Electoral Conflicts and Political Polarization: What Can Mediators Do?

By Kenneth Cloke, JD, PhD, LLM

"Our trust in the future has lost its innocence. We know now that anything can happen from one minute to the next. Politics, religion, economics, and the institutions of family and community all have become abruptly unsure."
John O'Donohue

"We had fed the heart on fantasies,
The heart's grown brutal on the fare,
More substance in our enmities
Than in our love..."
William Butler Yeats

"Optimism is a strategy for making a better future. Because unless you believe that the future can be better, you are unlikely to step up and take responsibility for making it so."
Noam Chomsky

"The scales of Justice weigh out gain
to those who've learned from pain…"
Aeschylus

Biden and Harris won the U.S. election, but what exactly did they win? What was lost in the process? What is lost and won in electoral conflicts around the world? The U.S. experience offers some lessons for those who seek to reduce the destructive impact of electoral conflicts.

This was obviously an important victory for Democrats, but it has come at a significant cost, both for democracy and for conflict resolution. These costs can be seen in widespread refusals to accept the outcome, unwillingness to cooperate in peacefully transferring power, open support for the undemocratic principle of minority rule, armed threats to voting, opposition to even counting ballots, removal of polling stations in opposing communities, intentional obstruction of the postal service, selective disenfranchisement of minority voters, bizarre gerrymandering, obstructive voter ID requirements, efforts to manipulate the Electoral College and ballot counting, knowingly false claims of electoral victory and voter fraud, and widespread efforts to undermine democratic principles. And all of it supported, at least tacitly, by a near majority of voters.

Over the last several years, we have witnessed a steady undermining of democratic rights and legal protections, and the creation and consolidation of an infrastructure and scaffolding that permit, excuse, and fan the flames of tyranny, despotism, autocracy, dictatorship, dishonesty, and yes, fascism. The fact that none of these were able to emerge full-blown in this election does not mean they could not have, or that they will not in some future election.

The perception that democracy and majority rule inevitably lead to the loss of power, wealth, and status by a previously dominant minority inexorably pushes their effort to regain dominance into ever more extreme, adversarial positions. Holding on to political power against the wishes of a

majority requires the use of authoritarianism, demagoguery, hatred, lying, prejudice, militarism, moral corruption, bullying, environmental destruction, and dehumanizing violence. These tools are needed to suppress democratic values, constitutional protections, civil rights, rule of law, and the freedoms of speech, assembly, religion, and the press—and with them, the possibility of political dialogue, collaborative negotiation, problem solving, consensus building, restorative justice, mediation, and the whole of conflict resolution. While these may seem like abstract and distant ideals, they impact the daily lives of all of us around the world.

These events are taking place in a context of chronic, unresolved national and international conflicts that deeply divide us, and threaten democracy both in the U.S. and abroad. These include conflicts over the economic impact and response to Covid 19 infections; nuclear proliferation and warlike 'big stick' diplomacy against international competitors; openly prejudicial statements and hostility toward historically despised minorities; threats of violence and retaliation by armed ultra-right and neo-Nazi militias; growing poverty; and the expanding pace of global warming, environmental devastation, and species extinction—none of which have been adequately acknowledged, let alone discussed or addressed.

Each of these important and compelling issues takes the form of conflicts that require cross-cultural communication, joint problem solving, and collaboration between political adversaries, which, in turn, require higher order skills in non-violent communication, consensus building, dialogue facilitation, collaborative negotiation, impasse resolution, mediation, and similar interest-based processes. Yet these skills are nearly impossible to practice when the mere idea that there could be a middle ground is regarded as treasonous; when science is considered a conspiracy; and when dialogue, collaboration, and respect for legal rights are viewed as weaknesses that can legitimately be bypassed, outmaneuvered, or silenced though the use of force and violence.

As mediators, it is important for us to recognize that these losses and setbacks in the arena of politics are simultaneously losses and setbacks for the entire project of conflict resolution; for jointly tackling and solving our common problems; for democracy as a defense against bias, tyranny, and the silencing of political dissent; and for resolving the complex social, economic, political, healthcare, and ecological conflicts and crises that increasingly threaten our global survival.

What, then, can we do? As a first step, we can acknowledge that addressing these issues requires, not just periodic elections and topical applications of political pressure, but a complete rethinking, redesign, and reorganization of political discourse, political decision-making, and the ways political conflicts are addressed, handled, spoken about, and resolved.

If we view politics as social problem solving, and as a conflict resolution process, we can redesign it in ways that strengthen our ability to use collaborative, participatory, interest-based, consensus building, non-adversarial forms of political discourse and decision-making. This means acknowledging that complex, multi-faceted political issues concern alternative possible futures, and thus, always have more than one correct answer.

Successful political problem solving therefore requires all nations to evolve beyond simplistic, one-sided, adversarial, winner-take-all processes and relationships; to learn how to turn dissent

and disagreement into improved outcomes; and to remember what we already know as mediators: that the richest and most important conversations always take place beneath the relatively superficial arguments people are having.

These insights suggest that we can use conflict resolution systems design principles to explore and implement a wide range of participatory methodologies and procedures, such as citizen's assemblies, focus groups, citizen's juries, town hall meetings, deliberative democracy, alternative forms of voting, community dialogues, sortation (used in ancient Athens), public policy and environmental mediation, large group consensus building processes, and similar efforts that broaden problem solving, deepen decision-making, and turn diversity and dissent in a less adversarial and more collaborative and democratic direction.

As a second step, we can strengthen our skills and capacities in using a rich, robust, and diverse array of processes, techniques, methods, and approaches to addressing political differences, such as reaching agreements on shared values, guiding principles, and ground rules; asking questions that do not have a single correct answer; using paradoxical forms of problem solving; creatively overcoming impasses; and trying experimental approaches to implementation, such as pilot projects, charettes, rubrics, negotiated criteria, 360 degree evaluations, constructive feedback, and continuous improvement, among others.

As a third step, we can recognize that political arguments, which seem hard-boiled, factual, and ideological on the surface, are actually deeply emotional, intimate, and heartfelt topics that have become overheated and highly polarized, partly because they are framed as 'either/or' alternatives that require one side to win and the other to lose; and partly because both sides care so deeply about issues that matter to them, and concern outcomes they passionately desire.

Resolving political conflicts therefore requires higher order skills, not only in emotional intelligence, active and responsive listening, empathy building, non-violent communication, and appreciative inquiry; but in creative problem solving, group facilitation, conflict coaching, and opening heart-to-heart conversations between distrustful and passionate antagonists. While mediators and conflict resolvers practice these skills every day, we are not nearly as adept or skillful as we need to be in working with highly polarized political opponents.

What we have not yet done is figure out how to talk about these issues in ways that allow them to be resolved at deeper levels, and thereby become less divisive. The remedy is not to meet somehow in the 'middle,' for example, between slavery and freedom, or disenfranchisement and the right to vote, or dictatorship and democracy; but to see that these are manifestations of deeper, underlying dysfunctions in conflict-promoting political systems, which unnecessarily position one person's gain as another person's loss, pitting us against each other, sometimes simply as a way of motivating voters to vote for otherwise lackluster candidates who promise to favor them over others for purely personal gain.

The remedy is clear. It is to shift our political center of gravity from debates to dialogues, from bullying and epithets to open and honest communications, from closed-hearted to open-hearted conversations, from power and rights to interest-based forms of problem solving and dispute

resolution, from retributive to restorative justice, from lying and enduring enmity to truth and reconciliation.

The means, here, are the end, the process *is* the content, and the goal *is* the way we go about trying to achieve it. Our first challenge lies in learning how to coalesce into political language, into conversations, sentences, and words, a deep empathy for the person with a passionate commitment to solving the problem; an unconditional affirmation of respect and inclusion with an unconditional affirmation of dissent and difference of opinion; a desire for unity in facing problems with an acknowledgement of the value of diversity in our approaches to solving them, and willingness to disagree in pursuit of a deeper truth. Here are a few questions for political adversaries that seek to do that:

- What life experiences have you had that have led you to feel so passionately about this issue?
- Where do your beliefs come from? Family? Faith? Culture? Work?
- What do you think your beliefs might be if you had been born into a different family, religion, race, gender, class, or time?
- What is at the heart of this issue, for you as an individual?
- Why do you care so much about this issue?
- Do you see any gray areas in the issue we are discussing, or ideas you find it difficult to define?
- Do you have any mixed feelings, doubts, uncertainties, or discomforts regarding this issue that you would be willing to share?
- Is there any part of this issue that you are not 100% certain of or would be willing to discuss and talk about?
- What questions or points of curiosity do you have for people who have different views?
- What are some of the key words or phrases that divide us? That unite us?
- What are some 'hot button' political words or phrases for you?
- What do these words or phrases they mean or imply to you? Why? What experiences have you had with them?
- What emotions do you experience, or get triggered by, with each word?
- Do you think other definitions, meanings, experiences, or emotions are possible? How?
- What if we decided not to use words that divide or trigger us? Are you willing to try, right now?
- Even though we hold widely differing views, are there any concerns or ideas we have in common?
- What values or ethical beliefs led you to your current political beliefs?
- What facts, if proven to be true, might cause you to think differently?
- Is it possible to view our differences as two sides of the same coin? If so, what unites them? What is the coin?
- Without mentioning your preferred candidate, what principles do you believe the candidate you support stands for? Why are those principles important to you?
- What are your goals for this election, other than to elect the candidate you support? Why are those goals important to you?
- How might we extend those principles and goals to this conversation we are having right now?

- What do these principles and goals require of us, in the way we treat each other, or how we talk to each other about the candidates we each support?
- What forms of political argument or support do you feel are ineffective, counter-productive, or encourage you to resist?
- What forms of political argument or support do you feel are effective, productive, or encourage you to think and learn from those you disagree with?
- What ideals or principles do you think both candidates share?
- What do you think will happen if our arguments or support become too adversarial or confrontational?
- How might we work together to prevent that from happening?
- Is there anything positive or acknowledging you would be willing to say about the people on the other side of this issue?
- Instead of focusing on the past, what would you like to see happen in the future? Why?
- Do you think we are disagreeing about fundamental values, or over how to achieve them?
- Is there any way that both of you could be right about different aspects of the issue? How?
- What criteria could you use to decide which ideas or approaches work best?
- Would it be possible to test our ideas in practice and see which work best? How might we do that?
- What could be done to improve each of our ideas?
- Could any of my ideas be incorporated into yours? How?
- Is there any aspect of this issue that either of us have left out? Are there any other alternatives to what we are both saying?
- What could we do to improve our process for disagreeing with each other in the future? For encouraging dialogue? Would you be willing to do that together?
- Do you think this has been a useful and constructive conversation? If so, how? If not, what could we do better?
- What is one thing I could do that would make this conversation work better for you?
- What did you learn from our conversation?
- What would you like to do differently in the future if we disagree? How could we make our dialogue ongoing or more effective?

Electoral democracy has gone through a period of profound conflicts, yet each unique conflict points us toward potential solutions and more collaborative processes. Here are a few proposals to help resolve electoral conflicts between political parties, fortify voting rights, improve trust in outcomes, strengthen democracy, encourage dialogue between differing groups and factions, and promote participation in political decision-making, based on the core democratic principles of popular sovereignty, majority rule, and minority rights.

- In advance of elections, initiate facilitated dialogues in diverse local communities to increase communication and understanding and elicit consensus-based recommendations for ways of conducting upcoming elections more collaboratively, fairly, and securely.
- Create a multi-party national electoral commission to summarize popular input, synthesize ideas, reach consensus, and recommend improved rules and processes, including minimal standards for electoral fairness for all elections.
- Invite representatives of political parties to meet, aided by professional mediators and facilitators, to discuss, collaboratively negotiate, and reach consensus on rules to govern elections, including conduct of candidates during debates, ethical campaign ads, limits on

financial contributions, ways of reducing fraud and dishonesty, resolving contested outcomes, and accepting final results.

- Establish and enforce a Voter's Bill of Rights that guarantees one person/one vote as a universal right of all citizens.
- Establish automatic, life-long voter registration for all citizens, based on a commonly used form of identification.
- Permit and protect mail-in ballots and advance voting and require that all such votes be counted in advance of in-person voting.
- Require that voting machines be secure, non-hackable, manufactured by non-partisan companies or agencies, and capable of creating a paper trail.
- Fund the development of free, secure, easy-to-use apps that inform citizens of their voting rights, provide forums for facilitated dialogues and discussion of the issues, enable fact-checking, support online dispute resolution, and permit online voting, making sure there is access to computers and internet for those without.
- Initiate in-person and online dialogues and town-hall meetings in local communities following candidate debates, led by professional mediators and facilitators, in which participants discuss and reach consensus on recommended solutions to issues raised during the debates, and ways of improving debate and dialogue processes.
- Tighten restrictions on private, special interest, and foreign campaign contributions, and on electorally related contributions to candidates or PACs above a mutually agreed upon amount.
- Shorten the electoral timetable, and provide public funding for federal campaign ads, with a precondition, that these be fact-checked and candidate approved prior to airing.
- Use mathematical modeling, artificial intelligence, and community and public policy mediation to identify, restrict, and repair gerrymandering, and make it easier for citizens to challenge electoral boundaries in court.
- Improve, automate, and streamline the process for recounting ballots, using neutral or bipartisan observers wherever outcomes are contested, and mitigate 'winner take all' elections by using percentage or proportional representation, instant runoff voting (allowing second choice votes to count) fusion voting (allowing two or more parties to nominate the same candidate), and similar methods.
- Pass legislation making election days national holidays, with paid time off to enable those who work to vote.
- Establish Ombuds offices to investigate and resolve electoral conflicts, convene candidates and representatives of political parties to prevent and resolve conflicts that arise before, during, and after elections; and mediate issues before going to court.
- After elections are over, invite people in diverse communities into dialogues to evaluate the electoral process, reach consensus on recommendations for future elections, and discuss ways of healing, reuniting, and commit to working together to solve common problems, using restorative justice circles, and facilitated truth and reconciliation processes.

There will always be many more ways of undermining and destroying social relationships than of building or advancing them, yet we have always progressed as a species more by working with, than against one another, and as our technological power and capacity for destructiveness continue to grow at an increasing pace, our challenge will be to strengthen communicative skills and

capacity for collaboration at an equal or greater pace, if we are to avoid descending into barbarism and a war of each against all.

In conflict, our options ultimately boil down to two: go it alone, or face it together. We make these choices every day, as individuals and neighbors; but we also make them as organizations, societies, and nations. With the development of mediation, dialogue facilitation, collaborative negotiation, consensus building, and similar skills, we are better able to face our problems together and collaboratively. All that is required is our decision, determination, and collective effort to make it happen.

About the Author:

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