

## **The Conduct of Public Discourse**

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*With*

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*JUDITH RODIN:* I want you to know that I have very good training for this because I often feel that the role of the university president is the one who always interrupts everybody's dinner conversation to begin the next session. So I apologize and we will have the chance to continue our discussion. The last panel really segues so wonderfully into what we want to do here and many of had questions and comments. And let me tell you what I hope we'll accomplish in this session, which is more informal than the last. And that—I want to also accommodate the questions that we didn't have time for in the last session, which I think will inform the discussion in this panel as well.

This group is not a panel in the official sense. Each of the presenters has written a paper. The papers are in your materials. They emerge from various

issues that the commission has been grappling with, particularly various working groups, and arise from questions that we thought would benefit from more thinking, from more data where the data were available. And what I'd like to do is ask each of them very briefly to summarize the points in their papers for those of you who may not have had time to go through them fully, and then I'd like to come back to the questions that we had in the last part and bring in new questions related to this.

Many of our first panel of speakers referred to some of these papers. And I think, then, that we can integrate what we hear, unlike Bob Wiebe, being less disciplined as a taskmaster, I invite you to give opinions as well as ask questions in this session. I know. It didn't do any good, so I might as well seem generous.

OK. Let's begin with David Ryfe, who will summarize his findings regarding what the scholarly literature defines as good public discourse, a question that we've been grappling with.

*DAVID RYFE:* Thank you. When I was asked to write this piece, the commission put it to me simply. They said, 'Well, our commission is really trying to develop principles of good public discourse, and if we're going to do that, perhaps we ought to know what the scholarship has said about this issue and whether, it has developed principles of good public discourse—that is, have scholars answered in any coherent way a basic question: What is good public discourse?'

Now naturally, I was excited about the project and I talked about it with many of my academic friends and colleagues, and I must tell you that they were almost universal in their reaction, and they would give it either with a smile or a smirk, but it was almost the always the same words: 'Good luck.' Well, that wasn't very inspiring, but if I headed to the library, this reaction foreshadowed what I was to find in the literature.

As you might imagine, in looking through all the different literatures and all the different disciplines that have touched on this issue, I didn't find a clarion call for one or even two, three or four principles of good public discourse.

There was as much disagreement as agreement, argument as consensus. But as I looked more closely, and perhaps spending all those hours in the library I looked a little too closely, a pattern began to emerge. I began to see that researchers were taking positions around what I thought were three basic themes, and that within these discussions principles might be formulated that spoke to the conversations that were organized around these themes. So what I thought I'd do in the next few minutes is to briefly lay out these three themes and how the principles I've identified emerged from them.

Now the first theme has to do with whether society ought to rely on discourse at all as a form of good politics. Can we just assume that more or better conversation, more or better communication, will make for better politics? And I must tell you that most liberal political theorists think not. John Rawls, for instance, who's probably the most pre-eminent liberal political theorist in this half-century, describes a politics that involves a set of basic political institutions and the protection of individual rights, but issues of language, communication and discourse have a very small place in his image of politics.

Rawls assumes that people are not likely to agree on what he calls 'comprehensive conceptions of the good life.' More conversation isn't going to lead to agreement; it will lead to political violence. So for Rawls and many other liberal thinkers, politics driven by discourse is at least as disruptive as it is helpful, and as likely to lead to social disorder as to end in social consensus. Now on the other side of this debate are deliberative democrats, theorists who view discourse not only as a good thing but as perhaps the best thing for establishing the legitimacy of institutions and cultivating the habits of citizenship.

Now the disagreement between these two groups is profound and stems from several basic assumptions about the individual's relationship to society, for instance, or about the goal of politics. And I don't want to rehearse that disagreement here for you except to note that it's produced my first principle of good public discourse: the need for formal democratic procedures, and by

that I mean things like the right to vote, the right to free expression, the right to assembly, those kinds of rights.

Now these rights nearly encompass the political vision of liberals. In other words, of the imagination of politics for liberal political thinkers, those basic sets of rights and institutions take up center stage. But deliberative democrats also accept them. At no time did I find in this debate a sense that formal democratic procedures were not important. Deliberative democrats were simply more forceful in arguing that a more substantive conception of politics ought to be built on this foundation.

Now one area where deliberative democrats seem to be making some gains against their liberal counterparts is on the issue of tolerance vs. respect, and here that's principle four if you're looking at your list. The condition of people getting together in person. Now another more abstract way of saying this is that good public discourse, apparently for most reformers, means reducing the space between people and increasing the time they spend in interaction.

Now this is really a version of Montesquieu's argument made over 200 years ago, that democracy works best when it is conducted in small, face-to-face societies. Now as I see it, the problem with this assumption is that it ignores the basic facts of life in our society. We live in a mass-mediated society, not a face-to-face society. And this fact isn't likely to change in the future. We're likely to get more mediated rather than less mediated over time. Reforms that foster better public conversations by literally bringing us together are ignoring the reality of our political life. And doesn't this represent a bias against mass mediation? Aren't there ways of imagining the implementation of our principles within a vision of mass-mediated society, a vision that looks more like the one in which we live?

It seems to me that we need a new version of James Madison's "Federalist" No. 10, which sets out how and why good public discourse can best be achieved, not in a small, face-to-face society, but in a large-scale, mass-mediated society. And I have no idea how to extend James Madison's

"Federalist" No. 10, but I thought it was a useful—or at least interesting insight for—for discussion. That's it.

*RODIN:* Thank you. Tom, would you like to take us a bit through the thinning of public discourse?

*TOM BENDER:* All right. I'll be fairly brief. The essay that's in the briefing book is pretty short, so I will be pretty short. I guess the thing I want to say most of all is that we're talking about discourse, or we've used other words—conversation, public life and the like—a lot. I think the thing I really want to urge is to remember that it has to be embedded, that it's not an abstract thing, it is not a singular thing, that there are other kinds of allied activities, just using that very broadly, that one has to keep in mind. And so to pull one thing out, even a generous notion of what deliberation may consist of—OK, we won't require it just to be rational—even then, there are still many other elements that—that enable people to be mobilized and to maintain their interest and to maintain their sort of outlook on public life that has a certain degree of consistency.

I think also, although I'm often accused of being nostalgic, that maybe historians fall into that. I don't think we ought to be nostalgic about 19th-century vital public life. A number of things have been said; we keep going back to the Lincoln-Douglas debates, but they turned out to be fairly singular, if not unique. But there is a difference between the 19th century and our own time. But what I would like to refer to is not the rise and fall of—of the content of it all, but I'd just like to emphasize that the notion there are framing conditions for public life or for civic discourse. It worked differently. It worked in part because there were all kinds of exclusions that we don't have now: all women, all African-Americans; I mean, the majority population was not a part of it, many immigrants, for that matter. So you're probably talking about a very small proportion of the population, even at its most democratic, in the age of Jackson, were really in this civic discourse.

The other thing, though, I wanted to mention, is that we've at various times talked about, well, the problem today is that we have such divisive issues; that is, abortion, affirmative action. These are really hard issues and they're

deep, passionate feelings. Well, here I will bring in Lincoln and Douglas. I must say that there were deep moral passions involved in that debate. The feminists were a part of the 19th century. They were raising all the issues about family and gender that we're still dealing with, so it's not as if these—well, I guess what I say in the paper is that a politics that can't deal with the hard issues is hardly a politics. We certainly don't need a politics and we don't need a discourse of any sort whatsoever.

Let me then just characterize very, very briefly not all of 19th-century politics, but a little bit, say, in what I'll call its classic period, between the 1830s and 1890s. First of all, there were intense partisan rivalries. That helps. They were often fairly evenly balanced, for a lot of different sometimes geographical and other things. The other things— it was a politics of spectacle. Foreign visitors to the United States would treat American politics as theater. We may have theater now, too, but it was something that people spent a lot of their time with. I think it is important to remember—and is as important as this mediated quality of our culture now—they had fewer entertainments available to fill up their time. This was something that was a part of the Dewey-Lippmann debate early in this century, is that they both recognized that they were in a society in which there were lots of activities that you could—we now generally call a consumer society—that was less clear then. On the other hand, they worked longer and harder in the 19th century.

There was a kind of politics of identity in the 19th century, some of the kinds that have the same logic as what we call a politics of identity now, but much more was that identity of being a part of a larger political organization, that that was a principal thing. People did not change parties very often. They did not split tickets. In fact, the parties would print up the ballots. You didn't go and have the machines, you walked in with your ballot and they had them preprinted with all the votes on them so that it was straight-ticket voting. The percentage of split-ballot voting is very, very high now, two-thirds, and that may be good in many ways. I'm just suggesting that it's a fundamental difference. There was an identity. Once you were a Democrat it was hard to be something else, which is one of the reasons why in the 1850s, when there's this transformation of the party system, people didn't switch from being

Democrats to Whigs. Those parties dissolved. We had three or four parties floating around. People could move in ambiguous spaces until it got reorganized into a new so-called third-party system.

The other thing I would want to say is that the parties and press—this has been suggested already—the parties and press were linked. And I think this is really important. This is before the New York Times model of journalism. Now there's much that is bad in all of that, and there's much that's good in The New York Times. But nonetheless, what the press did—it was an extension of parties. It provided a narrative, a narrative of what life was like, what life was about, what political life was about. And there were a whole variety of these narratives out there. And I think the notion of these narratives and the institution of the party are important, because they were at once enabling—they provided a way to get into the culture of politics because it was somewhat preset for you; at the same time they were limiting, no doubt limiting in bad ways but also, I think, limiting in some good ways that avoided the kind of swings and extremes that we sometimes suffer from today.

The other thing I would really emphasize is that Tocqueville's description of American democracy links things that we don't often remember that he linked. All of his celebration of voluntary societies, he linked—or voluntary associations—he linked to the press and the ease with which anyone could establish their own newspaper. Now one of the problems is the cost of entry into the media business. It's not just that it's a mass media; it is almost prohibitive for small—and I'm not that optimistic about the Net- but it might someday become something—but the linkage between a voluntary association and its ability to enter the public sphere in Tocqueville's world was much easier. But it was that link, I think, [that] is very important.

The party political life was also—and this may go back and be another way of saying something I said a moment ago—was linked to social life generally. It was a part of—the party helped structure social relations and social relations helped structure your political life. I don't think that happens very much

anymore, which is one of the things that makes, perhaps, dinner parties less controversial, because the stakes don't seem to cohere that way.

In any event, I think that probably more things could be said along these lines, but the thing I'm really trying to say is that we can't ask of our political parties or of civic discourse in a civil society—we may be asking too much of it—if we don't remember that it required a thickness, and hence my thinning image. That it requires a thickness of interrelations and overlapping relations, not all perfect, not all fitting out in any perfectly logical fashion. But I think that that is very important. And by this, I think I mean something more than what Putnam seems to mean, just that some certain volume of associations are inherently necessary.

I think there's a characteristic of a lot of the associations we're talking about in the 19th century—they brought different kinds of people together. And one of the things that happens with the Civil War is it ceased in its capacity to do this. The parties ceased being national parties. The churches ceased being national churches. There indeed was something that was too big for them to handle. But there was a way in which these things were not entirely autonomous. There were autonomous small ones, but they were linked in some various ways to large ones. So they're both mediating and unifying in some sense.

I guess that's all I want to say about the 19th century. I think the main thing I want to emphasize, though, is I don't say that we should go back to that, but we have to think about what some of those factors that made it work the way it did were, and how we might find functional equivalence.

The other thing I want to mention is to say a couple things about where that polity went. To some extent—not exclusively, but to some extent, it went away because of reformers—actually, folks like us—who wanted a more rational discourse, a more orderly thing, didn't want immigrants who didn't know anything dominating the political system, didn't want the former slaves who didn't know anything dominating the system. So reformers—and one of the key reformers, the journalist E.L. Godkin—you know, wanted to have civil service reform. What did that mean? That means patronage would



no longer drive the political system. Well, when you get rid of patronage, you get rid of a lot of party loyalty. Patronage is a bad thing; on the other hand, it's also a good thing, because it gives lots of people a reason to get engaged in this process.

There is a quite open commitment to elitism, that the educated classes should really dominate. They may, in fact, from what I learned this morning, be dominating at the moment, which is actually more discouraging than encouraging, but at any event, these people, like Godkin, without embarrassment called themselves the best men and thought that that was what informed citizens constituted.

This emphasis on rationality—and this has come up again and again—it sort of reduces politics to the cerebral, and the politics is much more than cerebral. It is potentially—I mean, not to go all the way with Hannah Arendt—but it can be a whole life. It can be the way in which one becomes fully human, in her terms or Aristotle's terms. And I don't want to go that far, but we reduce it. If we reduce it, people aren't going to find it as fascinating as they probably should.

So in one sense, many of our best efforts to improve the quality of public discourse, in fact, at least undermined one particular model of it, and we've had a very hard time putting it together. And I think that one of the interesting things is the negativity that is connoted by the word 'partisanship.' I'm not sure partisanship is a bad thing, and our inability to allow that, whether in newspaper or in public life—that may [not] be a good thing. That may be, in fact, what we're seeking, is open partisan—not secret partisanship, not really special interests—there's a difference between partisanship and special interest—I guess I want to say. We are plagued with special interests; we may not have enough partisanship.

Oh, I guess just to talk about our parties at the moment—and I'm not qualified to say much, but two things strike me as very important. As a member of a party—or not—I don't mean as a member—as the party structure I guess, I want to call it—has very little impact on the creation of candidates anymore, so, you know, why should one feel that this is one's

political home? I mean, it all turns out to be a bunch of phone calls to a certain number of wealthy people to see whether or not, before you announce, you can have a \$15 million campaign—whatever you call it—treasure chest. And that's done outside of the party structure, for the most part. It's certainly not happening in conventions, which were invented in this period that I'm talking about, in the 1830s.

The other thing is that political parties don't have much of a monopoly on political information. I think it's really important that that was one of the ways you knew what was going on politically, was to hang around with the people who seemed to be figures in the party. And I think we now have either the objective news of The New York Times and its lesser companions, or worse than that, increasingly from special-interest groups who have all kinds of forums, usually commercially sponsored forums, of communication. And so, again, we're unable to develop a kind of narrative of how the politics of our time works.

*RODIN:* Tom, I'm going to ask you to conclude...

*BENDER:* OK.

*RODIN:* ...just so we have time for more conversation, because I know that most people have read the paper.

*BENDER:* OK. Then let me just say—the last thing is that the thing to do now is to try and invent functional equivalence of the institutional texture that would enable discourse to be embedded.

*RODIN:* Good. Thank you.

Neil, we will hear a bit about your paper on the institutional context of public discourse.

*NEIL SMELSER:* Thank you very much, Judy. I'm operating under the working assumption that nobody has read the paper. A few of my friends told me they had, but that's what friends are for, to tell you that they read the paper.

RODIN: I read it—the highlights, the highlights.

SMELSER: And so...

*Unidentified Man*: You've got a lot of friends.

SMELSER: So rather than figure out whether my friends were liars or not, I've returned to my original assumption, so I'll just give you a brief outline of what I had to say. The paper's on the institutional context of public behavior and discourse, and I wrote it, really, out of an impulse to lead members of the commission and other readers into areas that really hadn't dominated the news as far as our commission proceedings have concerned, to take us into the realm of social structure as over against concentration on individual behavior and group process. I thought that would be the sort of thing that I could do and that might be of some interest and might broaden the perspective of readers. So I wrote this essay about the institutional framework for public behavior and discourse.

Then, when I was asked a few days ago to say a few orienting words on this, I went back and read it and sort of couldn't really figure out—well, I didn't really quite know what I was doing when I wrote it—so in rereading it, I sort of had to figure out what my agenda was, and lo and behold, I discovered it. Under compulsion to talk about it, I discovered that I really had two agendas at work here, so I'll just summarize what these agendas were.

The first was an analytic agenda, really, knowing that the complexity of causal forces in society that condition how our public discourse is, how do we sort these things out without really retreating into a complete confession of complexity and not much else? My first agenda, then, was to try to classify the kinds of institutions that impinge on public discourse and its quality, and to arrange them in a kind of order, if you will, as a housekeeping operation, of remoteness and proximity to the process itself.

And in that spirit I laid out what I call the disposing institutions; namely, those broad institutions that dispose people toward civility or other kinds of orientations to public discourse, and I talked about family, education, peer

group, media and neighborhood, all of which have a great deal to do with the inculcation of issues of basic trust or distrust, of supplying information to people, of forming fundamental attitudes toward authority and rules, and orient them generally, as human beings, toward the process and in large part determine their kinds of behavior when it comes down to public argumentation, discourse, conflict and so on.

I then turned to a second class of institutions which I called engaging and interest-aggregating. These are the institutions that keep people busy in society: occupation, which actually dominates most of the ebbs and flow of life, the working and earning and spending and so on; ascriptive groups that organize people's associational and social life to a large extent—I'm talking about gender, race, ethnic and other ascriptive organizations around which our lives revolve. The engaging quality of the polity is then, finally, the informal associational life of the society, around all of which [our lives] are organiz[ed] and all of which predispose people or define for people what their interests are and what the content of public discourse and fighting and conflict is all about.

Thirdly, I turn toward a set of institutions which I called institutional opportunities for expression and conflict. You see, I've had the idea of the narrowing and increasing proximity of these to the actual process itself, and there I talked a good deal about political parties, social movements, law, civil society and the media, again, as opportunities for expression, and what is the quality of health of those in a society and their contribution to public discourse.

Then, finally and most proximately, I talked about, you might say, [the] legal enormity of institutions which themselves impinge immediately on the quality of public discourse because they guide it on the spot, if you will. So I tried to organizing these institutional influence[s] on a—you might say—a decreasing-increasing order of specificity in terms of their influence on what the whole thing is about, doing a certain amount of analytic organization.

I came up to the conclusion that we are so hemmed in by our history of involvement in institutional contexts that [when] we actually get down to the

normity of regulation of public discourse, most of the job has been done already. In other words, we are so programmed by all the institutional involvements we've been in through our life, that this is, in a way, almost an afterthought, and if you have to invoke normity, then legal and other controls, it sort of means that the system is broken down rather than it's an operating everyday control of discourse. That was the kind of ironic conclusion that I came to.

Then I discovered my second agenda as I was trying to rethink what I was going to say. My second agenda, not analytic but substantive, was to take a look at the literature on these different institutional contexts that we—that many of us—are familiar with and the degree of health or deterioration that these institutions now exhibit. And I will just summarize briefly by saying that I came across one classification of literature that took these institutions, one after another—family, neighborhood, community, education, political parties or the polity in general—a literature which proclaims that these are in a state of disintegration or decay or failure or whatever, and that somehow or other there is some kind of radical need, usually, for restoration of some model that we saw in the past or some other envisioned utopian model of the future. I call this literature—it's the Cassandra literature—by and large. I call this the death-and-need-for-resurrection literature, and then a readier reception and less contradiction. I had less modification, less mortification, when I was found to be in the wrong, and I more easily prevailed with others to give up their mistakes and join with me when I happened to be in the right.'

In a deliberative context, in other words, one of the norms is civility because that's practical. It ultimately makes it possible to achieve the end that one is coming together in order to achieve. I'm going to use, as my case study for the rest of this analysis, Congress, because Congress starts out by setting up rules of deliberation, recognizing that people who have strongly held opposing positions are coming together. And in the process, Congress does something that I think is extremely important, because Congress votes itself rules that you ordinarily would not impose on yourself in deliberation if you were

trying to maximize your own advantage, but you would impose upon yourself if your goal was ultimately productive action.

Congress says such things in its rules, which it has to vote when every new Congress comes in, so it could throw these rules over. It votes voluntarily such rules as 'You may not call another member a liar,' 'You may not call another member a hypocrite,' 'You may not impugn the integrity of another member.' In other words, it votes rules that say 'You will express mutual respect, even if you don't feel it, about the other member, or you will suppress your tendency to indicate that you don't have that mutual respect,' and ultimately the reason is because you can't engage in productive deliberation once you've impugned the integrity of someone else.

And so periodically, when members get very angry, they ask the rhetorical question, 'Why can't one call a person a liar or hypocrite when the person is a liar and a hypocrite?' But the constraint that is imposed by that rule-making process suggests something profoundly important, and that is, over the history of the institution, the members have come to realize that you can't deliberate outside an environment in which the conversation itself is characterized by mutual respect.

Indeed, we have had a number of instances in which those norms extended—and I think mutual respect entails a model of argument—into helping the country through what otherwise could have been a crisis period. I'd like to feature the difference between the debate over entering the Gulf War, which I think was a very productive, civil debate in which there was very little impugning of the integrity of the other side. Both sides, all sides, engaged in warranted claim making that offered evidence and respected that alternative evidence was there in a world that is, after all, contingent, and which, as a result, no one has the definitive piece of evidence. And in that environment, the country and the people involved in the exchange came, I think, to respect the decision, even if they disagreed with the decision, to intervene in the Gulf War.

There's a second thing that's important about the Gulf War debate, and that is that the Democrats permitted the resolution to come to debate, even though

the Democrats—George Bush at this point is the president—were unsure that the outcome ought to be the outcome recommended by the president. In the process, they acknowledged that, even if you have the power to suppress the other side, it is not in the advantage of the institution to do that. Questions for any of our eight participants, comments, let's open it up. Larry.

*LAWRENCE LESSIG:* I'd like to follow up on Kathleen's description of the function served by these deliberative norms, which I think is quite compelling. But then as we try to understand what has changed in the context of Congress, for example, I wonder whether the opportunity for opportunism has changed, and this change has been brought about by, for example, things like C-SPAN, which, when C-SPAN wasn't in Congress, if a congressperson engaged in opportunistic behavior, meaning violating one of these deliberative norms, they were punished by other members of Congress and there was no gain from the outside. But now, if every moment of Congress is on C-SPAN or covered on the outside, a congressperson has a choice every time, has a decision to make: 'If I live up to the norms, I might not get the political gain I want on the outside. If I violate the norms, then I will get the political gain I want on the outside.' And so the very structure of publicity here is destroying the conditions or at least putting pressure on the conditions for the kind of deliberation you're discussing.

*JAMIESON:* When we examined the jump in incivility, name-calling and the like in the first session of the 104th, that jump occurred largely in two places: the one-minute speeches at the beginning of the day and the after-hours speeches. It did not occur in the deliberative time of Congress. And what are those two time periods? Those are time periods in which you have an incentive because of C-SPAN to use the medium to mobilize partisans, and you're not, as a result, functioning within the institutional structure as you describe it. One of our recommendations, as a result, was to move the one-minute speeches into the middle of the deliberative process, so that once people had gotten into the deliberative mode, they'd have to think about moving back into mobilizing partisans as their goal.

The other thing that I think is interesting about your observation, however, is that what C-SPAN effectively does is draws in a high level of a small number of highly active, primarily older, individuals, who are highly partisan. Once you move into something like impeachment inquiry, that audience expands dramatically. And so if you believe that what you're doing is mobilizing your partisan base and you no longer have the small audience there, you now have the larger audience. You can accomplish the exact opposite by having that base mobilized, but in the process alienating everyone else, because everyone else has a different sense of what is appropriate in the circumstances. And I think that's the error right now in this process on both the Democrats' and the Republicans' side.

*MICHAEL SCHUDSON:* Question for, I think, Tom and Neil. I saw some David-Kathleen dialogue here— and Tom and Neil—[but] let me focus on the latter. It may be that your analysis of historical change may not differ very much [between] the two of you, but certainly the way you summarize it does. And for Tom, the metaphor is thinning. So my question there is would you be willing to give up thinning for Neil's radical transformation or diversifying and complexifying?

And then, for Neil, the question—since my own views are closer to Neil's—but I find in saying, 'Well, it's not that we've lost something, we're in the midst of transformation,' that I come close to a kind of functionalist impasse, that oh, well, you know, society has changed and it's hard to compare it to some prior state and it's not better nor worse; it's different. And each society has its own logic and we're trying to work out patterns of discourse and public life in some new world that we haven't quite figured out yet. Do you run into a problem of it's becoming a functionalist [analysis which] can't judge societies?

*SMELSER:* Do you want to try? I'll answer that thing.

*BENDER:* Oh, OK. No, I can do—I actually don't have any problem at the level of an analysis of society with the diversification and complexity or complexifying. I guess what I would say, though, is that one of the perhaps products of that—or that's a symptom, I'm not sure which—is a different, a



thinning—a separation, maybe, of a lot of this. What could be supportive activity, supportive of some kind of—is very much what is happening constantly in liberal democracies, so I wouldn't be so upset about it.

*RODIN:* Neil.

*SMELSER:* I agree with most of what you've said, but I would take issue on the question of the privatization of religion. I mean it seems to me that the act of disestablishment of church and state is pre-eminently a privatization business, to get it out of the realm of public fighting, and it's one of the great accomplishments of the Constitution to have privatized it in that way.

*RODIN:* Kathleen.

*JAMIESON:* Yeah. The argument you're making from Plato is in the *Gorgias*, but in the *Phaedrus* what Plato argues is that there can be an idealized form of discourse, and the question is, are you going to trust it to the Philosopher King, or alternatively, are you going to develop a way to understand the souls of an audience and to work under a system in which discourse has organic characteristics. Aristotle then picks up from that and tries to articulate the standards by which you can pull in norms of discourse behavior to minimize the likelihood that the sophistry that Plato was condemning would be able to sway audiences. And I think part of what one says when one says there should be discourse norms in a deliberative context is that we have almost institutionalized in the United States the precept that in the free play of ideas under a structure in which people have the chance to articulate those alternative points of view, if you have a model of argument and evidence at play, you increase the likelihood that the better of the ideas will out or not—or will out rather than will not. And we don't often challenge that as a presupposition. I think it is, in fact, you know, a presupposition that is extraordinarily important, and what makes it possible for a democracy to function within the context of norms in a deliberative sphere.

*RODIN:* Tom. Go ahead.

TAMAS: Of course you know sympathy has said that, you know, the bane of modern political philosophy was when Thomas Hobbes based his on the Rhetoric rather than the Metaphysics. And this, I mention this only because what you or we are trying to do, and other people, is improvement in manners. It's not about rationality. It's manners, but I don't ever hold manners in contempt. You know, what Mr. Ryfe again described as splitting the difference, if you remember, what he said between tolerance and—and—and...

RYFE: Respect.

TAMAS: Respect, well, that was indeed—that was the post-metaphysical trait, again, of federal democracy, in trying to impose openly, openly good manners instead of rules, contentious rules of rationality.

RODIN: I feel we should let you eat. Tom and Joel, and then we should stop.

THOMAS SUGRUE: Not to throw a whole different set of questions into the fray, but I'm thinking about a bridge between some of the issues raised this morning, and some—and this is just here—which is, there's a conundrum that's been at the heart of the democratic project in the United States and elsewhere, almost right from the get-go, and that is, how do we deal with the competing demands of privilege and participation, or, whose voice or voices get heard in political deliberation? Put a different way, in the light of contemporary discourse and deliberation, how do we deal with the fact—in thinking about deliberation in democracy—that the one-seventh of the population that is most engaged politically is also the most likely to live in isolated communities of privilege, and to play a significant role in creating political institutions that enforce the privilege indifference that in some ways militate against political deliberation.

And a second irony, that the weight of the social and economic travails are borne by that one-third of the population least educated, that Sam mentioned in his talk, and who look at political institutions and to political questions as either irrelevant to their problems, or as detrimental to their concerns. So the really—a pressing question—and this goes back to Jay's point, I think, a little

earlier in terms of thinking about where to go or what to do—is how to overcome the separation and distrust that makes the kind of deliberation, reflexivity, and reciprocity that are so central to the democratic process, helps makes those things possible. And that's a really big question that I think has to be answered if we want to get at specific programs or policies that can begin to help us to move forward.

So I wanted to throw that wrench into the discussion.

*JOEL FLEISHMAN:* Well, very quickly. We were taking what Kathleen said, as others have said they were, too—when you have the body that can enforce civility, such as the Congress can—sorry—when you have a body that can enforce civility, such as the Congress can—you can enforce it. They can make the rules, they can abide by them (whether they're doing it really or not), but it does have, I think, the consequences that she says, yes.

There's no way to enforce that kind of civility on the public discourse as a whole, because we wouldn't want it in the first place. We've got a First Amendment that prevents it, in the second place. And so the question is, seems to me, how do you—how—and let me add one more thing:

I would offer the proposition that the stronger the sense of community, the stronger the sense of connectedness, of bonds, the more robust, the more partisan, the more vigorous, the more contentious the debate can be without really fracturing the society in any fundamental way. And so the two things really are very closely related, to me, in my mind. If you've got—the more you can build community, the more you can—the more robustness and contentiousness and meanness you can tolerate in your public discourse. And, in fact, the more they reinforce one another in very interesting ways, because if you don't have community, the society just completely fractures, and if you think about the societies that Marty was studying, where with ethno-political warfare, you know, what you didn't have was community that held them together, and they fractured whenever there were differences among the groups.

So I think it would—it's interesting to think about those connections, as between community discourse, how do you foster—in picking up on what Jay was saying—what kinds of things, what kinds of initiatives can we imagine that can go at the problem in both directions. It may be that one of the things we should think about is ways of enriching discourse. Picking up on one of the things you said—we're not going to suppress the negative. We've got to figure out ways of modeling the good and expanding it in ever—and that means a variety of kinds of institutions—enriching, yoking the efforts of those institutions to the goal of expanding discourse, while at the same time we try to tackle the question of how to strengthen communities so that we can tolerate increasingly the fragmentation. With the media that we've got, with the diversity in the society, with very radically differing views of what is the public good or the public interest, they're going to be expressed, the politicians are going to play to the public, their partisan audiences, so we've got to figure out—and it's going to happen.

We're not going to roll back the communications revolution in any way, so that's a given. The diversity is a given. The different views of the public interests are givens. So the only way we're going to solve the problem, it seems to me, is to think about how to strengthen those institutions that tolerate and enhance more robust public discourse.

*RODIN:* That's a great segue to this afternoon. Thank you. With that, we break.