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ATTITUDES, ADVOCACY AND POLARIZATION: The new iron triangle of American Public Policy

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Attitudes, Advocacy and Polarization:

The new iron triangle of American public policy

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Abstract:

This article adds an important new argument to the current literature on polarization—the tendency of public policy conflicts to escalate until competing groups talk past each other, unwilling to concede that “They” might have a point or even to listen. It argues that excessive polarization is a “convention problem,” i.e., a primary cause is tacit, widely accepted rules that define how decent people are supposed to behave. Because of fundamental changes in the character of public participation, conventional advocacy strategies—used by both left and right—are to the body politic as lightening is to a drought-stricken forest.

The article arrives at this surprising conclusion by applying research from two disparate disciplines. Research from social psychology demonstrates how the human brain is far more vulnerable than most realize to unconscious distortions leading to polarization once strong negative attitudes towards an “other” are developed. Research from public policy studies shows that the number of people involved in policy advocacy has grown dramatically, and that their conversations increasingly occur within “advocacy coalitions,” vast, superficially diverse networks of people and groups with similar world views and policy beliefs. These are precisely the conditions under which strong, negative, even extreme attitudes towards the “other” are fostered.

Under these conditions, the dominant conventions for policy advocacy dating back to the 1970s—name them, blame them, shame them—inherently, systematically generate polarization. This analysis, if correct, requires a fundamental reassessment of what scholars and practitioners currently understood as “good” or “effective” public policy advocacy.
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On Saturday, August 18, 2009, a conflict resolution professional in Nashville, Tennessee emerged from the public library and stumbled into a noisy confrontation between competing demonstrators over the Obama health care initiative. One group was waving signs saying, “Health Care is a Human Right,” and “Boycott Whole Foods!” Across the street, the other group was waving signs saying “Don’t Pull the Plug on Grandma” and “Say No to Socialized Medicine.” Fresh from a day of research on beliefs and attitude formation she watched the anti-Obama demonstrators with a certain detached curiosity until they began to point fingers and chant, “Where’s your flag?” Flooded with indignation she crossed the street, grabbed a sign and began yelling at the top of her lungs.

Introduction

Disputes over public policy are part of life in human societies. In the U.S., a sub-set of these inevitable disagreements escalate and become so polarized that competing groups talk past each other, unable and unwilling even to listen, or to concede that “They” might have a point. Each side relies on a different set of facts to support its position. Even when facts are not in dispute, each side uses them to justify a completely different set of propositions.

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1 Roger L. Conner, JD, is an Adjunct Professor of Law at Vanderbilt Law School and Director of The Advocacy Project.
2 Patricia Jordan, J.D. served as Associate Director of The Advocacy Project during the preparation of this paper.
3 In response to an op-ed piece by John Mackey, CEO of Whole Foods, against government take-over and rationing of health care, progressives called for a boycott of Whole Foods. John Mackey, Op-Ed, The Whole Foods Alternative to Obamacare, WALL STREET JOURNAL, August 12, 2009, at A25; Ylan Q. Mui, Whole Foods Devotees Lash Out at CEO: Customers, Angry Over His Health-Care Views, Share Feelings of Betrayal on Web, THE WASHINGTON POST, August 19, 2009, Suburban Edition, A-Section, at A10 (“Whole Foods aficionados who assumed the company’s management was as crunchy as the brand are feeling betrayed. They have stormed Twitter, Facebook and the blogosphere to vent their rage at John Mackey”).
Many thoughtful observers of American public life assert that the number of policy arenas degenerating into this kind of sustained, divisive, zero-sum conflict is growing.\(^5\) Even scholars and practitioners who defend the virtues of vigorous debate and “negative” election campaigns agree that pervasive, sustained and bitter polarization between groups or factions can go too far, impairing the capacity of democratic institutions to solve problems.\(^6\) Once polarization sets in, the advocates involved become so caught up that their behavior appears baffling, even self-defeating from the perspective of outsiders. At the height of the recent debate over health care reform, NPR reporters Steve Inskeep and Julie Rovner talked with Fr. Thomas Reese, a prominent Catholic scholar in the field of public policy:

INSKEEP: Isn't health care itself one of the Catholic bishops' huge, longstanding, decades-old priorities?

Father REESE: Absolutely. I mean, before we were born, back in the '30s, the U.S. bishops were in favor of national health care. . . . They weigh, measure, and assess facts’; for example, both sides agree on the fact that the heartbeat of the fetus begins at twenty-four days, but they assign different consequences to that fact).

\(^5\) See, e.g., THE PEW RESEARCH CENTER FOR THE PEOPLE & THE PRESS, EVENLY DIVIDED AND INCREASINGLY POLARIZED 1 (2003), (citing “rising polarization” and arguing that the country “is wider apart than ever in its political values”), and Pew Research Center, PARTISAN GAP IN OBAMA JOB APPROVAL WIDEST IN MODERN ERA, http://pewresearch.org/pubs/1178/polarized-partisan-gap-in-obama-approval-historic (last visited Feb 19, 2010); For a good example of what could be called the “polarization is a big and growing problem” viewpoint, See Stephen E. Gottlieb, Law and the Polarization of American Politics, 25 GEORGIA STATE UNIVERSITY LAW REVIEW 339-376, 342, 371 (2009) (endorsing the view that “Not since the Civil War has the US been so divided,” and that “paranoia and polarization” have reached levels that are “dangerous” to democratic institutions’ capacity to maintain trust and solve problems). There is a dispute among scholars about disputation. For example, some scholars assert that extreme, negative public arguments have benefits See, e.g., Tomer Blumkin & Volker Grossman, Ideological Polarization, Sticky Information and Policy Reforms, CESIF0 WORKING PAPER NO. 1274, downloadable http://SSRN.com/abstract=60160, (arguing that intense polarization between the major political parties is useful because it forces moderate, “middle-of-the-road” voters to pay attention and learn enough to be a knowledgeable moderating influence on the tendency of the dominant party to implement the agenda of its core constituency”). There is also a vigorous debate about whether the amount of “negativity” in campaigns for elective office is good or bad. Contrast, e.g., STEPHEN ANSOLABEHERE & SHANTU IYENGAR, GOING NEGATIVE (1997) (arguing that negative ads reduce voter turnout and fail to inform) with JOHN G. GEER, IN DEFENSE OF NEGATIVITY: ATTACK ADS IN PRESIDENTIAL CAMPAIGNS (2006) (arguing that campaigns are actually less vitriolic and negative than in the past, and that negative campaigning helps inform voters about the weaknesses of the candidates). This article does not enter into this latter debate, accepting the observation by Stephen L. Carter that political campaigns, being zero-sum, are by nature nasty and brutish, but that an invasion of this style of debate into the civic space outside of electioneering is a serious matter. STEPHEN L. CARTER, CIVILITY 126 - 131 (1st ed. 1999).

\(^6\) See, e.g., GEER, supra note 5, at 158 – 159 (while defending negative campaigns, Geer also maintains that “politicians and policy-makers” need to sustain a core of “respect for the opposition,” without which they will find it difficult to “solve problems.” He goes on to defend extreme negativity in “elite-to-mass” communications, arguing that “elite-to-elite” respect is sufficient for government to function. In this article, we argue that Geer’s assumption is incorrect, especially considering that the same person can be an “elite” in their capacity as a local leader and part of the “masses” for purposes of national issues. National polarization can breed dysfunction at state and local levels.
really want comprehensive and complete health care for every one in the country, but they don't want it to pay for abortion... 

ROVNER: The intent [of House and Senate negotiators] going into this was that this bill be what's called abortion-neutral, so that the Hyde Amendment, as you mentioned - which has banned federal funding for abortion since 1977 - remain in place, so that there would be no direct federal funding of abortion.

INSKEEP: This is even pro-choice lawmakers saying: “Look, we accept it. It's the way it is. We're not going to deal with it.”

ROVNER: That's right, because they didn't want it to get in the way of moving this bill forward... 

INSKEEP: But why has it been so difficult to agree on language, given that all lawmakers, even pro-choice lawmakers, have said, you know, we don't want to change anything here. What makes this so hard?...

Father REESE: I think the problem we have here is that, frankly, both sides are quite paranoid on the issue and they don't trust each other. Nobody trusts anybody else's language...

ROVNER: I think the father's absolutely right. People keep asking me: What does the language actually say? And there comes a point where it doesn't really matter what the language actually says. It only matters what the groups who keep score say that the language actually says. (Emphasis Supplied).

Why do so many policy disagreements morph into self-perpetuating conflicts featuring two sides that see each other as the devil incarnate? Applying insights from two bodies of scholarship--social psychology and theories of the policy process—this article suggests that polarization is a “convention” problem. That is to say, one of the primary drivers of polarization is the tacit, near-universal understanding among participants in public policy conflict about how good and decent people ought to behave. If the analysis in this article is correct, excessive polarization of U.S. policy conflicts in the 21st century is occurring because good people are doing bad things for good reasons.

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8THOMAS SCHELLING, THE STRATEGY OF CONFLICT 54-55 (1960) (noting that a “convention” problem is one where people cannot communicate with each other and there is no obvious solution. “[A]ny solution is “correct” if enough people think it so.” It was Schelling who first introduced the idea into game theory that some problems—such as which side of the street to drive on—require “tacit cooperation.” The solution to a convention problem will be based on what people believe about each other, not what they think might be best in any abstract sense. The “tacit solution” can be sub-optimal or even destructive; once established, it is self-perpetuating. Thomas Schelling, Models of Segregation, Papers and Proceedings, 59 American Economic Review no. 2, 488-493; Thomas Schelling, On the Ecology of Micromotives, 25 THE PUB. INTEREST 61-98 (fall 1971).
To reach this somewhat surprising conclusion, the article begins, in Part I, with a review of literature from social psychology on “attitudes.” In social psychology, an attitude is a psychological tendency to evaluate an object or entity as favorable or unfavorable. Attitude formation—the assembly of likes and dislikes, of positive and negative reactions to people, objects, events, and ideas—is an integral and necessary part of human life. Some attitudes are fleeting, such as our stance toward drivers of red BMW’s shortly after one cuts us off in traffic. Some are of little consequence, such as a gag response at the mention of broccoli or escargot. However, social psychologists have long argued that a sub-set of all attitudes become strong, and strong attitudes—especially those embedded in an inter-attitudinal structure—actively resist change. Importantly, once a strong attitude is formed, thinking, debating and reading about connected issues tends to make that attitude stronger and its effects more pervasive.

Part II connects the research on attitudes to the phenomena of polarization. Once a strong attitude becomes attached to a belief about an issue like nuclear power or income inequality, a group such as bankers or welfare recipients, or individual people such as George W. Bush or Barack Obama, the cognitive and affective tools people use to process new information or experience become profoundly distorted. Conflicting data is screened out, forgotten, counterattacked, or distorted and reshaped as needed to confirm the pre-existing attitude, but congruent information is accepted with minimal critical analysis.

Recent research from neuroscience has confirmed decades of research from social psychology. Strongly held attitudes are to the mind what the immune system is to the rest of the body: The immune system defends the body against “bad” germs and viruses, while attitudes defend the mind against “bad” thoughts or ideas. If strong attitudes are a primary cause of the behaviors associated with polarization and not merely an effect, any explanation of the increase in frequency and intensity of polarization must account for the increase in strong attitudes between active citizens. Part III points to two ways in which the context has changed. First, the sheer number of groups and people involved in advocacy over public policy has exploded in recent decades. Second, the issues are so complex and the number of institutions involved in any given policy arena is so large that specialization is essential. Arguments over policy now take place primarily in “issue arenas,” “networks” or “subsystems”—huge but also finite networks of policy-makers, journalists, advocates, scholars and practitioners of every sort. Third, the groups and individuals within each of these arenas or subsystems tend to coalesce around beliefs about causal relationships and the effects of certain policies. Journalists frequently refer to different “sides” such as pro-wilderness or pro-development. Policy theorists use the term “advocacy coalition” for huge, self-generating networks held together by shared beliefs and

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9 Like the immune system, attitudes do not erect an impermeable barrier, nor does any single attitude fully control or predict human behavior or thoughts in response to arguments about health care reform or global warming. Scholars who study attitudes consistently reject deterministic arguments, contending that attitudes represent an important factor, not the sole factor guiding our reactions to information and experiences.
connected by common information sources. In short, these political scientists find that more people than ever are involved with policy advocacy and that most of them are in networks of information sharing and dialogue with people who share their similar assumptions, attitudes and beliefs.

The last piece to the puzzle of polarization comes from recent studies by Cass Sunstein and others demonstrating that when like-minded people talk primarily to each other, they become more extreme in their views. The combination of the effects of strong attitudes on information-processing and dialogue among people that is simultaneously more extensive and less diverse creates a context in which the style of public policy advocacy developed in the heyday of the 1970s will generate ever-stronger attitudes and increasing polarization.

Part IV explores the implications of this research from several different perspectives. For advocates whose highest priority is to prevail, these findings help to explain the exasperating resistance to change, dogmatism and closed mindedness of the “other side,” and underline the importance of finding ways to frame messages that circumvent entrenched attitudes rather than to attack them frontally. For those whose highest priority is to increase cooperation and decrease polarization, the research suggests that lecturing the parties about bias and extremism will do little good; perhaps the best way to defuse polarization is through forms of engagement that humanize the people on the “other” side.

Finally, the research speaks to those who want to be effective as advocates and who also view extreme, polarizing conflict as counterproductive. For them, these findings suggest a profound dilemma: the norms and conventions that govern U.S. public policy advocacy—including that of “public interest” groups—inherently generate the kind of attitudes associated with chronic, intense polarization. Perhaps it is time for philanthropists, foundations, scholars, pundits and active citizens who have simultaneously decried polarization and poured time and money into conventional advocacy to acknowledge, in the immortal words of Pogo, “We have met the enemy, and he is us.” Existing scholarship and university curricula on advocacy have not acknowledged this dilemma, and the academic community has little in the way of theory or practical guidance for advocates who wish to succeed on advancing their positions while obeying the maxim, “first, do no harm” as to the society as a whole.

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10 Paul A Sabatier & Hank C Jenkins-Smith, Policy Change and Learning: An Advocacy Coalition Approach 5 (1993) (arguing “competing advocacy coalitions . . . consist of actors from a variety of public and private institutions . . . who share a set of basic beliefs . . . and who seek to manipulate the rules, budgets and personnel of government to achieve these goals over time.”).

I. HOW ATTITUDES ARE FORMED, BECOME STRONG, AND RESIST CHANGE

A. Definition and Formation of Attitudes

In the field of social psychology, “attitude” is a term of art. It refers to a positive or negative evaluation\(^{12}\) formed by a person based upon experiences with an attitude object, defined as a person, place, object, issue, or group. This usage of the word must be distinguished from its more popular meanings indicating a cocky, flippant, defiant, cool, rapper demeanor or a “bad attitude,” as of an employee subject to disciplinary action. In this article, attitude is merely a tendency to evaluate an attitude object favorably or unfavorably. Thus, the statement, “that car is blue” is a sensory perception; “I don’t like that color” expresses an attitude; “I can’t stand that color!” expresses a strong attitude.

In the literature of social psychology, personal experiences are classified as cognitive, affective, or behavioral. Cognitive experiences comprise thoughts, beliefs and moral values; affective experiences comprise feelings, emotions, moods and dispositions; behavioral experiences comprise overt actions taken in the past regarding the attitude object. All of a person’s experiences with an attitude object can be the basis for forming an attitude toward that object. Conflicting attitudes may exist toward the same attitude object, and people are often ambivalent toward an attitude object; that is, holding contradictory attitudes about different aspects of the object so that the person feels torn.\(^{13}\) To illustrate, if asked her attitude about Bill Clinton, a person may search her memory for experiences related to him: 1) she voted for him (behavioral); 2) she was angry with him for his extra-marital affair and his attempt to deny it (affective); and 3) her beliefs on public policy issues are similar to his beliefs (cognitive). Given these varying positive and negative experiences, on a scale of 1 to 10, she may rate her overall attitude as a “7” in favor of Clinton.

Not only do people form attitudes based upon their direct experiences with an object or entity, they also form attitudes from indirect experiences such as observing others’ actions as well as from messages from television, the Internet, newspapers, and books. As they are scanning this overloaded and oversaturated global information environment, they are forming attitudes (evaluations): like/dislike, favor/disfavor, good/bad. A person may or may not be consciously aware of his attitudes.\(^{14}\)

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\(^{12}\) Attitude is defined in social psychology as “a psychological tendency that is expressed by evaluating a particular entity with some degree of favor or disfavor.” ALICE EAGLY, PSYCHOLOGY OF ATTITUDES (1 ed. 1993), cited in Dolores Albarracin, et al, Attitudes: Introduction and Scope, in THE HANDBOOK OF ATTITUDES 3 (DOLORES ALBARRACIN, BLAIR T. JOHNSON & MARK P. ZANNA, eds., 2005). Hereinafter, this edited volume will be referred to as ALBARRACÍN, et al, HANDBOOK OF ATTITUDES.


\(^{14}\) Id. at 87.
In order to envision how attitudes might actually be structured in our brains, psychologists have developed two prominent models. The associative neural network model pictures a person’s attitude structure as actual connections between neurons or nodes representing positions of like-dislike, for-against on the one hand, and thoughts, images and feelings associated with persons, places, groups, issues and ideas on the other. The associative network model posits that each unit of knowledge or experience is represented by a node in memory, and that associations between nodes are formed by activation of the two nodes simultaneously.

Although many authors in social and political psychology literature are still using the associative neural network model, others have gravitated to a model they argue is more consistent with patterns revealed by neuroimaging technology. The connectionist network model uses the metaphor of a pattern of pixels on a computer screen. An individual pixel does not in and of itself have meaning until it is viewed on the screen as a tiny component of an overall pattern. The patterns change depending upon differing weights given to the connections, and repeated activations of the same connections or patterns will add more weight, thus making activation of that particular sequence more likely.

In both models, activation of a certain part of the network will call up and activate all the other parts of the network. This effect will occur whether the network is activated by positive references or by negative references. In other words, when politicians repeatedly deny a damaging charge, the denials serve to activate and strengthen the association, and thus the attitude.

Attitudes are distinct from beliefs. The term belief is defined in social psychology as a subjective assessment of the likelihood that a proposition is true or that an event or state of affairs has or will occur. A belief may give rise to an attitude toward an object or entity associated with that belief. For example, one might believe—that is,
one has assessed it as more likely than not—that global warming is aggravated by automobile emissions, and because of that belief, develop a favorable attitude toward a prominent person such as former Vice President Al Gore, who has become identified as a champion of that belief, or toward a policy proposal to restrict auto emissions which is identified as a solution. Conversely, one might have a favorable attitude toward Gore, and then form an attitude in favor of policies to reduce global warming, because that is his mission.

An attitude may be a part of an overarching system of attitudes that fall in line with an ideology, such as liberal or conservative, or a belief system such as religious fundamentalism or universalism. Moral values of a person often have a “top-down” effect of attitude formation regarding issues, policies and solutions in the public policy arena, so that encounters with new people, issues or groups will be evaluated in light of related pre-existing attitudes in a system or inter-attitudinal structure.24 Thus, a person who considers herself an environmentalist, *i.e.*, has a positive attitude toward environmental preservation, will form a positive attitude toward recycling and will favor local government policies that encourage people to do so.

Several authors have argued that the divide between liberals and conservative in the U.S. is traceable to different beliefs about the nature of human beings and human societies. The images and labels selected by these authors to characterize the competing paradigms or world-views are—as social psychologists would predict—more negative for those on the other end of the ideological spectrum. For example, George Lakoff, a cognitive linguist at University of California, Berkeley and an avowed political liberal argues that conservatives follow a “strict father” metaphor in their political philosophy, and that the resulting priorities for them are moral strength, discipline, security and self-sufficiency; while liberals prefer a “nurturant parent” point of view which emphasizes protecting people from harms such as poverty, environmental pollution, social injustice and hunger.25

Economist Theodore Sowell, an avowed political conservative has offered a different pairing of images to explain why people are instinctively attracted to political policies from the right or left: Conservatives have a “constrained” vision, seeing the world as tragically limited by resources and the fallibility of human institutions, while liberals follow an “unconstrained” vision where solutions are always just around the corner, and the capacity of people and human institutions to overcome apparent limits and solve problems is fundamentally limitless.26

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26 *Thomas Sowell, A Conflict of Visions* (2002) (arguing that these two visions of the malleability of human beings underlies many of the disagreements between liberals and conservatives over lawmaking. “If one conceives it to be within the capabilities of man to control the exercise of power and to limit it to Socially desirable results, as those with the unconstrained vision do, then it is arbitrary to
Without taking sides or joining in the search for the perfect short list of labels, social psychologists contend that the combination of beliefs and perceptions which make up a world view have durability and power to the extent that they are bound to attitudes in an inter-attitudinal structure.

Lakoff and Sowell concede that very few people have a unified and coherent picture of the world. Fewer still have all of their beliefs lined up at one extreme. Instead, they adopt positions throughout the continuum on different issues.

Furthermore, even where attitudes are strong, the effect on behavior is not entirely predictable. An attitude favoring or disfavoring a proposed policy solution may spur “approach” behaviors such as voting for a particular referendum, sending a check to an advocacy group, writing a letter to the editor. It may spur “avoidance” behaviors, such as hitting the delete key rather than to finish reading a news article or an email plea for political action. Another effect might be that a person does nothing, but inwardly seethes until, at a later unpredictable time, she may erupt into an angry response followed by action, a sequence of events illustrated by the recent emergence of the “Tea Party.”

In summary, social psychologists agree on the following general characteristics of attitudes:

1) An attitude can be either stored in memory or formed “online” on the spur of the moment with the information available at the time.

2) A person may be conscious of his attitudes or not, and may not know that his attitudes are influencing his behavior.

3) Attitudes are not necessarily stable entities, and an individual may have many conflicting attitudes with regard to one entity or object.

4) Attitudes are evaluations associated with objects, persons, issues, or groups, and these associations take the form of neural networks. Activation of one part of a neural network will activate other “nodes” or “pixels” of the network.

5) An attitude may be relatively isolated or it may be connected with others. If it is connected with a set of other attitudes, as in people who resonate strongly with a liberal or conservative ideology, triggering one will activate the entire set.

do so only with power defined as the ability to reduce pre-existing options. But if monitoring the desirability of myriad individual results is in general beyond the capabilities of any individual or council, as those with the constrained vision assume it to be, then efforts to produce social benefits must focus on general processes and on power restrictions-meaning restricting the ability of some to reduce the options of others.”).

27 LAKOFF, MORAL POLITICS, supra note 25, at 14-16.
28 Id.
29 Albarracín et al, ATTITUDES: INTRODUCTION AND SCOPE, supra note 12, at 4-6.
B. Attitude Strength

On any given public policy issue, beliefs about the problem and its cause, who is to blame, what is the solution and the expected outcomes will give rise to attitudes for or against certain statements or claims. For research purposes, social scientists measure attitudes by giving questionnaires asking people to rank on a scale from “strongly agree” to “strongly disagree” a statement such as “Housing for the homeless must also include social services.” Attitudes are not necessarily on either end of the continuum; that is, some attitudes are neutral or weak.

What makes an attitude strong? A massive body of research attempts to answer this question. Some of the variables that affect strength are *intra-attitudinal*, pertaining to the structure of a single attitude. Intra-attitudinal characteristics of a strong attitude include emotional intensity, ego or identity involvement, high personal importance, attitude extremity, certainty, accessibility, direct experience, extensive knowledge base, and interest in seeking relevant information. An attitude derived from a belief or value may become a core aspect of self-concept, which must be defended from challenge or attack. Particularly strong and resistant to change are attitudes with linkage to self-defining reference groups, and attitudes formed from salient or searing emotional experiences, which have made us who we are.

Other variables are *inter-attitudinal*, pertaining to the structure of a multi-attitude system. Individuals build complex inter-attitudinal structures by forging connections between attitudes. Relationships among individual attitudes can be viewed as a series of concentric circles like a bull’s eye target. Strongly held values with high self-concept identification are in the center; other attitudes that are highly important but not part of the center reside in the next rings, and attitudes that are not so important are located on the outer ring of the diagram. As noted above, an attitude that is part of a deeply embedded moral system and belief hierarchy will be

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30 Numerous variables that influence attitude strength have been identified, each variable has been studied in depth, and scholars are less than unified on the relative ranking and influence of them. For the most recent compilation, See ALBARRACÍN, ET AL, HANDBOOK OF ATTITUDES, supra note 12.


33 Wendy Wood et al., *Working Knowledge and Attitude Strength: An Information-Processing Analysis*, in ATTITUDE STRENGTH, supra note 34, at 290–91 (describing how attitude strength increases when a high degree of affect is associated with the attitude object, such as “with “the highly pitched emotional arguments associated with abortion”).

34 Eagly & Chaiken, *Attitude Structure, supra* note 24, at 284.

35 See Eagly & Chaiken, *Attitude Strength, supra* note 32. See also, Eagly & Chaiken, *Attitude Structure and Function, supra* note 24, at 284 ( “[A]titudes are often embedded in a complex network of relations between attitudes, beliefs and values in which strongly held values are core, or central, elements in the sense that they are linked to many attitudes and beliefs as well as to other values.”)
particularly strong and resistant to change, because change in one attitude will result in a domino effect forcing change in many other connected attitudes.\textsuperscript{36}

The strength and endurance of an attitude may depend upon the degree of cognitive analysis that went into its formation. Attempts by advocates or advertisers to change an attitude may succeed or fail depending upon how much time or motivation the recipient has to consider the message deeply. Social psychologists have developed dual processing models\textsuperscript{37}, which take into account the amount of thoughtful consideration a recipient of information expends in processing it. As succinctly summarized in the recent Handbook of Attitudes (2005):

These models generally posit that highly thoughtful attitude change occurs when individuals are willing and able to carefully consider available information about the issue or object. When motivation and ability are high, attitudes are largely determined by a person’s assessments of the central merits of the attitude object. Less thoughtful attitude change occurs when individuals lack the motivation or the capacity to evaluate information carefully and instead rely on heuristics or other peripheral cues as a simple basis to arrive at an attitude.\textsuperscript{38}

Heuristics are rules of thumb, such as “experts are trustworthy.”\textsuperscript{39} Peripheral cues consist of packaging such as the quality of the way in which the message is presented, the attractiveness of the source, or the catchy slogan that contains the message. Factors of motivation include whether the issue or candidate is important to the person, while factors of ability include time and intellectual ability. Thus, at different times under different circumstances, we may rely, consciously or unconsciously on a shallow thought process or an automatic reaction; or we may actively seek out and analyze new information and weigh it with our existing knowledge to reach a new evaluative judgment (attitude). Of course, the amount of elaboration or thoughtful analysis of a persuasive message, argument or empirical study can fall anywhere on a continuum from low to high elaboration.

A pre-existing attitude may act as a peripheral cue that prompts a person to short-circuit any thoughtful reasoning process and jump to a decision to accept or reject.\textsuperscript{40} In colloquial language, this is known as a “knee-jerk” or gut reaction. In low-elaboration processing, if an attempt to persuade a person is consistent with the pre-existing attitude, it is more likely to be accepted, whereas a message incongruent with

\begin{footnotes}
\item[36]Eagly & Chaiken, Attitude Structure, supra note 24, at 289.
\item[37]These models are known as the Elaboration Likelihood Model (ELM) and the Heuristic-Systematic Model (HSM), and have been developed respectively by Richard E. Petty & John T. Cacioppo, Attitudes And Persuasion: Classic And Contemporary Approaches (1996), R.E. Petty & J.T. Cacioppo, Communication And Persuasion: Central And Peripheral Routes To Attitude Change (1986) and Shelly Chaiken, The Heuristic Model of Persuasion, in Social Influence: The Ontario Symposium 3-39 (1987) at 5.
\item[38]Fabrigar, supra note 13, at 98-99.
\item[39]Reliance on this particular heuristic produced a financial disaster for the victims of Bernard Madoff’s Ponzi scheme.
\item[40]Fabrigar, supra note 13, at 99.
\end{footnotes}
the attitude will likely be rejected without a thought. As an illustration of low-elaboration processing as it pertains to public policy, suppose someone receives a brochure sent through the mail by an interest group supporting a public insurance option for health care. Assume the person has already formed a strong attitude against such a plan, believing it to be the first step on the slippery slope toward socialism. In his mind, “public option = socialism,” so he doesn’t even read it before tossing it into the trashcan.

Modifying the hypothetical, assume the person who receives the brochure is also a writer or perhaps a professor. He might have the motivation to read the letter thoroughly and thoughtfully (high elaboration). However, as the next section of this article will explain, a pre-existing, strong attitude against the public option will undermine the best of intentions to be objective about its contents.

II. HOW STRONG ATTITUDES AFFECT PROCESSING OF INFORMATION AND IDEAS

The discussion now turns to the link between strong attitudes of individuals and the phenomenon of polarization.

Attitudes help us make choices based upon our experiences in the complex environment of everyday life. Functions of attitudes have been suggested to fall in four categories: knowledge, utilitarian, ego-defensive, and value-expressive. As summarized by one reviewer:

The knowledge function posits that attitudes facilitate the management and simplification of information processing by providing a schema with which to integrate existing and new information. The utilitarian … function posits that attitudes help individuals to achieve desired goals and avoid negative outcomes. The ego-defensive function, derived from psychoanalytical principles, pertains to the maintenance or promotion of self-esteem. Finally, the value-expressive function states that individuals use attitudes to convey information about their values and self-concepts.

Attitudes help people make sense of the world. A tabloid headline about aliens in charge at the White House does not alarm most people because of strong, negative attitudes towards the concept that undiscovered aliens are romping about in general and the reliability of tabloids in particular. Social psychologists agree with the broad proposition that such strong attitudes are resistant to change, and that the resistance

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42 Fabrigar, supra note 13, at 82, summarizing Katz, supra note 41, at 170-176.
43 Political scientist Phillip E. Converse has written: “Both high theory and common sense converge to say that a strong attitude is one that will endure, will resist attempts at persuasion in contrary directions, will exert influence on the formation of related perceptions and beliefs, and – perhaps most important – will predict behavioral decisions with highest fidelity.” Foreword to Petty & Krosnick, ATTITUDE STRENGTH, supra note 32.
occurs through cognitive processes such as selective attention, selective memory, selective information processing or biased assimilation, and motivated reasoning. Knowledge of these psychological processes can aid the befuddled advocate who is at a loss to understand why people on the other side seem irrationally attached to erroneous positions.

A. Selective Attention and Selective Memory

People usually seek out and pay attention to information that supports attitudes to which they are strongly committed; and they screen out and ignore incongruent information. For example, prior to, during and after the Watergate hearings, which ultimately led to President Richard M. Nixon’s resignation, researchers conducted telephone interviews of three groups of voters who had self-identified as highly committed Nixon supporters, highly committed McGovern supporters, or undecided. Nixon supporters selectively avoided learning about the hearings that posed a powerful challenge to their pre-existing attitudes toward him; of the three groups, they reported the lowest level of attention to Watergate news, little knowledge about the relevant players, a decrease in their interest in politics, and infrequent discussions of the issue with friends and family. In contrast, McGovern supporters showed selective approach to the news coverage of the hearings, paying the highest attention to the news, greater knowledge of the players, an increased level of interest in politics, and frequent discussions with friends and family.

In the 1970s, avoiding the saturated media coverage of the Watergate hearings required considerable effort. Today, where each side of the political divide has its own television channels, radio stations, and websites, selective avoidance can be achieved by switching channels rather than turning off the television altogether. People deeply involved with an organization or coalition are rarely exposed to both sides of the issue unless they actively seek out sources favorable to both sides. For example, a person who never watched Fox News might not hear strong arguments about the dangers of gun control; conversely, a person never listened to National Public Radio, might not hear strong arguments about the dangers of government electronic surveillance of overseas calls.

In an experiment using statements and arguments on affirmative action and gun control taken directly from relevant political interest groups’ publications and websites, participants seated at computer terminals were given the choice to select (by clicking on a button) the arguments of listed groups (Republican Party, National Rifle Association, Democratic Party, Citizens Against Handguns). Participants were given time and instructed to select a total of eight arguments, and told that they should view them in an even-handed way so as to be able to explain them to other students. In all groups tested, participants sought out and selected more of the

44Paul D. Sweeney & Kathy L. Gruber, Selective Exposure: Voter Information Preferences and the Watergate Affair, 46 J. PERSONALITY & SOC. PSYCHOL. 1208 (1984). The authors note that the Watergate hearings were covered for 5 hours every day (which in 1973 was an extremely high level of publicity for any issue), and that 97% of the American people were at least familiar with the incident. 45Charles S. Taber & Milton Lodge, Motivated Skepticism in the Evaluation of Political Beliefs, 50 AM J. POLITICAL SCIENCE 755, 763-764 (2006) (calling selective attention a “confirmation bias.”)
arguments under the names of the groups most sympathetic to their pre-existing positions. For example, the authors note that strong opponents of gun control with high knowledge of the issue selected six arguments of the NRA or the Republican Party and only two arguments from the opposition.46

Yet another cognitive process operating to resist change in an established attitude or opinion is selective memory. Research participants whose position on the issue of capital punishment was deeply embedded into their self-concept, value system and knowledge structure tended to recall more details from studies and newspaper articles supportive of their position than from those in opposition.47

B. Inability to Discount and Evaluate One-sided Arguments.

Even if people are aware that the information they are receiving is one-sided, they do not compensate sufficiently for the strength of the other side’s case.48 In a series of experiments at Stanford University, researchers presented condensed information about six legal cases. Participants were given a fact statement, and a summary of either the plaintiff’s or the defendant’s arguments, or both, and were asked to predict the decision of the “jury” (another group of participants). Participants exposed to only one side’s arguments gave predictions biased in favor of that side, even though they were explicitly told that the other side’s arguments were missing from their materials. Moreover, they were more confident in their predictions than the participants who had been given both sides of the case, although the latter group was more accurate in its predictions. The same effect occurred whether the arguments were written or oral.49

The results of this study predict what will happen in public policy disputes where people make up their minds based on partial information: even if they know they do not have the complete story, they tend to believe what they have heard. But what happens when people are presented with studies supporting both sides? We should expect that people’s preexisting attitudes would become less extreme when they are exposed to the other side’s case; unfortunately, the opposite occurs when strong attitudes are operating.

C. Biased Assimilation – Response to Balanced Arguments

Lawyers are trained to assume that presentation of both sides of an issue by equally zealous advocates will result in an impartial weighing of the evidence and a reasoned decision by the decision maker. Likewise, it seems reasonable to expect that an

46Id. at 764.
47Pomerantz et al., supra note 31, at 416. ‘Embeddedness’ was measured by participants’ self-reports on how central their attitude was to their self-concept, how representative of their values the attitude was, and how knowledgeable they were on the topic.
49Id. In another part of the study, participants viewed videotapes of “trial lawyers” delivering fairly extensive arguments on the two sides. Predictions based on these arguments were again biased in the direction of the one-sided information given, even though the participants were aware they had not heard the other side.
undecided person exposed to informative studies on both sides should be able to weigh both arguments before reaching a conclusion. Finally, if the person already has a position, it seems reasonable to expect that the attitude attached to that position will be weakened by exposure to the contrary point of view. If these assumptions are correct, all the advocates need to do to convince the target audience or decision maker is to present the overwhelming evidence on their side.

It turns out that Francis Bacon predicted the findings of social psychologists as far back as 1620:

> The human understanding when it has once adopted an opinion draws all things else to support and agree with it. And though there be a greater number and weight of instances to be found on the other side, yet these it either neglects and despises, or else by some distinction sets aside and rejects, in order that by this great and pernicious predetermination the authority of its former conclusion may remain inviolate.\(^{50}\)

A more recent phrasing is that of Paul Simon’s, “Still, a man hears what he wants to hear and disregards the rest.”\(^{51}\)

Incoming information or data that is inconsistent with a strongly held attitude is not processed impartially, according to the classic study by Charles Lord and researchers at Stanford University in 1979.\(^{52}\) The researchers chose the social controversy over capital punishment as subject matter for their study, noting that the issue was one with strongly held views, and also one where both sides of the issue were using the same body of inconclusive empirical data.\(^{53}\) They selected as participants in the study those who already held extreme or near-extreme positions either for or against the death penalty. When presented with two fictitious empirical studies\(^{54}\) on the deterrent effect of the death penalty, the participants automatically accepted the validity of the study that favored their pre-existing position, while deconstructing and attacking the methods of the opposing study. In fact, reading the opposing study not only failed to convince the participants to change their positions, they became even more convinced that their pre-existing position was correct, increasing polarization.\(^{55}\) The authors conclude:

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50 Francis Bacon, THE NEW ORGANON AND RELATED WRITINGS (Liberal Arts Press 1960) (1620)
53 Id. at 2100, citing Furman v. Georgia, 408 U.S.238 (1972).
54 Lord (1979), supra note 52. The researchers controlled for differences in the methodology of the studies by switching the ultimate conclusion of each study given to half of the proponents and half of the opponents.
55 The study’s conclusions on polarization have been criticized for using self-report as the method for assessing attitude change. See, Miller et al, The Attitude Polarization Phenomenon: Role of Response Measure, Attitude Extremity, and Behavioral Consequences of Reported Attitude Change, 64 J. PERSONALITY & SOC. PSYCHOL. 561 (1993) (polarization noted in self-report assessments, but not in
If our study demonstrates anything, it surely demonstrates that social scientists cannot expect rationality, enlightenment, and consensus about policy to emerge from their attempts to furnish “objective” data about burning social issues. If people of opposing views can each find support for those views in the same body of evidence, it is small wonder that social science research, dealing with complex and emotional social issues and forced to rely upon inconclusive designs, measures, and modes of analysis, will frequently fuel rather than calm the fires of debate.

These results have been extensively tested by later researchers, most of whom have found biased assimilation effects using the same issue or different subject matter in laboratory studies. Significantly, two subsequent studies relied not on constructed “empirical” data manufactured by the researchers, but rather measured participants’ reactions to real-world, “real-time” events. One such study examined the evaluations of people watching the 1996 Clinton-Dole Presidential debates. Prior to the debate, participants filled out a questionnaire assessing their attitudes about the candidates, and then they watched the debate as it proceeded live, without any media comment. After the debate, participants evaluated the arguments, reported their emotions and

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objective measurements). Anticipating this critique Lord explained that because the participants already had extreme attitudes on the objective scale, re-administering the same scale would not have measured any change, and so they asked participants at several points in the study whether they thought their attitudes had changed as a result of the information Lord, supra note 50, at 2101 fn 1, 2108. And see, Taber & Lodge, supra note 45, who, using an expanded scale of attitude strength, found increased polarization occurred when the participants’ political knowledge, strength of prior attitudes, and the importance they assigned to the issue were high. Id. at 756-757, 765-767. Taber also noted that the prior studies had relied on lukewarm data that would not arouse the strong emotional responses he believes increase polarization. Id.

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56 See e.g., Pomerantz, supra note 31 (strong commitment to one’s position was associated with biased resistance processes such as selective elaboration, selective judgment and polarization); Miller et al., supra note 55 (biased assimilation observed in study using capital punishment and affirmative action materials); Kari Edwards & Edward E. Smith, A Disconfirmation Bias in the Evaluation of Arguments, 71 J. OF PERSONALITY & SOC. PSYCHOL. 5-24 (1996) (Study 2 used only the issue of capital punishment).

57 See e.g., S. Plous, Biases in the Assimilation of Technological Breakdowns: Do Accidents Make Us Safer? 19 J. APPLIED SOC. PSYCHOLOGY 1058 (1991) (the safety of nuclear power); John W. McHoskey, Case Closed? On the John F. Kennedy Assassination: Biased Assimilation of Evidence and Attitude Polarization, 17 BASIC & APPLIED SOC. PSYCHOL. 395-409 (1995) (theories on the JFK assassination); Julia R. Zuwerink & Patricia G. Devine, Attitude Importance and Resistance to Persuasion: It’s Not Just the Thought That Counts 70 J. PERSONALITY & SOC. PSYCHOL 931-944 (1996) (the ban on gays in the military); and Geoffrey D. Munro & Peter H. Ditto, Biased assimilation, attitude polarization, and affect in reactions to stereotype-relevant scientific information, 23 PERSONALITY & SOC. PSYCHOLOGY BULLETIN 636 (1997) (stereotypes associated with homosexuality). See, Taber & Lodge, supra note 45, at 760-763 (finding a “prior belief effect” that participants rate attitude-consistent arguments more highly, and a “disconfirmation effect” that they actively counter argue the attitude-inconsistent arguments. Researchers in different subfields of psychology often use different jargon, making interdisciplinary research a challenge). See also, Edwards & Smith, supra note 56 (Study 1 included seven issues such as capital punishment, corporal punishment, affirmative action, abortions and gay adoption).

cognitive responses, and filled out attitude-change measurements. The results confirmed that arguments consistent with pre-debate attitudes were rated more positively than disconfirming ones, and biased assimilation occurred, as well, in the perception of who won the debate. Similarly, a study of Clinton supporters and detractors during the investigation of the Lewinsky affair, relying solely on reactions to the real-world media coverage of the matter, found that Clinton supporters were more likely to label Lewinsky as untrustworthy and were less likely to believe Clinton had lied than were those who did not support the sitting President.59

Not only do the biased assimilation effects show up in responses to current issues and events, they have been shown to apply to cognitive processing of information received over a lifetime about historical events. Students attending Kent State in 1997 were subjects of a research study concerning their views of the 1970 shootings of Kent State students by Ohio National Guard troops.60 No reading material was given to the students; the researchers were interested in their opinions based on what they already “knew.” Those who self-identified as conservatives were more likely to assign some blame to the demonstrators for firing first or for provoking the National Guard; those who said they were liberal were more likely to blame the National Guard for unprovoked attacks. Liberals were likely to believe that the Guard was guilty of murder; the conservatives said the Guard gave warning before firing. Further, conservatives were more apt to believe that communists organized the demonstration, which justified the need for increased police power on that day.61

“But,” the reader might say, “These biases can’t be applicable to me, because I am more educated, informed and politically savvy.” However, well-informed people with good research skills have been shown to be more susceptible to biased processing of incoming challenging data, because they have a more extensive knowledge base with which to mount counter-arguments and to bolster their favored position.62 A study that drew its sample from members of social science and science organizations that either supported or were skeptical about paranormal phenomena such as extrasensory perception (ESP) found the same biased effects.63 Those who had self-reported as strongly believing or disbelieving in ESP were asked to read an

61 Hulsizer, supra note 57, at 1057, citing S. P. TAYLOR, VIOLENCE AT KENT STATE MAY 1 TO 4, 1970: THE STUDENTS’ PERSPECTIVE (1971). Interestingly, the study also compared the results of a survey of students immediately after the shootings in 1970. Students who observed the shootings from within 500 feet, regardless of ideology, were more likely to assign full blame to the National Guard. Only 7% of the close observers who were conservatives felt the shootings were justified. See text at note 152, infra for a discussion of this finding.
62 Taber & Lodge, supra note 45, at 763-765; Pomerantz et al, supra note 31, at 408. See also, Wood et al., supra note 33, at 283.
63 Jonathan J. Koehler, The Influence of Prior Beliefs on Scientific Judgments of Evidence Quality, 56 ORG. BEHAVIOR & HUMAN DECISION PROCESSES 28-55 (1993) (Study 2). The survey was sent to over 300 scientists, but was answered by 75 parapsychologists and only 39 skeptics. One might surmise that the skeptics simply couldn’t be bothered with such nonsense.
enclosed research report and fill out an evaluation form concerning the quality of the paper. Participants understood that allowing their positions on the findings to influence their quality judgments would be wrong, and most were convinced that their judgments were not affected by the study’s results. Yet they gave more favorable ratings on methodology and clarity if the study results aligned with their prior beliefs. A clear norm favoring objectivity was apparently insufficient to overcome the effects of strong attitudes.

D. Effect of Mood and Emotions

Until the last decade, the emphasis in social psychology research on attitude strength and resistance has been heavily dependent upon cognitive theory. Only recently have researchers focused on emotions, finding that selective cognitive processes are driven by emotions of which people are largely unaware:

[65] Taber & Lodge, supra note 45 at 756-757 (noting that people try to be fair-minded and are not conscious that they are not. See also, Cassino, et al, supra note 16, at 215; Munro (2002), supra note 58, at 17 (reviewing three studies concluding that biased assimilation is both cognitively and emotionally based).

For example, the study of the Clinton-Dole presidential election debates included an assessment of the participants’ feelings toward the candidates (like or dislike), and a post-debate scale assessment of whether listening to each candidate made the participant feel angry, irritated, happy or pleased. The researchers concluded that viewers’ pre-debate feelings and attitudes toward the candidates predicted the emotional reactions that ensued while viewing the debates: “those who held more favorable prior attitudes and feelings toward Dole reported more positive and less negative affect in response to Dole relative to Clinton,” and vice versa for fans of Clinton. In addition, these emotions altered participants’ evaluation of the merits of the arguments and their impression of who won the debate. The researchers write:

It is not difficult to recall instances of political discussions ending in heated arguments and damaged relationships. Sociopolitical positions on subjects like abortion rights, tax increases, and welfare seem to be

64 Six different versions of the report, with varying quality and results, were sent out to groups of participants.
65 Taber & Lodge, supra note 45 at 756-757 (noting that people try to be fair-minded and are not conscious that they are not. See also, Cassino, et al, supra note 16, at 215; Munro (2002), supra note 58, at 17 (reviewing three studies concluding that biased assimilation is both cognitively and emotionally based).
66 Taber & Lodge, supra note 45, at 756.
67 Munro (2002), supra note 58, at 24.
able to turn up the fire underneath people. This is true both in the pleasing feeling of knowing your position has been validated by others and the unease that arises when your position is being attacked. This research empirically supports the conjecture that sociopolitical arguments are processed in a less than purely rational, logical manner by indicating that the evaluation of sociopolitical arguments is strongly associated with affect.\textsuperscript{68}

Attitude-disconfirming arguments during the debate led participants to experience negative emotions, which in turn led to a greater number of negative thoughts and to more negative overall evaluations of the arguments and the candidate, while attitude-confirming arguments had the opposite result.

Emotions run highest in protracted policy disputes; this emotional basis for strong attitudes on public policy issues provides intense motivation for their defense through selective information processing.\textsuperscript{69} One study on capital punishment assessed participants’ emotional conviction about the issue, then requested them to read an anti-death penalty argument.\textsuperscript{70} Increased emotional conviction against the death penalty resulted in a stronger rating of the quality of the presented material. On the contrary, increased emotional conviction in favor of the death penalty resulted in more argumentation against the presented material. However, the arguments, while more numerous, tended to be redundant, perhaps following a “more is better” heuristic.\textsuperscript{71} Strong emotion may block the processing of cognitive activity so that retrieval of counterarguments becomes limited.\textsuperscript{72} It has also been shown that tuning out or arguing against or distorting an attitude-inconsistent message are not the only forms of resistance: people may just get angry and irritated about it \textit{and about its source}.\textsuperscript{73}

Advancements in neuroimaging technology provide a window into the actual neural activity behind these reported selective processing phenomena. With advanced fMRI technology, Antonio Damasio\textsuperscript{74} discovered that emotional systems previously thought to be inoperative during “rational” thought actively aid and participate in decision-making. When illness destroyed a patient’s ventromedial prefrontal cortex, he was unable to decide among several possible times for future appointments. Using pure

\textsuperscript{68} Id. at 25.
\textsuperscript{69} See e.g., Edwards & Smith, \textit{supra} note 56 (Study 2); Zuwerink, \textit{supra} note 55; Munro & Ditto, \textit{supra} note 58.
\textsuperscript{70} Edwards & Smith, \textit{supra} note 56 (Study 2).
\textsuperscript{71} Id.
\textsuperscript{72} Cassino, et.al, \textit{supra} note 16, at 211, 214 (“Simply put, the automatic activation of affective tags . . . with a similar affective valence [causes] information that agrees with what the individual already thinks . . . to be more likely to be incorporated into [Long Term Memory], and that the “online tally”-- what we retrieve into Working Memory from Long Term Memory--“may be heavily biased by existing affect . . . [and] that same motivated reasoning processes that compromise this automatic updating process as well.”).
\textsuperscript{73} Zuwerink, \textit{supra} note 57.
logic, there was no reason one time should be preferred over the others, and lacking what we call a “gut” response for or against any of the dates, he was truly incapable of the task. Thus, Damasio uncovered a groundbreaking truth: rational decision-making cannot exist without emotion.

In a neuroimaging study on the neural processes involved in judging political candidates, Drew Westen and his colleagues have recently confirmed the underlying emotional involvement. They found that when politically active participants were confronted with a set of blatantly contradictory statements by their favored presidential candidate, the participants minimized their distress by quickly “rationalizing” away the inconsistencies, but not through the “rational” or “cold-reasoning” part of the brain (dorsolateral prefrontal cortex). Active instead were areas of the brain devoted to emotional appraisal, suppression of negative emotional stimuli, judgments of forgivability, and emotionally laden moral judgments. This process took place so quickly that the participants were not even aware of it. Not only did the participants minimize the obvious discrepancies, but their “reward circuits” became activated as they did so. The Westen study adds the insight that defending against information which challenges their settled positions actually makes people feel good.

E. Summing Up: Strong Attitudes Systematically, Unconsciously Distort Thinking

The above research suggests that strong attitudes are an important contributing factor to the development of behaviors identified with polarization of policy disputes. Strong attitudes towards attitude objects—such as policy ideas or the leaders of opposing groups—cause individuals to seek out, pay attention to and remember information that supports their existing attitudes; they are confident that their one-sided knowledge base is strong and correct; and they invalidate or counterattack empirical studies that conflict with their attitudes. It is important to note that the operation of these processes is below the conscious awareness of most people, and that none of these selective processes and biases is used intentionally to block out the viewpoint of the other side, even though people often attribute intentionality to each other in a dispute.

The next section suggests that these effects are magnified considerably when individuals are involved in groups and organizations with others who share these beliefs.

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76 Id. at 1951.
77 JAY ROTHMAN, RESOLVING IDENTITY-BASED CONFLICT IN NATIONS, ORGANIZATIONS, AND COMMUNITIES 26-27 (1st ed. 1997).
III. RECENT CHANGES IN THE STRUCTURE OF PUBLIC PARTICIPATION IN PUBLIC POLICY FORMATION CREATE CONDITIONS THAT FOSTER THE DEVELOPMENT OF STRONG NEGATIVE ATTITUDES ABOUT THE POSITIONS AND CHARACTER OF THE “OTHER.”

A. The Changing Scale and Character of Organized Public Policy Advocacy

There is a natural tendency to imagine that the amount and types of public involvement in advocacy over public policy today is more or less the same as in the past. Episodes of mass involvement in advocacy around particular problems such as slavery, trusts and drunkenness are a familiar feature of the American political landscape. The Founding Fathers developed intense, negative attitudes toward their British rulers, to put it lightly, and many subsequent reform movements have been fueled by indignation towards slave traders, trusts, purveyors of alcohol and the like. Political scientists Jeffrey Berry and Clyde Wilcox demonstrate that the number of people and groups involved in sustained policy advocacy has “grown explosively in recent decades.”

By whatever standard we use, however, we can be confident that the increase of lobbying organizations since the early 1960s is real and not a function of overblown rhetoric about the dangers of contemporary interest groups. The emergence of so many groups and the expansion of those already in existence has fundamentally altered American politics. (Emphasis supplied)

The roots of this situation, in which thousands of groups on every imaginable subject are agitating and competing for attention in newspapers, web sites, blogs and late-night phone solicitations can be traced to the success of the Civil Rights movement in the 1960s. Activists and leaders concerned about the Vietnam War, women’s rights, the environment, and consumers’ rights created new organizations to replicate that success. In 1970, former Republican Cabinet member John Gardner formed Common Cause to fight corruption in government. Guided by consultants Roger Craver and Tom Mathews, Common Cause tested direct mail marketing as a tool for building a non-profit organization. Within less than seven months after its first press conference, Common Cause had over 100,000 members and $1.7 million in revenue, “an astonishing feat for a voluntary organization” in that era. Learning
from the experience, the “citizen-action movement . . . on the ‘Left’ utilized direct mail as its principal funding base in the 1970s,” augmented by a shift in priorities of foundations and individual philanthropists who came to believe with the “public interest” groups that “[l]eft to its own devices, the government would always be overly influenced” by “private interests.”

Political conservatives were the first to use direct mail as a significant source of money for political candidates, the outsider populists Barry Goldwater and George Wallace. The legendary conservative direct mail consultant Richard Viguerie sent out a million pieces of mail for the first time in 1971. Shortly thereafter, the 1973 Roe v Wade decision and the proposed Equal Rights Amendment to the Constitution did for conservative direct mail firms what the Watergate scandal and the Vietnam War had done for liberal firms such as Craver, Smith and Mathews, and the deluge in Americans’ mailboxes from both ends of the political spectrum was under way.

Conservative philanthropists fought back as well by creating “their own think tanks, social movement organizations and networks.” Businesses reacted to perceived successes of progressive activists with huge investments in lobbyists. As one indicator, membership in the District of Columbia Bar Association increased almost six-fold from 1972 to 1994.

Not only has the sheer number of people and organizations grown since the 1960s, the motivations for membership and participation have changed significantly as well. With the exception of periodic movements such as abolition or temperance, lobbying and other forms of organized policy advocacy were historically dominated by associations organized around the economic interests of particular industries, professions or workers. The primary activity of these groups was to provide services to members. While some of today’s advocacy groups deliver services, the primary benefits they provide to members are what political scientists refer to as “purposive benefits,” the satisfaction that they have made the world a better place. In an earlier day people joined associations to further their interests as coal miners, railroad operators or farmers. Today, “people join to further a cause, not their own material self-interest.”

Fragmentation has accompanied the growth in the number of people and groups involved with advocacy. While “iron triangles” are a thing of the past, advocacy

85 Craver, supra note 82, at 79.
86 BERRY & WILCOX, supra note 78 at 25.
87 Craver, supra note 82, at 72.
89 BERRY & WILCOX, supra note 78, at 25.
90 Id. at 25. The For example, the Heritage Foundation was created in 1973; in the 1970s the American Enterprise Institute grew from a staff to ten a budget of $8 million and a staff of 125. The rapid growth in conservative “think tanks” is chronicled in LEE EDWARDS, THE POWER OF IDEAS: THE HERITAGE FOUNDATION AT 25 YEARS (1997).
91 BERRY & WILCOX, supra note 78, at 19, 27.
92 See generally MANCUR OLSON, THE LOGIC OF COLLECTIVE ACTION (1971) (arguing that people will only contribute to a group if they get something selective in return).
93 Id at 41.
groups still cluster around nodes in the policy making world. Scholars use different images, from "subsystems," to "policy networks" to "action arenas," to convey the same notion: the constellation of experts, journalists, advocacy groups, legislators and agency officials involved with a subject such as interstate highway construction or consumer product safety is huge and messy, but not unbounded. Despite the ever-present pundits who seem to have an opinion on every subject, public policy tends to be debated and constructed inside of networks of authority, knowledge and influence that connect decision makers, advocates and stakeholders interested in each subject.

Political scientist Paul Sabatier and colleagues argue that the massive size of these networks interested in the fishing industry off the Atlantic coast or air quality control in California forces those involved to seek allies and form what he refers to as "advocacy coalitions," and what journalists refer to as "sides," sometimes massive networks of people and groups that share common policy beliefs, perceptions of causal relationships and value priorities, and also show "a non-trivial pattern of cooperation over time." Unlike business associations or labor unions of a bygone era, Sabatier argues that "beliefs of political actors" rather than economic interests are the glue that holds these advocacy coalitions together; beliefs about causal relationships and the efficacy of policy instruments are now the "driving force behind political conflict and cohesion." The practical significance of this was illustrated during the recent debate over health care reform. In 2009, Billy Tauzin, the powerful President of the Pharmaceutical Manufacturer’s Association negotiated an agreement with the White House to limit the financial costs to be imposed on drug companies in exchange for an endorsement of the President’s health care plan. Members of the pro-business, anti-regulation advocacy coalition carried on a relentless, bitter and ultimately successful campaign to oust Tauzin for going against the core policy beliefs of their advocacy coalition.

Supporters of the Advocacy Coalition Framework (ACF) acknowledge that advocacy coalitions are neither monolithic nor permanent. Competition occurs between rival factions over which policy beliefs are “core” and which are peripheral, which perceptions of causal relationships are dogmas and which can be questioned.

96 David D. Kirkpatrick & Duff Wilson, One Grand Deal Too Many Costs Lobbyist His Job, THE N. Y. TIMES, February 13, 2010, Late Edition - Final Sec B at 1 (noting “Several of the lobbyists said Mr. Tauzin was undermined by a rival lobbying powerhouse —Thomas J. Donohue, president of the United States Chamber of Commerce, who had fought the health care proposals from the start and complained to the drug makers that Mr. Tauzin had gone along too easily”); Dan Eggen, Billy Tauzin, key player in health-care push, leaving PhRMA, THE WASHINGTON POST, Feb 13, 2010, A-Sec at A04 (noting the U.S. Chamber of Commerce “has sparred bitterly with PhRMA over health-care legislation”).
97 Paul A. Sabatier & Christopher M. Weible, The Advocacy Coalition Framework, Innovations and Clarifications, in THEORIES OF THE POLICY PROCESS 189-220, 189 (2d ed, 2007) (noting that the empirical base of scholars who have applied the ACF to individual case studies was thirty-four, the majority of which were by individual scholars at their own initiation).
without risk of being labeled a turncoat. Splintering can also occur when external conditions change. Nonetheless, the sheer number of participants in each policy sub-system forces actors to coalesce into a finite number of advocacy coalitions—two to five is the norm—which will exhibit substantial persistence over time.  

**B. Advocacy Coalitions and Attitude Strength**

What happens when a very large number of people become involved in an issue, and when their organizations coalesce into an “advocacy coalition” held together by shared beliefs about causal relationships, value priorities and the consequences of competing policy options? This section brings together the findings from social psychology and political science to argue that these conditions inherently promote the kind of strongly held, interlocking attitude structures associated with polarization.

1. **Advocacy coalitions generate overarching narratives**

When large numbers of people form themselves into groups, however loose and ill-defined, the process of group formation leads to development of an overarching narrative as explained by Daniel Bar-Tal in the context of international intergroup conflicts:

When society members identify a particular situation as a conflict, they engage in cognitive activities in order to expand their epistemic understanding of the conflict situation. First, they strive to explain the conflict situation, which often causes stress and uncertainty. They try to find answers to such questions as why the conflict erupted, which side is responsible for its outbreak, what are the intentions of the adversary group members, and so on.

In addition, society members form various beliefs that facilitate coping with the conflict situation. These beliefs relate to necessary steps that must be taken by society members in view of the conflict. For example, beliefs about mobilization and unity are necessary for coping with the external threat.

Put a different way, as one of the advocacy coalitions envisaged by the ACF emerges, the characteristic bundle of perceptions, beliefs, attitudes and motivations associated with the group’s core beliefs becomes a part of the group members’ self-concept. Groups socialize new recruits to the group’s beliefs about the conflict and about the other side.

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98 *Id.* at 196 (arguing that, with hundreds of organizations and individuals involved, “[i]n order to have any prospect of success, they must seek allies, share resources and develop complementary strategies.” the presence of the “devil shift” “will make it more likely” for “participants to seek out like-minded allies” and “less likely [to] interact with opponents”).


100 *Id.* at 352
When the process of group formation occurs in a conflict with an “other,” the effects reported by attitude researchers—biased processing and attitude intensification—are magnified, according to Bar-Tal:

When society members form beliefs about the new conflict situation, they feel that they have a meaningful picture of the conflict, that their uncertainty is reduced, and that they can predict what may happen in the future and thus control their fate. But the described process of knowledge formation is always biased, because strong motivations such as ego defense or security needs underlie the information processing in situations of conflict. As a result, society members form their beliefs about conflict through selective information processing and biased interpretation of acquired information.\(^\text{101}\)

The development of an overarching narrative is a very significant factor in attitude strength, linking beliefs and attitudes into a structure that is very resistant to change. The more a proposition conflicts with a core belief or perception of an advocacy coalition to which a person belongs, the more deeply she would have to think about the ripple effects of changing that particular belief possibly forcing a reassessment of the entire value system.\(^\text{102}\)

2. The prevailing conventions and norms of modern-day advocacy groups contribute to strong attitudes associated with polarization

If the formation of advocacy coalitions contributes to attitude strength, the growth of membership in organizations and advocacy coalitions built on policy beliefs has a profound effect on attitude intensity. As anyone who receives mailings from ACLU, the Sierra Club, the Moral Majority or the Family Resource Council is aware, conventional advocacy organizations in the U.S. feel no obligation to deliver balanced presentations or help members weigh the pros and cons. Quite the opposite. Card-stacking, half-truths and edited anecdotes are routine. The other side is typically presented in caricature with lurid speculations about their deviousness and perfidious motivations. Every communication is designed to reinforce the “correct” beliefs and attitudes about policy problems and solutions.

In the abstract, most people know that advocacy group newsletters and emails are not balanced as to the issue or fair towards opposing groups. However, positive attitudes towards the source and negative attitudes towards the target relax this critical faculty so that a biased presentation from “my” side is treated as trustworthy and contrary data from other sources is discounted.\(^\text{103}\)

To illustrate these phenomena in practice, several law review articles have noted the effects of polarization in public policy controversies and argue the intractability of certain science-based disputes due in part to the biased assimilation effect, where one

\(^{101}\) Id. at 352-353.


\(^{103}\) See discussion of biased assimilation in Section III.C, *supra*. 
side is skeptical of the other side’s scientific studies. One author did an extensive study of advocacy groups concerning genetic modification of food and nuclear power. Web sites and publications of the Center for Science in the Public Interest and the Pew Initiative on Food and Biotechnology rate the benefits and risks of genetically modified food as exactly equal. By contrast, the publications and websites of the advocacy groups involved reflect beliefs that the technology is either entirely safe or entirely risky. The author concluded that the advocacy groups are polarized, the issue is deadlocked and the situation is not likely to change.

Although the interest groups on nuclear power were not as polarized according to the reviewers, their respective assessment of risks and benefits is quite skewed. The Nuclear Information and Resource Service found 11 risks and no benefits from nuclear power reactors while the Nuclear Energy Institute found 13 benefits and one risk. The scientific studies in these fields to date agree that there are benefits and risks to these technologies, but a position that either of the technologies offers no benefits or no risks is not supported. Quite clearly, the people in the groups on both sides are rejecting some of the studies and relying on others, pitting expert against expert in a never-ending standoff:

These [biased assimilation] findings speak directly to the problems faced in trying to resolve technology conflict. Improving scientific knowledge about, or educating individuals with greater scientific information concerning, the beneficial and detrimental impacts of genetically modified products and nuclear power does not help to build consensus concerning these technologies because individuals interpret the new information substantially differently depending on their pre-existing beliefs. Rather than helping to moderate positions or to build consensus, new scientific studies may actually lead to greater polarization.

Conventional advocacy groups not only reinforce conflicting beliefs about policy, they promote negative attitudes about the people and groups on the other side. Sociologists argue that the influence of a group over decision makers is affected by their social construction—positive or negative feelings about their worthiness or

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105 Mandel, supra note 104, at 124.

106 Id. at 122-124.

107 Id. at 119, 129.

108 Id. at 125-126.

109 Id. at 141.

110 Id. at 160.
legitimacy—as well as their power and resources. Fire fighters and senior citizens enjoy a positive social construction, while big corporations and illegal immigrants do not. Because reputational capital is so important, groups in conflict have a powerful incentive to paint the opposition in a negative light.

Because advocacy coalitions involve so many groups, finding an extreme or disreputable one on the other team is not terribly difficult, and guilt-by-association is everywhere considered an acceptable advocacy strategy for both “public” interest and “special” interest groups.

Cass Sunstein adds another factor from intra-group dynamics: groups have an inherent tendency to develop extreme policy beliefs if group members start talking primarily to each other about the subject matter. Sunstein contends that when dialogue occurs within a limited argument pool, “like-minded people tend to move to a more extreme version of what they thought before they started to talk.” Ominously, Sunstein finds that thoughtful liberals and conservatives who hold nuanced views that overlap considerably with the “other side” are not immune. When they engaged in conversation with like-minded others in controlled experiments, “[t]he result of discussion was to divide them far more sharply.” Sunstein calls this process “group polarization,” arguing that it is especially powerful if a “deliberative enclave” includes perceived authorities.

Sunstein’s findings are based primarily on laboratory experiments with small groups of people in face-to-face conversations. Sabatier finds the same effect in real life controversies. Sabatier finds that participants in advocacy coalitions motivated primarily by beliefs, as distinguished from economic interests or fulfilling a job assignment, commonly experience a “devil shift”—a tendency to see those in the rival coalitions as less trustworthy, more evil and more powerful than they probably are. Sabatier’s term—advocacy coalitions” is unfortunate, as it detracts from the importance of his findings. An “advocacy coalition” for him is not an entity or a formal alliance, but rather a large, even massive network of advocates, journalists, experts, organized groups, web sites, bloggers and specialty publications, all bound together by a shared world view and common beliefs about causal relationships and public policies.

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111 Schneider, Anne & Mara Sidney, What is Next for Policy Design and Social Construction Theory? 37 THE POLICY STUDIES JOURNAL (2009), at 106 (noting that “target populations” have “positive or negative images that policy actors frequently invoke about them.”)
112 Id. (“[T]arget groups or their advocates strategically work to shift the prevailing images from negative to positive as they pursue particular policy goals. Policy processes often contain contestation over these images as actors seek to justify distribution of benefits or burdens to these groups.”).
113 CASS R. SUNSTEIN, GOING TO EXTREMES: HOW LIKE MINDS UNITE AND DIVIDE 4 (1 ed. 2009).
114 Id. at 8.
115 Id. at 61-67 (“Group polarization occurs because of the informational and reputational signals given by others. When an authority tells people to do something, both of these signals can be very loud”).
116 Sabatier & Weible, supra note 97 at 197 (“When policy participants experience the devil shift, they exaggerate the power and maliciousness of their political opponents.”). Sabatier first documented the devil shift in a study of Lake Tahoe conflicts over land use; see Paul Sabatier, Susan Hunter & Susan McLaughlin, The Devil Shift: Perceptions and Misperceptions of Opponents, 40 THE WESTERN POLITICAL QUARTERLY 449-476 (1987).
To sum up the argument of this section, the character of public participation in policy disputes has changed dramatically in recent years due to the confluence of several trends: a dramatic increase in the sheer number of groups and members involved in policy advocacy; the tendency of these groups to coalesce into advocacy coalitions, superficially diverse conversation pools bounded by a common narrative about causes, effects and policies; and norms and conventions that encourage leaders of these groups to use extreme and negative characterizations of the other side as a matter of routine.

Reflecting on the findings from social psychology discussed above, it is evident that these factors are contributing to the development of inter-attitudinal structures that are strong, intense, durable, and operating below the level of conscious awareness to distort how people process information from the world around them in ways that will exacerbate conflict between competing coalitions.117

It bears repeating that most people think they are fair-minded. As a general proposition, most of us object to the improper use of guilt-by-association, caricature, card stacking and ad hominem arguments and we imagine that we are reasonably good at discounting them. However, the very faculties we rely on to live up to our ideals and resist manipulation are weakened or subverted altogether in the presence of strong attitudes.118

IV. Implications

A. Redefining Polarization

Conflict is a normal state in a diverse society and passionate debate is necessary for a healthy democracy.119 Polarization is something more than that, but precision is lacking in the existing literature. Bringing together the frameworks discussed in this article suggests the following. Polarization is state or condition in which

1) a policy arena or policy sub-system is characterized by the existence of a small number of competing advocacy coalitions or sides, each held together by shared policy beliefs and perceptions of causal relationships; and

2) a critical mass of the participants hold strong and intensely negative attitudes towards core policy beliefs associated with the other; and

3) a critical mass of the participants hold strong and intensely negative attitudes towards the character of the people who make up the competing advocacy coalitions.

Based on the findings of social psychology reviewed in this article, this combination

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117 Sabatier & Weible, supra note 97, at 195.
118 ROTHMAN, supra note 77, at 26.
119 See, e.g., GEER, supra note 5, at 9 (arguing “negativity plays an underappreciated role in democracies. In fact, I will argue that the practice of democracy requires negativity by candidates. In other words, the give and take of democratic politics demands that we know both the good and bad points of candidates and their policy goals.”)
of factors is sufficient to produce the behavior that outsiders find so baffling and the participants themselves find so enraging about polarized conflicts: Participants accept data uncritically if it is associated with their side, and reject out of hand arguments, facts and ideas that emanate from the “other”; bridge-builders and problem-solvers who depart from doctrinaire positions risk being labeled as turncoats; participants refuse to collaborate or search for mutual gains solutions even at the expense of their self-interest; participants use the issue as a “litmus test” for trustworthiness for other, unrelated issues.

It should be clear from this definition that polarization is not the same as vigorous advocacy, nor is it universally harmful. Evil does exist; human traffickers deserve scorn, and important social norms are built and maintained through negative attitudes toward those who flout them. 

The problem is that advocates live on a slippery slope, and conventional approaches to policy advocacy in the U.S. are meant to promote complex inter-attitudinal structures by forging connections between negative attitudes and policy beliefs characterized by emotional intensity, ego or identity involvement and high personal importance. Attitudes work below the level of conscious awareness to cause members of each group to believe, in all sincerity, that “we” are right while “they” are wrong, that “we” tell the truth while “they” say anything to get their way, that “we” are motivated by high ideals while “they” are driven by mendacity, greed, and the lust for power. The existing structures of incentives, dominant organizational forms and expected patterns of behavior are what Thomas Schelling calls “conventions.”

“Conventional” advocacy obeys a set of rules. For example, it is considered unacceptable for a journalist to accept payments from a source; it is considered acceptable for a non-profit organization to receive and to conceal contributions from a person or company affected by their advocacy. It is unacceptable for a journalist to write a story with unconfirmed, inflammatory claims. Direct mail consultants are paid handsomely to write letters filled with unconfirmed, inflammatory claims without being subject to criticism. These are examples of conventions; they persist because most people involved expect others to behave in this way.

In the absence of some conscious effort or interdiction by other forces, the existing conventions governing advocacy will continue, and polarization will therefore to increase. Good people, acting on the best of motives, will increasingly come to believe that they are dealing with evil, even where this belief is fundamentally at variance with the underlying reality.

Scholars who study public management and policy science contend it would be extremely harmful if polarization should become the rule rather than the exception. A

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120 SUNSTEIN, supra note 113 at 149-159 (1 ed. 2009) (arguing, “It is obvious that extremism is not always bad. Sometimes extreme movements are good, even great”).
121 See discussion of factors affecting attitude strength, Section II.B, supra notes 31 to 40 and accompanying text.
122 See note 8, supra, and accompanying text.
school of thought has developed in the past three decades that most of the important issues in the 21st century are not “tame problems” that have “solutions” that are “correct or incorrect,” “right or wrong.” They are, instead, “wicked problems,” complex situations in which every option sets off a dizzying array of consequences for multiple systems. The win-lose framework is fundamentally inapplicable: a pluralistic society does not so much “solve” a wicked problem as to help stakeholders negotiate shared understanding and shared meaning about the problem and alternative paths forward. The objective of decision-making is coherent action, not a final solution. Collaboration improves a society’s response to wicked problems.

Where it is operating effectively, collaboration helps in the addressing of wicked problems in three ways. Firstly, [it] increases the likelihood that the nature of the problem and its underlying causes can be better understood. Secondly, collaboration increases the likelihood that provisional solutions to the problem can be found [and] of diverse parties (who may have differing interests concerning the issue) coming to an understanding about what to do. Thirdly, it facilitates the implementation of solutions . . . because it enables mutual adjustment among them as problems arise in putting the agreed solution into practice.

Effective collaboration of this kind requires trust, and trust is an invisible but inevitable victim of the strong negative attitudes that accompany polarization.

Without adopting the position that all problems require collaboration, it is beyond argument that wicked problems are proliferating, while the number of “tame” problems with clear “right” and “wrong” answers is shrinking. In this context, growing polarization is the political equivalent of a market failure in economics: The behavior of each leader, organization or participant is “rational,” especially those who most value reasoning and knowledge, but the results are undermining the capacity of society to serve the interests of the people for whom the entire enterprise was created.

Most of those who lament this development point fingers at individuals in the media, (Fox News and Rush Limbaugh have taken a beating), and you-hit-me-first claims

123 This term was first used in H. W J Rittel & M. M Webber, Dilemmas in a general theory of planning, 4 POLICY SCIENCES 155–169 (1973), triggering an explosion of scholarly work on the challenge of “wicked problems” for public agencies and pluralistic democracies.
126 Id. at 19. (“The other characteristic of collaboration which assists in dealing with wicked problems is that it entails a degree of trust and mutual commitment among the parties”).
127 Bernhardt, Political Polarization and the electoral effects of media bias, 92 J. OF PUBLIC ECONOMICS, 1000 (2008).
from both Republicans (who still haven’t forgotten Robert Bork) and Democrats (who still haven’t forgotten how conservatives tried to hound Bill Clinton out of office) are common. At the time this article was written, Democrats were blaming anti-tax conservatives for mean-spirited attacks on Obama’s health care plan and Republicans were blaming Democrats for hiding their intention to destroy the health care system as we know it behind a smoke screen of lies and exaggeration.

This article has suggested two other factors that deserve attention: The structure and norms of interest group advocacy in the U.S. combined with inscrutable and deeply embedded patterns by which the human brain processes information about the political world.

**B. Implications for those whose Highest Priority is to Defuse, Reduce, or Prevent Polarization**

This article is not a counsel of despair; social psychologists are not determinists. Fortunately, there are many organizations and individual leaders concerned about excessive polarization, and various experiments are already under way.

Lecturing people about being biased was found to be ineffective in a follow-up to the Lord (1979) study. The Stanford researchers attempted to raise the participants’ consciousness of the biased assimilation effect to determine whether they could correct it. Separate groups were either (1) not warned of the bias, (2) were told to be as objective and unbiased as possible, or (3) were instructed to consider the possibility that the final result of the empirical study in the written report could turn out to be the opposite of that which was reported. Only the third group—alerted that the other point of view might have legitimate support—was able to keep their prior biases under control. The study concludes, “Debriefing conversations in the present experiment…suggested that subjects who were not provided with an alternative judgmental strategy believed that they were being accurate and unbiased. Exhorting them to do more of the same should have no corrective effect, and it did not.”

Scholars in conflict resolution have devoted considerable study to this question. They and leading practitioners such as Jay Rothman find that “[g]etting people out of this closed-minded perspective” about the substantive *issues* requires them to first develop

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130 Sunstein, *supra* note 113, at 158-159 (arguing that the tendencies of groups to become more extreme are moderated when group members are placed in a context where they hear alternative viewpoints from someone who is not being rejected out of hand as legitimate).
132 Id. at 1237. See also Brenner, *supra* note 48 (an explicit instruction to rate the expected relative strength of the two sides, without presenting the other side, reduced the bias effect in the one-sided evidence study, above discussed, by more than half).
a different perception of the people on the other side, a “new analysis of the motivation and causation” behind the other side’s behavior.133

Although we can never come to see the world as our adversaries do, nor necessarily to accept their assertions as correct, we can begin to understand their points of view and assumptions as contextually legitimate. On that basis, we may be able to identify those on the other side with whom common cause might well be formulated.134

When polarization is high, people are at their worst. According to Rothman, this is precisely the moment where outsiders wishing to defuse the conflict must manage their own attitudes, and then intervene to help the combatants see the other as flawed human beings rather than devils, seeing the “aggressive actions as . . . situationally motivated and not due to innate character flaws.”135

A number of tools have emerged from the conflict resolution field in the past several years to help group leaders undo the effects of the “devil shift” with off-the-record dialogues, formal negotiations and policy consensus processes.136

Another intervention strategy being implemented by some foundations, notably the Pew Charitable Trusts, has been to shift from funding groups embedded in one of the competing advocacy coalitions to operating their own research, publications and websites. Freed by their endowments from the need to compete for money by appealing to members of one advocacy coalition or the other, they are striving to become trusted information brokers to whom the media and citizens can turn rather than to rely on one-sided representations of available knowledge.

Academic research on the effectiveness of these interventions to deescalate domestic policy conflicts or weaken negative inter-group attitudes is thin to non-existent. The finding that citizens can resist the influence of strong attitudes if given an “alternative judgmental strategy”137 is one example of the ideas on which both theoretical and practical research is urgently needed.138

133 ROTHMAN, supra note 77, at 44.
134 Id. at 45.
135 Id.
137 Charles Lord, et al, Considering the Opposite, at 1237; accord, Dan Bernhardt, Stefan Krasa, and Mattias Polborn, Political polarization and the electoral effects of media bias, J. OF PUBLIC ECONOMICS 92, no. 5-6 (June 2008), 1092-1104.
138 Another question for exploration is why some people apparently resist the urge to narrow their sources of information. In an exhaustive study of opinions during the 2004 presidential race, Talia Stroud found evidence that liberals and conservatives who chose congenial outlets for information became more polarized as the campaign wore on, while those with more eclectic media habits did not. Stroud did not investigate the factors that led some, but not others, to narrow their sources. Using time series data she found that selective exposure produced polarization more often than polarized views drove selective exposure. Talia Stroud, Polarizing Effects of Partisan Selective Exposure, Paper presented at the Annual Meeting of the International Communication Association, May 23, 2007 at 19-
C. Implications for those whose Highest Priority is Effective Advocacy

How can advocates utilize knowledge of these psychological processes and biases to their advantage? How can an advocate choose a strategy aimed at getting her message past the selective screens, cognitive biases, and emotional blocks that an advocacy target will unconsciously raise to deflect information that might change his outlook?

The starting point for advocates is to accept the force of attitudes as if it were gravity. Intense, strongly held attitudes are real; they produce distorted thinking, and neither logic nor data will dislodge them. Assume, for purposes of discussion, that an advocate is involved in an action situation where a hostile advocacy coalition is dominant. A frontal assault on its core policy beliefs would be suicidal if the advocate’s constituents want short-term results. The challenge would be to find policy solutions in the periphery of the dominant coalition’s policy beliefs rather than the core.

Another way to bypass resistance suggested by Deborah Stone, Howard Gardner and others, is to reframe the issue so that it triggers an alternative structure of associations more favorable to the advocate’s position. Based on the associative neural network and connectionist models discussed above, activation of one part of the network tends to spread to the other parts of the network. Thus in word association studies, the presentation of the word pair “ocean-moon” as one among many other pairs, led to the participants’ likely generation of the brand “Tide” when asked to name a laundry detergent. This process occurs unconsciously, and so it is quite easy for advertisers to benefit from it. In policy disputes and elections, Westen argues that success derives from activating the right networks and narratives, rather than persuading listeners to let go of “wrong” beliefs. Paying attention to “conflicts among and within networks, conflicts and compromises among conscious and unconscious networks, nonlinguistic networks involving sounds and images, and, most importantly, emotions associated through learning and experience with ideas and images encoded on networks,” Westen writes, is essential in order to manipulate the network activations. Above all, Westen advises to activate the network that has the strongest emotional impact either favoring your side or discrediting the other.

139 The notion that the same set of facts can be seen or “framed” in different ways to elicit decidedly different reactions has received considerable attention recently. See, e.g., FRANK R. BAUMGARTNER & BRYAN D. JONES, AGENDAS AND INSTABILITY IN AMERICAN POLITICS, SECOND EDITION 30 (2 ed. 2009) (“one may be able to alter other people's views by shifting the focus of their attention from one set of implications to another . . . without any change in the facts”); DEBORAH STONE, POLICY PARADOX: THE ART OF POLITICAL DECISION MAKING, REVISED EDITION 299 (3rd ed. 2001) (arguing that a given condition or policy can be linked with different competing images or causal stories, each of which triggers a different set of associations); HOWARD GARDNER, CHANGING MINDS, THE ART AND SCIENCE OF CHANGING OUR OWN AND OTHER PEOPLE’S MINDS.
140 WESTEN, POLITICAL BRAIN, supra note 16 at 84.
141 Id at 264.
To recap and to illustrate the discussion of attitudes, consider that an individual person is looking at the world through the lenses of his attitudes, which can be likened to filters in a photographic image-editing program such as Adobe Photoshop™. In Photoshop, there are menus within menus within menus to choose from, and each person has her favorites, perhaps a combination of filters, which turn the photograph into a pen and ink rendition with cross-hatching and sharpened edges. These artists would react intensely if the manufacturer announced that their favorite filters were not included in the next version of the program. Within groups, participants habitually use a tiny sub-set of the available filters—their own associative networks—to make sense of the world—their associative networks.

Now, see the same artist as the photographer at the initial shooting. The photographer frames the picture in the LCD screen of his digital camera. The screen determines what is included in the picture, as well as what is left out; what is in focus and what is out of focus, what is the focal point and what is in the background. So the photographer chooses within that photograph what is relevant and what is not.

Similarly, a framing of a public policy issue will include certain facts, and will leave out other facts. According to the above research on selective processing, we rely on and operate with the contingent of facts that “our side” chooses as significant, we ignore or discount the facts that aren’t, and we give the same facts different interpretations. If the frame is shifted so that a different constellation of salient facts becomes more relevant, then it is possible that others—or we, we—will look at things in a new light, so that the attitudes (i.e., the filters) that would draw her to the opposite position exert less of an influence or remain inactive.

Thus, knowing about the connection between attitudes, frames and associative networks can not only explain why the decision maker or the opposing advocacy coalition is so adamant about an untenable position and why it refuses to listen to the “facts,” but it also offers suggestion on how reframe a policy solution into an overarching narrative that might elicit a different reaction.

The conflict resolution field suggests a different approach: self-management. By intentionally exposing one’s self to situations where the strong, negative attitudes towards the “other” are softened by shared experience, the humanity of the “devil” on the other side might be discerned. Trust can be developed by working together with adversaries on issues that are off-line from the central dispute, creating the context where leaders are able to negotiate with adversaries with less risk of rejection from their own followers. John Marks of Search for Common Ground summarizes this strategy as “understand the differences, act on the commonalities.”

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142 See also, SCHON & REIN, FRAME REFLECTION SUPRA NOTE 4, 4-5, 8 (1994).
143 Marks is the founder and President of Search for Common Ground (SFCG), an acclaimed NGO working in conflict resolution. According to Marks, he had given a long, complex description of SFCG’s concepts of pragmatic, step-wise de-escalation of conflict and trust-building through joint action on shared goals in South Africa when a former African National Congress guerilla fighter when one of them interrupted him to say, “Oh, you mean, understand the differences and act on the commonalities.” SFCG has used his words as its motto since that time. See John Marks, “Personal
approach involves formal, facilitated processes by which the competing parties search jointly for a solution that each can live with.\textsuperscript{144}

To illustrate how self-awareness and self-management works in practice, consider the challenged faced by Father Theodore Hesburgh, Chairman of the first U.S. Civil Rights Commission in 1957.\textsuperscript{145} After Congress established the Commission against President Dwight D. Eisenhower’s wishes, the President appointed a “bi-partisan” Commission with three powerful Southern Democrats who openly supported segregation, two little known Republicans and Fr. Hesburgh.

Civil Rights leaders dismissed the appointments as deliberate sabotage. “The President’s choices seemed to guarantee stalemate,” wrote the Commission’s General Counsel, Harris Wofford.\textsuperscript{146} But they did not reckon with Father Hesburgh. Wofford was struck by the obvious “curiosity” and “compassion” with which Hesburgh approached the three Southerners. “His approach was obviously to reach out and reason with a person, not to manipulate or defeat him.”\textsuperscript{147}

Hesburgh’s openness was rewarded by the discovery that he shared a passion for fishing, fine bourbon and constitutional history with John Battle, the former Governor of Virginia and leader of the Dixiecrat walkout at the 1948 Democratic Convention. Within a few months, it became their pattern to retire after the formal meetings to sample their favorite whiskey and swap tales, and in the course of these sessions Hesburgh discovered that Battle was an avid student of the history of the U.S. Constitution who viewed voting as a sacred right. After Hesburgh led the Commission through Southern communities where the brutal suppression of African-American voters was blatant, Battle would ultimately nod in agreement when a fellow Commissioner declared, “We must take the bull by the tail and look the ugly facts straight in the face.”\textsuperscript{148}

It turns out that all six of the Commissioners were fishermen. Hesburgh arranged for their final negotiation to be at a fishing camp in Northern Wisconsin, setting aside time for a lugubrious outing on the lake where the final agreements were struck. When Eisenhower expressed astonishment that “three Southerners and three

\textsuperscript{144} For a description and a vigorous defense of formal, facilitated consensus processes for multi-party problem-solving and consensus-building, \textit{See \textsc{Sol Erdman \& Lawrence Susskind, The Cure For Our Broken Political Process: How We Can Get Our Politicians to Resolve The Issues Tearing Our Country Apart}} (2008). Sabatier suggests that such policy dialogue and consensus processes can help advocacy coalition leaders to budge from entrenched positions only after they have exhausted other strategies and produced a “mutual hurting stalemate.” Sabatier \& Weible, \textit{supra note 97, at 206-207.}

\textsuperscript{145} This account is based on the memoir of the Commission’s staff director, Harris Wofford, who would later go on to an illustrious career as President of Bryn Mawr College, U.S. Senator from Pennsylavnia, and the father of AmeriCorps. \textit{HARRIS WOFFORD, OF KENNEDYS AND KINGS: MAKING SENSE OF THE SIXTIES 461-483} (1992).

\textsuperscript{146} \textit{Id.} at 463.

\textsuperscript{147} \textit{Id.} at 463-464

\textsuperscript{148} \textit{Id.} at 478.
Northerners [agreed] to anything on civil rights,” Hesburgh’s explanation spoke volumes: “It’s because we’re all fishermen.” “Then we need more fishermen,” the President replied.149

Father Hesburgh’s behavior illustrates four different ways for advocates to engage others in situations where strong attitudes stand in the way of “rational” arguments and other direct attacks. First, and most important, Hesburgh had to become open to the possibility that he was dealing with someone other than hateful, ignorant, bigoted segregationists; managing his own attitudes towards them allowed him to discover the complex, internally contradictory human beings behind the labels. Second, by reframing the conversation around access to the ballot he activated an alternative associative network or shared value that could serve as a starting point for dialogue and possible agreement.150 Third, he selected specific issues that could be “decoupled” from the inter-attitudinal belief structure connected to segregation rather than to attack it directly. Fourth, he used the Commission hearings to create searing personal experiences for the other Commissioners, opportunities to see first-hand the corruption and brutality of some Southern jurisdictions.151

Another strategy is to work towards short-term goals with the idea that a long-term strategy will be needed to undermine entrenched attitudes. Research shows that attitudes are not immutable. It is sometimes possible, over a long period of time, to change someone’s mind through an accumulation of numerous bits of disconfirming technical or scientific information which gradually undermines the established attitude like water dripping onto a stone eventually produces a space.152

These tactics are not simple, universally applicable or guaranteed to work. Further, most advocates will encounter a subliminal source of resistance to the idea, which it is well to acknowledge. Engaging people who are “wrong” from a place of respect,

149 Id. at 482.
150 See references at note 16, supra.
151 Powerful personal experiences can trump attitudes. After the Kent State University shootings, a majority of conservatives who learned of the events from media reports opined that the students were at fault. Only 7% of the self-described conservatives who were present at the event shared this opinion. Hulsizer, supra note 60.
152 Eagly & Chaiken, Attitude Strength, supra note 32, at 413; Jenkins-Smith & Sabatier, The Dynamics of Policy-Oriented Learning, in POLICY CHANGE & LEARNING, supra note 10, at 41-58 (accumulation of technical information over a long period of time can lead to learning by an advocacy coalition). A practical illustration how advocates use this strategy occurred in 2002, when two gay, retired Christians rented a house in Lynchburg, Virginia and regularly attended services at the Baptist church led by the Rev. Jerry Falwell. One of the men explained “We just want Lynchburg to see us - an old gay couple - and realize that we’re as boring as they are.”), AP wire story, archived in its entirety on http://www.beliefnet.com/News/2002/09/Gay-Couple-Moves-Near-Falwell-Church.aspx. Last downloaded on March 9, 2010.
153 Gov. John Battle was an avowed segregationist who led the Dixiecrat walkout at the 1948 Democratic convention. As the public evidence mounted and the late-NIGHT conversations with Hesburgh continued, he began to acknowledge inner doubts. “I know what the Bible says, I try to be a Christian,” he told Fr. Hesburgh, “but I’m an old dog. My wife says you [Hesburgh] are right but I just can’t do it.” Months later, it would be Gov. Battle who stepped forward and prevented his fellow Southerners from backing out of their agreement to support the Commission’s findings. WOFFORD, supra note145, at 478, 482.
curiosity and empathy opens the risk that it is our side, in addition to the “other,” that may need to let go of a firmly held belief, perception or attitude.

D. Implications for those who are Equally Committed to being Effective Public Policy Advocates and also Avoiding Unnecessary Polarization

The analysis presented to this point suggests a profound dilemma for public policy advocates. Passion is the energy source for advocacy based on ideas rather than naked self-interest. The dominant model for how to build an effective organization to advance a policy idea is to develop a large following among people with interlocking attitude structures intensely positive toward our ideas and our organization and intensely negative towards the positions and people on the other side. Intense, strong attitudes are not an accidental byproduct of the dominant model of policy advocacy. They are the intended purpose.

It may be helpful to retrace our steps, back to the 1960s and 1970s when the reigning paradigm for “public interest” advocacy was first constructed.

Overwhelmingly organized from the political left, these early groups referred to themselves as “public interest groups,” counterweight to the “special” or economic interest groups that had created the environmental crisis, the exploitations of consumers and the suppression of women. Their mental model was a trial lawyer, the “zealous advocate.” Trial lawyers are not required to do the other party’s research, announce weaknesses in their case or to reveal damaging evidence unless asked. Attorneys pitted against opponents with more resources and power argue they should have even more latitude. As a theory, “zealous advocacy,” has much in common with libertarian economics; it relies on the war of ideas to produce justice, just as libertarians trust the market to produce efficiency.

Furthermore, this style of advocacy was perceived as being successful in the earliest and best-remembered campaigns. The civil rights movement broke the back of legalized segregation. By opposing the Vietnam War with religious fervor, the anti-war movement drove President Lyndon Johnson to abandon his campaign for reelection despite extraordinary legislative successes. Their successors teamed up against President Richard Nixon, whom they perceived as evil incarnate, and drove him to resign less than two years after having won 520 of 537 Electoral College votes in the 1972 presidential election.

Zero-sum advocacy that painted the opposition as malicious was “effective.” It “worked,” so it is not surprising that the counter-reaction from the more conservative and more pro-business interests copied these organizational forms and rhetorical style.

Perhaps it is time to reconsider the conventions and norms inherited from these early organizations, and ask whether and to what extent they may need to be modified in light of current realities.

Conventional, zealous advocacy for public policy inherently influences members to routinely treat other citizens who disagree as if are unworthy, mendacious or in the grip of manipulative and evil leaders (how else can the group members make sense of the other side’s persistent, determined refusal to accept “reality” as portrayed in their intra-coalition communications).

Assume, for purposes of discussion, that in most situations people on the “other side” are not devils but rather human beings, acting out of “motivations as multidimensional as our own;” that most disputes are more akin to “wicked problems” than to zero-sum contests with clear solutions defined by right vs. wrong; and that interest group leaders need to construct movements and organizations in ways that allow them to engage in problem-solving and a search for mutual gains with those on the “other side” periodically. What are conscientious, passionate and committed advocates to do?

Fear and loathing of the enemy drives contributions, demonstrations, letter-writing campaigns and email. As a motivator, anger toward individuals who symbolize the other side is a powerful and effective. Even if an advocate sees the current game as self-defeating, it is not obvious how to stop the tit-for-tat cycle of attack and defense. Unilateral disarmament seems like an unattractive option, especially considering that each group is in competition with other members of its own coalition for membership, money and attention.

The question of whether and how advocacy groups can generate passion, commitment and money without painting the other side as devils is beyond the scope of this article. The capacity of historic idealists like Martin Luther King, Jr. and Mahatmas

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158 David F. Damore, Candidate Strategy and the Decision to Go Negative, 55 Political Research Quarterly 669-685 (2002).
159 BERRY & WILCOX, supra note 78, at 25-28.
160 ROTHMAN, supra note 77 at 26.
161 Craver, supra note 82, at 92 (“Conventional wisdom holds that the easiest way to elicit contributions is to appeal to an individual’s emotions. It is generally believed that negative reactions are easier to tap than positive ones. Thus, the theoretical strategy in drafting the content of a mailing is to focus on an ‘evil’ against which the individual’s emotions can be aroused.”).
162 The Power of Non-violence by Martin Luther King, Jr., http://teachingamericanhistory.org/library/index.asp?document=1131 (last visited Mar 4, 2010). (noting “the nonviolent resister seeks to attack the evil system rather than individuals who happen to be caught up in the system;” “Our aim is not to defeat the white community, not to humiliate the white community, but to win the friendship of all of the persons who had perpetrated this system in the past. The end of violence or the aftermath of violence is bitterness. The aftermath of nonviolence is reconciliation and the creation of a beloved community.”).
Gandhi’s core belief about effective strategy was captured in a word of his own invention, “Satyagraha.” “Its root meaning is holding on to truth, hence truth-force,” he wrote. “I have also called it Love-force or Soul-force. In the application of Satyagraha I discovered . . . that pursuit of truth did not admit of violence being inflicted on one’s opponent but that he must be weaned from error by patience and sympathy.” Id. at 6. He argued strenuously that nonviolence required more than abstaining from physical violence, as “destructive propaganda [in] the spirit of intolerance . . . is a form of violence.” Id at 130.

Garrett Hardin, The Tragedy of the Commons, 162 SCIENCE 3859, 1243-1248 (December 13, 1968) (“[T]he rational herdsman concludes that the only sensible course for him to pursue is to add another animal to his herd. And another; and another.... But this is the conclusion reached by each and every rational herdsman sharing a commons. Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit-in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest.”)

VI: Conclusion

In 1968 Garrett Hardin wrote “Tragedy of the Commons,” arguing that rational self-interest will inevitably cause people to destroy a common pool resource through overuse. Hardin attempted to break out of the developer vs. environmentalist thinking of his own day, arguing that good people sometimes do bad things for good reasons.

The strategy of this article has been to break out of either/or thinking about who is to blame for polarization by looking through a different lens—that of social psychologists who study attitudes. Their findings seemed promising precisely because they did not conduct their research as part of the ongoing contention between the liberal and conservative advocacy coalitions.

Although social psychologists are as prone to hair-splitting and doctrinal disputes as any other discipline, the findings relied upon for this article are robust and widely supported by studies using diverse methods and subject matter. Strong attitudes distort the way human beings process information in ways that produce unyielding beliefs about policy and the attribution of negative intentions to those who disagree. Political scientists have arrived at equally robust findings that more people than ever are involved in organizations to influence public policy, which organizations are embedded in advocacy coalitions held together by beliefs about the causes and solutions to social problems. The conclusion seems unavoidable that, under these conditions, the existing organizational model for policy advocacy is to dysfunctional polarization as a drought is to wildfires.

Taking attitudes seriously as a cause of polarization will require most readers, the authors included, to confront a powerful barrier: our own attitudes. No less than a populist activist or a member of the Tea Party, scholars and leaders have strong,
intense and negative attitudes towards some groups with which they disagree on the issues. Indulging such attitudes is like smoking cocaine: It is immensely satisfying, addictive, and best enjoyed in the company of friends. To recount the earthy admonition of a reforming racist from 1957, perhaps it is time “to take the bull by the tail, and look the ugly facts straight in the face.”\footnote{WOFFORD, supra note 145, at 478.}