and less partisan bias.²⁵¹ In contrast, those with low intellectual humility tend to be more overconfident in their own views, are less willing to take opposing views seriously, and are more likely to disparage and less likely to make friends with those on the other side of an issue.²⁵²

It should be noted, however, that a robust sense of intellectual humility does not imply a lack of self-confidence.²⁵³ Indeed, psychologist Adam Grant defines "confident humility" as "having faith in our capability while appreciating that we may not have the right solution or even be addressing the right problem. That gives us enough doubt to reexamine our old knowledge and enough confidence to pursue new insights."²⁵⁴ It is not surprising, then, that encouraging a growth mindset also fosters intellectual humility.²⁵⁵ Intellectual humility is also enhanced when engaging with a receptive conversation partner.²⁵⁶

As one aspect of this humility, we must also give ourselves and each other room to change our minds and perspectives as we grapple with the very real complexities of the big problems of our day. But changing our minds can be hard. Motivated reasoning, a preference for consistency, and discomfort with uncertainty conspire to support belief perseverance.²⁵⁷ It can be uncomfortable

²⁵¹ See, e.g., Shauna M. Bowes et al., *Stepping Outside the Echo Chamber: Is Intellectual Humility Associated with Less Political Myside Bias?*, 48 PERSONALITY & SOC. PSYCH. BULL. 150, 152 (2022); Adam S. Hodge et al., *Political Humility: Engaging Others with Different Political Perspectives*, 16 J. POSITIVE PSYCH. 526, 526–27 (2021); Elizabeth J. Krumrei-Mancuso & Brian Newman, *Intellectual Humility in the Sociopolitical Domain*, 19 SELF & IDENTITY 989, 990 (2020); Tenelle Porter & Karina Schumann, *Intellectual Humility and Openness to the Opposing View*, 17 SELF & IDENTITY 139, 140, 148, 157 (2018).

²⁵² See, e.g., Krumrei-Mancuso & Newman, *supra* note 251, at 990; Matthew L. Stanley et al., *Intellectual Humility and Perceptions of Political Opponents*, 88 J. PERSONALITY 1196, 1197 (2020).

²⁵³ Leary et al., *supra* note 250, at 794.

²⁵⁴ GRANT, *supra* note 194, at 66–67; see also Minson & Chen, *supra* note 172, at 104 (suggesting that one can increase curiosity by accepting the gaps in one's own thinking or knowledge). But see Thomas Nadellhoffer et al., *Partisanship, Humility, and Epistemic Polarisation*, in POLARISATION, ARROGANCE, AND DOGMATISM 175, 176 (Michael P. Lynch & Alessandra Tanesini eds. 2021) ("(a) many people who score high in intellectual humility also value humility, (b) many people who value humility are more inclined to find the virtue lacking in others (especially contrapartisans), and (c) people who exhibit both of these traits are more likely to judge themselves as more epistemically virtuous than members of the other political party.").

²⁵⁵ See, e.g., Porter & Schumann, *supra* note 251, at 155–57; see also Tenelle Porter et al., *Classroom Environment Predicts Changes in Expressed Intellectual Humility*, 70 CONTEMP. EDUC. PSYCH. 1, 1 (2022).

²⁵⁶ See, e.g., Itzhakov & Reis, *supra* note 178, at 469; Reis et al., *supra* note 178, at 21, 30–31.

²⁵⁷ See Walter & Tukachinsky, *supra* note 37, at 158, 160.

to admit our prior views or understandings were mistaken.²⁵⁸ Changing our minds might be seen as “a mark of moral weakness,” as “admitting defeat,” or as an unprincipled “flip-flop.”²⁵⁹ Changing our minds could also be seen as rejecting the views of an ingroup.²⁶⁰

But we need to reconceive mind changing as “a sign of intellectual integrity” and a means for and result of improving our understanding.²⁶¹ It is not weak to problem solve, come to new understandings, or even compromise.²⁶² Indeed, it turns out that despite concerns that changing our minds will cause us to lose

²⁵⁸ Leslie K. John et al., *The Self-Presentational Consequences of Upholding One’s Stance in Spite of the Evidence*, 154 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 1, 2 (2019). See generally CAROL TAVRIS & ELLIOT ARONSON, MISTAKES WERE MADE (BUT NOT BY ME): WHY WE JUSTIFY FOOLISH BELIEFS, BAD DECISIONS, AND HURTFUL ACTS (2007).

²⁵⁹ GRANT, *supra* note 194, at 25; Cohen et al., *supra* note 192, at 1151.

²⁶⁰ A related concern is that listening across boundaries, reaching across the aisle, or expressing views that are at odds with the views of an ingroup can invite censure or sanction from other members of that ingroup. COLEMAN, *supra* note 16, at 120; Guy Burgess et al., *Applying Conflict Resolution Insights to the Hyper-Polarized, Society-Wide Conflicts Threatening Liberal Democracies*, 39 CONFLICT RESOL. Q. 355, 356 (2022) (noting the potential for “fear that if they engage with or agree with ‘the other,’ they will be demonized (or ‘canceled’) by their own group for being ‘a traitor’”); Robinson et al., *supra* note 78, at 415 (noting hesitance to “reveal their doubts or ambivalence to their ideological peers—lest they face coolness, suspicion, criticism, or even ostracism”); Shapiro, *supra* note 113, at 1083 (noting that “the mere act of being seen talking with members of another political party, let alone negotiating in good faith, can fuel accusations of betrayal and result in political and social punishment”). But when we refrain from listening to an outgroup or hold back from expressing views that depart from those of our identity groups, it reinforces the perceived divide across groups and makes it seem as though the views within groups are less diverse than they are. See, e.g., Robinson et al., *supra* note 78, at 415 (describing these tendencies as “mutually reinforcing”). In contrast, listening across difference, embracing complexity, voicing nuanced views, and moderating our own negative responses to those who do the same can help correct misperceptions and can help create a climate in which others can do so as well. See, e.g., AIKIN & TALISSE, *supra* note 16, at 197 (advising that we “temper the negative reactions we tend to have regarding those on our own side who attempt to engage seriously with the other side”); Robinson et al., *supra* note 78, at 416 (noting that this “would also free partisans of some illusions that they hold not only about their ideological adversaries but about their own side as well . . . which would in turn make it easier for them to express their own dissenting views”); Shapiro, *supra* note 113, at 1089 (noting the potential for such models to “shift” the “norms of political communication”). Speaking about climate change, one congressman underlined this point: “If people became more aware that this is not just a little circle of crazies on the left or on the right . . . but if it were more commonly seen that really Republicans and Democrats both kind of feel this way, I think that frees you up to not be worried about being an outlier. Nobody wants to be an outlier—nobody.” Van Boven et al., *supra* note 72, at 502.

²⁶¹ GRANT, *supra* note 194, at 25 (“In preacher mode, changing our minds is a mark of moral weakness; in scientist mode, it’s a sign of intellectual integrity. In prosecutor mode, allowing ourselves to be persuaded is admitting defeat; in scientist mode, it’s a step toward the truth. In politician mode, we flip-flop in response to carrots and sticks; in scientist mode, we shift in the face of sharper logic and stronger data.”).

²⁶² See generally FISHER ET AL., *supra* note 116, at 7–12 (describing “principled” negotiation); Carrie Menkel-Meadow, *Toward Another View of Legal Negotiation: The Structure of Problem Solving*, 31 UCLA L. REV. 754 (1984); Carrie Menkel-Meadow, *Compromise, Negotiation and Morality*, 26 NEGOT. J. 483, 494 (2010).

face, people tend to see others who refuse to change their minds in the face of conflicting evidence as confident, but ultimately unintelligent.²⁶³ In contrast, people who change their minds in such contexts may be seen as less confident, but are seen as more intelligent.²⁶⁴ In one study, entrepreneurs competing for funding were more likely to advance to a subsequent round when they reassessed their views in light of new information that contradicted their original position rather than doubling down on their initial positions.²⁶⁵

There are a variety of strategies that promote the mental flexibility to take new positions. One is to highlight the variety of views that people—including people from different groups—have about an issue.²⁶⁶ Seeing a diversity of views among those in the ingroup and among those in the outgroup can make it less threatening to identity to endorse a new view. A related possibility is to highlight messengers from different groups.²⁶⁷

There are also ways to temper the barriers to mind changing and to help another person to save face. For example, people are more likely to back down when they can do so privately, rather than in full public view.²⁶⁸ Another strategy is to minimize the negative aspects of changing one's mind—for example, highlighting the availability of new information, or acknowledging that there were aspects of the issue that others had also not thought about before, can help moderate feelings of inconsistency.²⁶⁹

The mindset with which we approach others can also have implications for how easy or difficult it might be for them to change their minds. When we believe that someone cannot or will not change, we are more likely to disengage. But if we believe that they can change, it is easier to notice common ground, we tend to be willing to persist longer, and we are more flexible and creative.²⁷⁰

III. SOME BOUNDARIES

None of this means that we have to agree with each other. As noted earlier, to be willing to engage with, think through, evaluate, and learn from other points of view is not the same as having to agree with them. We can ask ques-

²⁶³ John et al., *supra* note 258, at 5–6. Ultimately, “whether an actor’s decision to change her mind makes a net positive impression depends on whether she is in a domain that primarily values intelligence or confidence.” *Id.* at 8.

²⁶⁴ *Id.* at 5.

²⁶⁵ *Id.* at 3.

²⁶⁶ See Minson & Chen, *supra* note 172, at 105–06. See generally COLEMAN, *supra* note 16, at 150 (describing how it is important to “actively choose to think and learn with *different* people”).

²⁶⁷ See *supra* note 129.

²⁶⁸ John et al., *supra* note 258, at 8.

²⁶⁹ See generally Itzchakov et al., *supra* note 168, at 105.

²⁷⁰ COLEMAN, *supra* note 16, at 99. For one example of mind changing see Brian Dawson, “It Was Really a Love Story.” *How an N.R.A. Ally Became a Gun Safety Advocate*, N.Y. TIMES (June 22, 2022), <https://www.nytimes.com/2022/06/22/opinion/gun-safety-research.html> [https://perma.cc/R7PH-24U3].

tions with a goal of understanding, listen to the answers, accept the validity of the speaker's subjective experiences, identify points of agreement, and so on, while also maintaining and conveying our own perspectives and values.²⁷¹ This is part of the complexity with which we need to get comfortable.²⁷²

Nor does it mean that to have productive discussion we must listen to anything, or subject ourselves to abusive or toxic behavior, or that all positions or perspectives or opinions are equally true or compelling.²⁷³ Nor is it to say that compromise is always good,²⁷⁴ that calls for civility cannot be pretextual, or that there is not a place for incivility.²⁷⁵ There are times when it is appropriate to step away, to not listen, or to have a different kind of conversation.²⁷⁶

²⁷¹ See *supra* notes 211–14.

²⁷² See *supra* Section II.D.

²⁷³ See, e.g., AIKIN & TALISSE, *supra* note 16, at 70 (“[T]o oppose the Simple Truth Thesis is not to embrace relativism, nor is it to give up on the idea that there are true answers to Big Questions. It is rather to give up on the view that the truth is always simple.”); ROBERT MNOOKIN, *BARGAINING WITH THE DEVIL: WHEN TO NEGOTIATE, WHEN TO FIGHT* 18–20 (2010) (identifying “universalism” and “appeasement” as traps that can encourage inappropriate engagement, but also identifying the downsides of believing that everyone can change, that there is fault on all sides, and that win-win is always possible); Ross, *supra* note 97, at 758 (“When I describe such finding to friends and colleagues, they inevitably, and appropriately, raise the issue of moral relativism. They ask whether I believe that the views of fascists, racists, misogynists (or climate-change deniers or, for that matter, believers that intergalactic visitors walk among us) are no less reasonable and objective than the views of those of their critics. The answer, of course, is no. But I do believe that some intellectual humility is a good thing and that consideration of biasing influences on one’s own political views (and willingness to critically examine arguments and evidence one finds congenial) is essential if one is to participate responsibly in political debate.”); Shapiro, *supra* note 113, at 1087–88 (“[T]he civic mindset encourages toleration of diversity and the notion that multiple perceptions of truth can coexist. This does not mean we must abandon our convictions or assume others’ beliefs are true.”); see also Maykel Verkuyten et al., *Intergroup Tolerance and Its Implications for Culturally Diverse Societies*, 13 *SOC. ISSUES & POL’Y REV.* 5, 5, 13, 18 (2019) (reviewing the complexities and limits of “tolerance”).

²⁷⁴ See David M. Messick, *Equality as a Decision Heuristic*, in *PSYCHOLOGICAL PERSPECTIVES ON JUSTICE: THEORY AND APPLICATIONS* 11, 17 (Barbara A. Mellers & Jonathan Baron eds., 1993).

²⁷⁵ See, e.g., Barbara Applebaum, *When Incivility is a Form of Civility: Challenging the Comfort of Willful Ignorance*, 70 *EDUC. THEORY* 717, 718 (2020); see also Ian Ward, *Democratic Civility and the Dangers of Niceness*, 18 *POL. THEOLOGY* 115, 118 (2017) (“Calls for niceness in contexts like these [protests against racism] attempt to de-legitimize the expression of important attitudes—such as anger and indignation—that can be *just* and *appropriate* responses to relationships, practices, and institutions that are defective from a democratic point of view.”).

²⁷⁶ GRANT, *supra* note 194, at 27 (recognizing that one “shouldn’t be open-minded in every circumstance. There are situations where it might make sense to preach, prosecute, and pick. That said, I think most of us would benefit from being more open more of the time.”); Reed, *supra* note 17 (quoting Morgan Franklin who noted that it is “completely reasonable to not have a conversation like this. An example would be if you’re in a conversation and you feel like your lived experience is being marginalized, or you feel like your humanity is being threatened, or you feel like you’re in a role in which it might be actively harming you to engage. In that case, it makes complete sense to step away from a conversation and to use your time in a different pursuit.”).

In this vein, Jennifer Reynolds has identified a “listening dilemma”—focused on discussions of highly-charged political issues—that juxtaposes the potential benefits of listening, with the potential risks:

[F]or highly polarized, values-based conflicts with a substantial public dimension . . . listening can seem not just difficult, but unacceptably risky. In these conflicts, people may not be willing to dialogue in good faith, meaning that they may not express themselves honestly or intend to listen to anyone with whom they disagree. When people will not dialogue in good faith, listening to them seems pointless and potentially harmful to the listener and to anyone witnessing the exchange. Additionally, . . . some people may hold views that other people consider intolerable as a matter of human rights or individual identity. When people hold intolerable views, listening to them (and this is especially true when listening in the presence of others) may at best perpetuate false equivalencies, in which all views are deemed equal and worthy of respect, or at worst inflict serious psychic harm. In both situations (bad faith and intolerable views), people may refrain from listening to avoid the deleterious effects that listening under these circumstances may cause—but this means, of course, that the reciprocity and mutuality required for handling conflict successfully will never materialize. This is the “listening dilemma.”²⁷⁷

Much like the negotiator’s dilemma that juxtaposes the need to both expand the pie and claim it, and much like the need for litigators to learn to be adept at both advocating for a position and giving objective advice, the listening dilemma recognizes the duality of listening in charged situations. The listening dilemma acknowledges both the need for and the risks of listening. As Reynolds explains,

No one will be persuaded to change their position if they feel that their perspectives are not taken into account. At the same time—and this is what makes it a dilemma—seeking opportunities to listen to others and share one’s own perspective could embolden some people to exploit those opportunities to their own political advantage.²⁷⁸

The reality of this dilemma means that we need to be intentional about our listening. Reynolds advises approaching listening as a “strategic choice” that takes into account the reasons for and purposes of listening in a particular situation, whether the setting is public or private, who the participants are, and other factors.²⁷⁹ Each of us needs to choose whether and when to have these kinds of conversations (and to practice how to disengage when necessary).

²⁷⁷ Jennifer W. Reynolds, *Talking About Abortion (Listening Optional)*, 8 TEX. A&M L. REV. 141, 144, 146 (2020).

²⁷⁸ *Id.* at 158.

²⁷⁹ *Id.* at 159–60; see also Menkel-Meadow, *supra* note 184, at 377 (describing the need to figure out when empathetic and mediation-like processes, authoritative processes which can call out injustice, or other types of processes are most appropriate); Carrie Menkel-Meadow, *When Should I Be in the Middle? I’ve Looked at Life from Both Sides Now*, in *EVOLUTION OF A FIELD: PERSONAL HISTORIES IN CONFLICT RESOLUTION* 421, 428 (Howard Gadlin & Nancy Welsh eds., 2020) (explaining how she has navigated the juxtaposition of political activism and an embrace of “mediation canons of neutrality, confidentiality, and self-determination of the parties”); Jean R. Sternlight, *Carrie Menkel-Meadow: Leading Us Towards Justice AND*

The research reviewed here suggests a set of reasons why, when trying to strike this balance, we may be inclined to err on the side of disengaging too soon, that we may be too quick to reflexively discount other perspectives, that we are not humble enough about our own lenses, and that we are ineffective in how we engage.

CONCLUSION

There is a lot of work to be done. The psychology of dialogue across difference is only one piece of the puzzle. But recognizing the psychological forces that shape polarization and thinking with intention about how to more effectively connect across difference, may create space for more productive engagement and the rebuilding of trust, less fear and anxiety about having these conversations, and more willingness to persevere when conversations get difficult.

By engaging productively and effectively across difference, we may simply improve our understanding of each other and nothing more. But that, in itself, would be to the good and may contribute to reducing political temperatures and decreasing distress. Greater understanding may also improve our ability to work together to find our way to better solutions to complex problems, creating space for more nuanced views, more room to change minds, more potential for finding pockets of common ground, and a better understanding of how to capitalize on differences—different values, different priorities, different predictions, different perspectives—to find potential tradeoffs. Even where views remain starkly divided (and maybe even strengthened in opposition) and finding a middle ground remains elusive, greater understanding may allow for respectful disagreement.

Maybe most importantly, greater understanding may improve the public's orientation toward our democracy itself. Affective polarization is associated with less support for democratic norms such as checks and balances, constraints on power, and respect for institutions.²⁸⁰ Finding ways to address affective polarization, then, may be essential to finding an effective balance between the cooperation and competition that are both fundamental building blocks of a vibrant democracy.

Peace, 10 TEX. A&M L. REV. (forthcoming 2022–2023) (exploring the tension between activism and mediation, justice and peace, talking and listening).

²⁸⁰ Jon Kingzette et al., *How Affective Polarization Undermines Support for Democratic Norms*, 85 PUB. OP. Q. 663, 673–74 (2021); see also Mutz, *supra* note 147, at 122.