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## Connecting through Controversy: Disagreement as Respect

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## Connecting through Controversy: Disagreement as Respect

### Cover Page Footnote

I thank the anonymous reviewers for their thoughtful comments that helped me improve the article substantially. Any remaining defects in the paper are mine alone. My appreciation also goes to Justina Brown and the Center for Instructional Innovation and Assessment for letting me incorporate and build upon my showcase materials used in this paper.

## Introduction

For over 20 years I have taught law-related courses in the political science department of a comprehensive masters-granting university. My explicit pedagogy in many of my classes has been to have students discuss historically controversial issues and topics. Topics have included the following: legalization of same-sex marriage (before the U.S. Supreme Court recognized it as a constitutional right in 2015), de-criminalization of suicide, abortion (arguably even more contentious now after the Court overturned *Roe v. Wade* in 2022), President Biden's vaccine mandate, and a 100% smoking and vaping ban recently adopted at my school.

In this paper, I provide a conceptual justification for using controversial discussions as pedagogy (CDAP) and share the teaching practices that I use to structure in-class discussions and homework assignments to help students not only learn deliberative skills, but also hopefully acquire intellectual dispositions that will enable them to better understand others, including those with whom they disagree on controversial issues. My goal in using CDAP is not only to teach students critical thinking, an essential skill for civic participation and deliberation, but also and more importantly to try to inculcate in them certain dispositions towards others for when they leave college, where they will likely meet people who are less homogeneous than their peers as a group were in college. This paper provides a rationale for CDAP as well as practical tools to help instructors implement CDAP in their own classes.

Further, my goal in using CDAP is not necessarily changing students' views on the issues that we discuss in class, but changing their self-perception and their self-awareness of their own biases through which they perceive the world and others. By discussing controversial issues in class and writing about these issues in their homework assignments, which give students the chance to think critically about ideas and viewpoints that may oppose their own, students may come to realize that they share the same biases, which they despise, that they view their opponents as holding. When we understand the reasons for why others do what they do, we may temper our sense of superiority, as we realize that we are not so different from our opponents as we may have thought.

In using CDAP, my hope is that, when we can see ourselves in the *other*, we may begin to see ourselves more fully, more accurately, and more humbly. In the end, I hope my students would adopt what I call a disposition of mutual integrity: the belief that others, including those with whom we disagree, desire to do what they believe is right, just, fair, and good, just as we all desire.

## **Autoethnographic Methodology**

Regarding methodology, this paper incorporates a broadly autoethnographic approach as well as an autoethnographic purpose. In terms of the approach, Ellis, Adams, and Bochner (2011, p. 1) state that autoethnography is used to “describe and systematically analyze (*graphy*) personal experience (*auto*) in order to understand cultural experience (*ethno*).” In this paper, I analyze and reflect on my experience of using CDAP to teach students certain skills and dispositions associated with critical thinking. Assessing the results of my pedagogical efforts, I wish to better understand our shared cultural experience of how we choose to distance ourselves from people we disagree with, rather than use our disagreements to learn more about the world, others, and ourselves.

In terms of my purpose, Herrmann and Adams (2022), in answering the “So What?” question for autoethnographic research, state that one of the questions writers should consider is how their research might “create change, emancipate, and make life more humane” (p. 2), which is my ultimate desire for my students. But it is the title of the chapter by Jones and Adams (2023), “Autoethnography as Becoming With,” appearing in the latest edition of the *SAGE Handbook of Qualitative Research* (Denzin, Lincoln, Giardina, & Cannella, 2023), that best captures the motivation behind this paper: to suggest a way to help teachers humanize our students, and ourselves, by learning to humanize *others*, especially those with whom we disagree, even disagree vehemently, on issues that we care deeply about.

My practical goal of using CDAP is to challenge the present state of heightened polarization in our society and our political system, in which it is now common for political rivals and opponents to dehumanize and demonize each other. Educators McTighe and Silver (2020) state that “[a]t its core, empathy requires respect for the ‘other,’ especially for people whose lives and worldviews differ from our own” (p. 100). Resonating with Herrmann and Adams (2022, p. 2), whom I quoted earlier, McTighe and Silver state, “To exhibit empathy is to...make fundamental human connections” (p. 101).

My hope is that using CDAP can help my students (and all of us) make connections through controversy by extending mutual respect to those with whom we disagree.

## **Format of the Paper**

Excluding the Introduction and Conclusion, this paper is divided into three main sections. In the first main section, I discuss the benefits of CDAP and the importance of intellectual tolerance, an essential disposition to disagreeing with others respectfully that enables our having productive discussions, even on

controversial issues. In this section, I also answer the oft-raised question of whether there are any viewpoints or ideas that should not be tolerated or discussed (also known as red-lining).

In the second main section, I discuss the teaching practices I use to structure in-class discussion and homework assignments to help students learn how to engage in productive and respectful discussions of issues over which they may disagree with others. But before discussing these practices, I first explain the need to build trust and a sense of community among the students so that they feel more comfortable sharing their views in class openly and honestly, even when their views may clash with views held by others.

In the third main section, I provide a case study of CDAP as I describe my experiences of using the issue of legalizing polygamy as a discussion topic. I then reflect on the outcome of my pedagogical efforts, sharing what I learned from these experiences and what steps I might try next.

Finally, in the Conclusion, I discuss our biases as a universal problem, and how it affects how we view others. I then elaborate on how the concept of mutual integrity is connected to both intellectual tolerance and our desire to feel respected by others, even by those with whom we disagree.

## **Controversial Discussions as Pedagogy: Disagreement as the Basis for Discussion**

Hess (2009) and Zimmerman and Robertson (2017) are among many educators who have noted the civic-promoting benefits of facilitating in-class discussions among students on controversial and difficult topics. First, they attest to the value of classroom discussion generally, not only as a way to learn, but as a valuable skill to learn for itself.

Advocates of classroom discussion view it as a particularly powerful instrument for developing critical thinking skills, teaching content, and increasing tolerance. But many also advance discussion in classrooms because they hope it will help young people learn how to be more effective discussants, thereby fostering their participation in discussion in other public venues. In short, discussion is not only a *way* to learn, but is also a skill to be learned (Hess, 2009, p. 29).<sup>1</sup>

In my course on American politics, I tell students that I view their discussion sections, which accompany my lecture component, as more important than even their reading the textbook. That is, I view their practice of discussing with their

classmates the issues covered in the course as being more important for their intellectual development as citizens than their being able to recall the substantive material I teach in the course.

Furthermore, these authors highlight the civic and pedagogical value of discussing controversial topics specifically. In her book, Hess (2009) summarizes “evidence that participating in controversial issues discussions can build pro-democratic values (such as tolerance), enhance content understanding, and cause students to engage more in the political world” (p. 32). Zimmerman and Robertson (2017) note that “[t]here is considerable consensus in the literature that one of the best ways to develop deliberative capacities in students is to engage them in discussion of controversial issues. If the issues were not controversial or unresolved, deliberation would not be required” (p. 61).

In our currently polarized and partisan political climate, developing the skills to engage others in discussing controversial topics, especially with those who disagree with us, is desperately needed, if we wish to avoid further fragmentation of our polity and civil war—figuratively speaking, I certainly hope. As we have seen more and more frequently over the past few years, news videos showing protesters and counter-protesters clashing in public with each side yelling at the other, trying to drown out, even with bull horns, the shouts of their rivals. In this situation, it is difficult to imagine either side having any interest in changing its position, let alone listening to what the other side has to say. It seems each side wants the other to only shutup and get out of the way.

Zimmerman and Robertson (2017), attesting to the ubiquity of disagreement as the very premise for democratic government, note that “since disagreement among citizens about public policy questions is a persistent fact of democratic life, learning how to fruitfully engage others in political deliberation is a democratic virtue” (p. 45). It is important to understand that our disagreements arise from our differences—differences in our experience, in how we do things, in what we believe, and in our perspective—and not necessarily from others’ ill-will, malice, ignorance, stupidity, or other motivations or reasons that we may view as inherently negative. People can do the same thing for different reasons and can also do different things for the same reason.

There are no discussion topics guaranteed to be safe, because we all care about different things, and you never know when someone in the room will disagree with you about something that they care deeply about. As Zimmerman and Robertson (2017) note, “The fact of disagreement *is* a key factor in making an issue controversial” (p. 45). We humans can politicize anything when it involves something important to us, or when doing so serves our purpose.

Who would have thought that, prior to 2020, the phrase *Black Lives Matter* would elicit massive protests and counter-protests, or that requiring vaccinations to reduce the spread of a global pandemic would become a politically polarizing

issue? Therefore, depending on the level of political polarization in a group, *any* conversation, whatever the topic, even of previously uncontroversial issues, can potentially erupt into controversy.

This is why developing skills and dispositions to discuss and debate politically controversial subjects productively are useful not only in the university classroom, but also in many situations—personal and professional, public and private—outside of and beyond college. Indeed, deliberative skills are the basis of our democratic system of government. Our current problem seems to be our inability to talk with one another productively without attacking the other side.

Hess (2009) emphasizes the inherent value of discussion to democracy by noting pointedly, “In short, to be *against* discussion is to be opposed to democracy” (p. 16). I take her statement above to mean this: Discussion, in itself, is fundamental to promoting a healthy democracy, not only because it is a prerequisite skill (i.e., means) to improving democratic government, but also because it is *the* goal (i.e., end) of democratic government itself, which can be conceived as government by deliberation (i.e., based on discussion, as opposed to other possible bases, like coercion). The ability to discuss controversial issues with others respectfully is not essential just to government, but also to peaceful coexistence on a daily basis. Even if we all lived in segregated social silos, which to some extent we already do, not everyone we meet will completely agree with everything we think.

### **Disagreement as Respect**

Contrary to the idea that disagreement prevents discussion, I suggest that disagreement is a reason for opposing sides to engage in discussion with each other, unless one side is unwilling to listen to the other. But if both sides are willing to engage each other by giving the other side a fair and honest hearing, then they each might gain something from their exchange of ideas. Underlying any discussion, even between those who disagree with each other, is an implicit motivation between the interlocutors to engage each other on some level, rather than ignore or dismiss the other, counting them unworthy of being engaged with and listened to. Only after acknowledging our disagreements can we then try to understand each other better through open and honest, though difficult, dialogue.

In this sense, genuine discussion or argument, which involves airing one’s views in contrast to another’s view, is not necessarily disrespectful in itself, but just the opposite: Disagreeing with someone can itself be a form of respect. As I explain in all my course syllabi under the heading of “respect while disagreeing”:

It is crucial that students speak (or post in online discussion boards and/or chat rooms) so as to maintain an atmosphere of critical

but constructive dialogue. This does not mean refraining from critiquing others' viewpoints, but it does mean doing your best to give reasons for your critique. Although disagreements are bound to arise, we can and should discuss our viewpoints with respect and civility toward others. Indeed, disagreement itself is a form of respect, because it shows you are taking others seriously enough to engage them and their ideas rather than ignore them.

I love the example of Daryl Davis, who has attended Ku Klux Klan (KKK) rallies and befriended KKK members and national leaders for decades. What makes Davis special is that he is Black, and KKK organizers invite him to their rallies. In his TED Talk video, Davis (TEDx Talks, 2017) shows a closet full of KKK regalia handed over to him by former Klansmen who left the KKK only after many years, even decades, of conversations with him, all of which started out as disagreements.

Davis admits that he did not befriend KKK members in the hope of changing their views. His explicit reason for reaching out to them was never to convert them, but to understand why KKK members, whom he had never met and who had never met him, said they hated him just because he was Black. He has since gone on speaking tours, often with former KKK leaders, to promote his approach to respectful engagement with people with whom we disagree.

In his videos, Davis states repeatedly that you do not need to agree with someone to respect them or have a meaningful conversation with them. As Davis explains, it is easier for people to speak honestly when they know that the listener respects them, even if the listener disagrees with them. Embedded into Davis's TED [talk](#) is a video clip of a news report showing Davis at a KKK rally led by Imperial Wizard Roger Kelly, one of Davis's Klan friends. Davis draws the audience's attention to what Kelly says, quite movingly, about respect. Kelly speaks into the mic over the shouts of anti-KKK protesters trying to disrupt the rally:

I've got more respect for that black man than I do [for] you white [N-word] out there. ...I'd follow that man [Davis] to hell and back because I believe in what he stands for and he believes in what I stand for. A lot of times we don't agree with everything, but at least he respects me to sit down and listen to me, and I respect him to sit down and listen to him.

Davis and Kelly's friendship shows that disagreement need not prevent either discussion or even friendship between two persons who stand for diametrically



opposed positions, if they are willing to grant each other mutual respect. Likewise, argument, like disagreement, is not by itself inherently negative, so long as the debate is done in the spirit of learning and openness to change one's view for the better. But if the interlocutors are not open to such discussion, then their exchange is no different from protesters shouting at each other.

### **CDAP and Tolerance: Boundaries and Limitations**

Before discussing the teaching practices that I use with CDAP, I want first to discuss the skills and dispositions underlying those practices. My purpose in using CDAP is to cultivate in students certain deliberative skills and intellectual dispositions to make them into better members of society and enable them to participate in civic and political life. These skills and dispositions can fall under the broad rubric of critical thinking, as opposed to what we might call emotional (or emotion-driven) thinking.

#### **Critical thinking and its associated dispositions.**

Critical thinking requires some ability to distance oneself personally or psychologically from the issue being discussed, which one may care about deeply, as well as some level of openness to hearing different viewpoints or perspectives. Being able to think critically allows me to separate or distance myself from my ideas or position so that I do not feel personally attacked by others who question or challenge my ideas. Not only can I separate myself from my own position, but I can also separate others from their arguments and views and focus on their arguments rather than focusing on the person or personality of the speaker (see McTighe & Silver, 2020, p. 100).

Critical thinking also manifests what is sometimes called intellectual justice: the disposition to be accurate and fair when evaluating opposing viewpoints, and not being biased in favor of one's own position. Those who manifest intellectual justice strive to understand the world more accurately and more completely. Because of that desire, those who have intellectual justice do not assume that their own position or view is always correct. This then brings the disposition of intellectual humility: a willingness or openness to being corrected when necessary.

We now come to the disposition of intellectual tolerance, which is essential for discussions between members of opposing groups. Hess (2009) defines tolerance as "the willingness to extend civil liberties to groups with whom one disagrees" (p. 31), which is an essential practice and minimum requirement for deliberation. Tolerance is also the basic disposition I hope to foster by having students discuss and argue about controversial topics respectfully, an essential skill

for participating in democratic government and being an engaged member of society.

### **Defining tolerance: What should we not tolerate?**

But let us be clear about what we are tolerating. In this paper, I focus on using CDAP, a classroom activity in which students talk with each other. My focus is on verbal and intellectual engagement with others, not actions that might entail physical violence against others. Therefore, when thinking about what ideas should be tolerated or not, we are really asking about which topics, ideas, viewpoints, or positions are appropriate or not to discuss in a classroom context. I am not talking about conduct entailing physical violence, even though talking with others is physical conduct.

This brings us to the question of whether there are any ideas or positions that we should not tolerate being discussed in our classrooms. I suggest that tolerance, like disagreement, is another form of respect that also proceeds from disagreement. We tolerate things with which we disagree, not things that we either like or have no qualms with. Once we have concluded that we disagree with another person (or rather with the views or position that that person espouses), we must then ask ourselves: Should I continue engaging with that person, or should I avoid interacting with them?

When considering or evaluating an argument or position held by another person, it is important to note that we are not thereby legitimating or validating that position in the sense that we are viewing it as correct. But in order to determine whether the position is correct or not, we must necessarily discuss the reasons for whether or not we think it is correct. Indeed, there is no way to evaluate a position or viewpoint without considering what that position holds.

Again, discussing the merits or flaws of a position to decide whether we agree with or disagree with it does not validate or legitimate that position. Therefore, if the purpose for considering an argument or position is to determine whether it is worth holding or adopting, then potentially any and every position may be discussed or debated in a classroom. But if a viewpoint seems incoherent and hence incomprehensible to us, then we should seek its clarification rather than reject it. Rejection of or disagreement with a position presumes that we understand the position we are rejecting or disagreeing with. If we cannot comprehend what the position is, then we cannot decide whether we agree with it or not.

As I state in my sixth and most recently added ground rule for discussion (discussed in the next main section), no question is off-limits, though I reserve the discretion to discuss it outside of class. I do that, not because discussing any particular position or viewpoint in class is inappropriate, but merely for the sake of time. I am happy to discuss almost anything with any student in or outside of class.

But if it is in class, then my primary criterion is whether I think discussing the issue or question would serve my pedagogical purposes for the class.

To clarify, tolerance does not require that I never take a side on an issue, maintaining some kind of neutral position indefinitely. But our final decision on an issue should come after both (or all) sides have been carefully considered with respect to each other based on the relevant factors or criteria. We might view this dialogical approach to thinking as a form of intellectual or cognitive cost-benefit analysis: to decide whether to think or believe something, we must necessarily weigh the available options against each other. This is nothing other than critical thinking, which requires mentally comparing information. If someone never compared new information to what they already knew, then they would never learn anything.

We should note that there is a logical fallacy that is sometime confused with trying to be fair and balanced in evaluating or comparing two positions with each other: the fallacy of false equivalence, more commonly known as comparing apples to oranges (News Literacy Project, n.d.). While I acknowledge the problems with creating false equivalences when discussing opposing views of a controversial issue, I also note that we are naturally quick to dismiss the opposing side's arguments, asserting that their arguments are invalid, while asserting that the arguments supporting our own position are valid, credible, and persuasive. Intellectual justice requires that we not side with our own partisans out of personal bias but based on our critical evaluation of the opposing arguments or positions. If we side with our side just because it is our side, then that would be simple partisanship, which has no place in genuine discussion and debate.

### **Structural Stupidity**

Refusing to hear opposing views or arguments will short-circuit critical thinking and eventually lead to societal-level problems. Confirmation bias, our psychological tendency to pay closer attention to and believe information that tends to confirm our existing beliefs, is what underlies our natural human reluctance to seriously entertain viewpoints that differ from or oppose what we believe. Recently, social psychologist Jonathan Haidt (2022), in an article that appeared in *The Atlantic* entitled, "Why the Past 10 Years of American Life Have Been Uniquely Stupid," explains how our confirmation bias, now coupled with online social media, has led to a sorry state of affairs that he calls "structural stupidity."

The most pervasive obstacle to good thinking is confirmation bias, which refers to the human tendency to search only for evidence that confirms our preferred beliefs. . . .

The most reliable cure for confirmation bias is interaction with people who don't share your beliefs. They confront you with counterevidence and counterargument. John Stuart Mill said, "He who knows only his own side of the case, knows little of that," and he urged us to seek out conflicting views "from persons who actually believe them." People who think differently and are willing to speak up if they disagree with you make you smarter, almost as if they are extensions of your own brain. People who try to silence or intimidate their critics make themselves stupider, almost as if they are shooting darts into their own brain. . . .

This, I believe, is what happened to many of America's key institutions in the mid-to-late 2010s. They got stupider en masse because social media instilled in their members a chronic fear of getting darted. . . . The new omnipresence of enhanced-virality social media meant that a single word uttered by a professor, leader, or journalist, even if spoken with positive intent, could lead to a social-media firestorm, triggering an immediate dismissal or a drawn-out investigation by the institution. Participants in our key institutions began self-censoring to an unhealthy degree. (Haidt, 2022, pp. 60-61).

It is natural for us to oppose and attack our ideological rivals, whom we expect to disagree with us. Haidt (2022) points out that "when an institution punishes internal dissent, it shoots darts into its own brain." So when we attack those on our side, who are probably not raising questions because they are attacking us, but because they want to make our group better or stronger than our rivals, then we are shooting ourselves in the foot if we silence their voices. The fewer ideas or viewpoints that we are willing to tolerate in our society, even for the sake of discussion, the more likely that intolerance will lead to structural stupidity, where even members of our own group are not allowed to dissent. Hess (2009) notes a further problem, that "talking with people who agree with you can cause what the researchers termed ideological amplification—a process by which your pre-existing ideological tendencies become more pronounced and more extreme" (p. 23, citing Schkade, Sunstein, and Hastie, 2006, p. 2).

### **Red-Lines and Intolerance**

Red-lines are non-negotiable positions we consciously choose not to tolerate or consider. The question is: Where or what is the red line that one refuses to cross or discuss with another person?

It is important to note that there are no red lines that we can determine objectively: Red lines differ from one person to the next. It makes even less sense to talk about social or collective red lines, in the sense that every person in a particular group or society holds to that particular red line, unless we draw the lines demarcating that group very narrowly. Further, nothing can prevent group members from changing their minds about red lines. Nevertheless, people can and do decide for themselves to draw a red line around certain positions or viewpoints that they may refuse to consider or discuss with others, based on their own beliefs or convictions, which are based on their biases. If one decides to draw a red line for oneself, then a related question arises: How many non-negotiable red lines should one have? One? Three? Twenty? Why not designate all of our really important beliefs and convictions as non-negotiable red lines?

We have now come back full circle to the disposition of intellectual tolerance, with which we began this section of the paper. Karl Popper is renowned for his “paradox of tolerance,” in which he explains the dilemma that arises if we were to carry tolerance to its logical extreme of tolerating even intolerance. He states:

Unlimited tolerance must lead to the disappearance of tolerance. If we extend unlimited tolerance even to those who are intolerant, if we are not prepared to defend a tolerant society against the onslaught of the intolerant, then the tolerant will be destroyed, and tolerance with them. In this formulation, I do not imply, for instance, that we should always suppress the utterance of intolerant philosophies; as long as we can counter them by rational argument and keep them in check by public opinion, suppression would certainly be unwise. But we should claim the right to suppress them if necessary even by force; for it may easily turn out that they are not prepared to meet us on the level of rational argument, but begin by denouncing all argument; they may forbid their followers to listen to rational argument, because it is deceptive, and teach them to answer arguments by the use of their fists or pistols. We should therefore claim, in the name of tolerance, the right not to tolerate the intolerant. We should claim that any movement preaching intolerance places itself outside the law, and we should consider incitement to intolerance and persecution as criminal, in the same way as we should consider incitement to murder, or to kidnapping, or to the revival of the slave trade, as criminal. (Popper, 2020, p. 581).

Even though Popper never explicitly defines tolerance, he seems to imply that those who are intolerant are intolerant, not because of what they argue, but because of how they respond to argument. The salient part is where he describes how “they [i.e., the intolerant] are not prepared to meet us on the level of rational argument, but begin by denouncing all argument; they may forbid their followers to listen to rational argument, because it is deceptive, and teach them to answer arguments by the use of their fists or pistols.” So it seems the intolerant ones are those who refuse to engage in rational argument or who, instead, engage in violence in response to rational argument. This view seems to be congruent with what I suggest above—namely, so long as our interlocutors are willing to engage in discussion, as opposed to physical violence, then we can and ought to be willing to reciprocate out of mutual respect, unless we cannot because of practical limitations. But if we are unwilling to engage in discussion, then that seems to make us the intolerant persons that Popper criticizes.

We can draw a few more caveats about preserving tolerance by suppressing intolerance. Popper describes suppression or censorship is generally unwise. And while he emphatically reserves the right to use force against the intolerant, he thinks that that decision should not be taken lightly. Further, it seems that he permits suppression only if the intolerant are either engaging in violence or cancelling others’ speech. Drawing too many red lines seems to be the very definition of intolerance, when we will not tolerate even talking to others whose views differ from our own.

Finally, we should note that intolerance cannot merely be the fact that someone holds a different view from ours. If that were true, then the definition of intolerance becomes problematic: Any disagreement between two sides would mean that each side is intolerant of the other view, which would then justify each side shutting down the opposing view, just because the other view disagreed with ours. That would be an extremely easy standard to pass—namely, that any view that opposed our own view was by definition intolerant, and therefore could be suppressed, if we thought doing so was needed.

In this first main section I have given a conceptual justification for the skills and dispositions that both come from and accompany CDAP. I discussed the need for intellectual justice, intellectual tolerance, personal or psychological distance from the issues being discussed, fairness in evaluating opposing arguments, the danger of structural stupidity, and the intolerance of red-lining. In the next main section, I will discuss the teaching practices that I use to implement CDAP. Hopefully, from this, students will become more self-aware of their own biases that contribute to their own intolerance of others and structural stupidity of the causes they support.

## **Practices for Implementing CDAP**

In this next section, I describe the teaching practices I use with CDAP to structure in-class discussions and homework assignments to help students learn the arguments on both sides of controversial issues that we discuss. But first, I describe the need to build trust and a sense of community among the students for CDAP to work well.<sup>ii</sup>

### **Establishing Trust and A Sense of Community**

To use CDAP in a class, students must feel some level of safety to discuss controversial and difficult topics. If they do not feel safe because fear prevents them from speaking honestly and openly about the topic, then their engagement will remain superficial and unchallenging.

I dislike the idea of making classrooms into safe spaces if the purpose is to prevent students from hearing things they disagree with. But on a certain level, students must feel safe enough to venture beyond their comfort zones into controversial territory where they will be willing to grapple with opposing viewpoints. Safe spaces are not an end in themselves, but a means to achieving intellectual resilience by making students feel safe enough to be okay with feeling somewhat uncomfortable when engaging others in difficult conversations. Part of helping students feel comfortable or safe discussing difficult topics is by cultivating a sense of community in which they feel some level of trust toward their classmates. People usually do not feel comfortable answering difficult questions on controversial topics in a classroom with people they do not trust.

That's why discussing difficult topics with those who disagree with us can be mentally and psychologically exhausting, just like physical exercise that makes our bodies stronger. Just as our muscles feel tired after engaging in strenuous exercise, our minds will also feel tired after the intellectual exercise of engaging in difficult conversations with others, especially if they offer resistance. In the same way that coaches push their athletes physically to get better and stronger, instructors in the classroom push our students intellectually to go beyond their psychological comfort levels. In order to grow and become stronger, whether physically or mentally, we must learn to feel comfortable feeling uncomfortable.

Using CDAP is not limited to any particular class setting or subject matter. Although most of my classes deal with legal issues that lend themselves to CDAP, every discipline or subject has its internal debates that can be used to teach students the skills of critical thinking, civil discussion, argumentation, and intellectual openness, among other skills. Further, although CDAP is more easily used in smaller groups, I believe that larger groups do not pose insurmountable barriers to

building the necessary levels of trust and community to use CDAP effectively. It largely depends on the internal dynamics of the particular group of students.

Finally, in comparing post-secondary (i.e., university) and secondary school settings, a middle or high school group of students may have some advantages over a group of college students. First, in college, every term brings a new group of students together, which requires those students' getting familiar with the instructor. In secondary school classes, teachers will likely have a much longer period of time, and perhaps more frequent meetings, during which they can build the trust and sense of community among students. Further, younger students are more likely to put their trust in their teachers, whereas college-age students tend to be more intellectually independent.

### **Setting ground rules.**

Another way to help establish trust and a sense of community among students to prepare them for CDAP is to set formal ground rules to create a space for engaging in difficult conversations. Years ago I drafted several ground rules to help foster civil discussion among the students in my advanced seminar in legal philosophy. At some point, I decided to include them in all my syllabi as well as discussing them on the first day of class by playing a 25-minute video in which I explain my ground rules.

Below are the ground rules as they appear in my syllabi. They are intended to foster in students a certain level of emotional and intellectual distance from other students who speak in class and help them focus instead on the arguments or viewpoints rather than the speaker.

#### Ground rules for respectful discussion

Below are some rules that I set in all of my classes to frame both in-class and online discussions. Abiding by these rules serves to expand the pool of possible knowledge that is essential to seeking the truth about things.

- (1) Do not presume or judge what views others may hold based on the argument(s) they offer in discussion, and do not "put words into others' mouths" (e.g., "By saying that, what you really mean is..."). Speakers may not necessarily embrace either the arguments they make or those that you attribute to them.
- (2) Seek first to understand others' views/positions, well enough to restate them, before you disagree with them. You cannot disagree with what you don't understand.



- (3) Try your best to support your own views/positions with reasons/arguments (which usually use the words *because* or *therefore*) rather than with mere assertions or contested claims.
- (4) Be willing to concede weaknesses in your own argument/position, and when it is applicable, admit your own ignorance by saying, “I don’t know” (a.k.a. intellectual humility).
- (5) Be willing to follow where your reasoning/argument leads you, even if you don’t like the implications of your position (a.k.a. intellectual courage).
- (6) Ask any questions you want, so long as they are sincere and not just rhetorical/performative. In my view, there are no stupid questions; and no questions are off-limits. (I may, however, defer answering some questions to outside of class.)

The first two ground rules are critical to productive discussion, especially on controversial topics. Regarding Rule #1, if people are afraid of being criticized for suggesting an argument or viewpoint that they themselves do not hold, then this will discourage people from raising those arguments or viewpoints out of fear of being ostracized or stigmatized or cancelled. That leads to dishonesty, because students will say only those things they think peers will condone, which leads to disingenuousness rather than real discussion.

Regarding Rule #2, if we are going to discuss something over which we disagree, then it is important to first establish whether we disagree about it. If we do not understand the other side’s position, then there is no way for us to tell whether we truly disagree with it or not. If we say that we reject a position because we disagree with it, then we necessarily are claiming that we understand what the position is such that we can reject it. A pre-question to any discussion of anything must be, do we understand each other? In most of our daily conversations with others, we naturally take this for granted, unless my circumstances warrant that I should not presume that I automatically understand others, such as when I am trying to speak a foreign language with a native speaker of that language.

I try to move the debate to where all sides agree that they genuinely disagree with the other side’s position based on either disagreement over empirical facts or disagreement over normative judgment. When each side asserts that the other side’s facts on which its position is based are false, or when both sides agree on the relevant facts involved in an issue, but still disagree as to what conclusion to draw from those facts, then a genuine disagreement or impasse has been reached, not just

a misunderstanding of the other side's position. At that point, each side can choose to stop its discussion with the other side or continue discussing whether either side is willing to change its view of either the facts or its position based on those facts.

Some readers may think that, by my saying this, I am contradicting my earlier statement that disagreement is the very reason or motivation for starting a discussion; but I am not. If both sides think they disagree with each other, but they actually do not because that conclusion is incorrect based on one's misunderstanding the other side's views or position, then discussion will hopefully correct that misunderstanding so as to make it clear that there is no real disagreement. But if both sides conclude that they genuinely disagree with each other, then discussion will continue only if at least one of the sides is willing to consider changing its position. If neither side is sincerely open to that possibility, then further discussion will only highlight the disagreement, which of course both sides may wish to do by continuing to engage each other if they think doing so is productive or enjoyable.

Finally, I assume that both sides, indeed everyone, is willing to change their view or position if they think doing so would make their view more accurate, more fair, more just—that is, overall better—than what they had previously thought. I cannot imagine anyone ever insisting that, no matter what, they absolutely refuse to change their views about reality for the better, that their understanding of reality will remain the same forever. Indeed, I cannot even imagine, if anyone said that and meant it sincerely, how they could even possibly hope to achieve that. This is why I hold to mutual integrity: the view that everyone, including those I disagree with, wants to do what they think is good, right, just, and fair, just as I do.

Even if people do something that I think is wrong or evil, I presume that, in their own minds, they are doing that for some reason, perhaps for personal gain or to get back at someone. That does not morally justify their decisions or actions, but it merely presumes that they are not insane or irrational. Further, I am certainly not denying that people can commit wrong or evil against others, as happens all the time everywhere. All I am saying is that we all act based on our reasons, and most of us, most of the time, act based on what we think is good, right, just, and fair, even when we do something that others would think is wrong or evil. Indeed, the worse the atrocity committed against others, the stronger the conviction or justification one must believe to carry it out.

The next three ground rules (3-5) concern using arguments to support our own positions and thinking humbly and courageously about our own views. These are merely best practices in productive debate.

The sixth ground rule is my latest addition, whose purpose is to highlight my appreciation for open inquiry. While we instructors do our best to cover what we think is the most important information in class, this ground rule is also a necessary concession to practical limitations of time in class as well as the

relevance of a question to the subject matter. But when a student asks a question that I may think is irrelevant to the topic, whether for that day or that class or that subject, I usually will not brush it off, but will first ask why the student thinks the question is relevant, before deciding whether it is worth addressing at that moment or at some other time. Instructors make such judgment calls all the time about what information or material to include or omit from our curriculum, because we rarely have time to cover everything we want.

Setting these ground rules at the start of the class goes a long way, I believe, to cultivating respectful and productive discussions and disagreements on controversial issues. When I have mentioned my ground rules at academic conferences, other faculty members have asked me for permission to use them in their own syllabi. I have also had students, after hearing these ground rules, tell me that they wanted to share them with their professor in another class. One term, the president of the associated students (A.S.) at my school, who was in my class, asked if she could adopt my rules for conducting their A.S. meetings.

### **Learning students' names.**

Another way that I try to build trust and establish a sense of community among the students is to help them learn each other's names. This is nothing novel for effective education, but I think learning students' names is an essential step to using CDAP well. Students, like most of us, will not speak openly and honestly with people we do not know, especially if we do not trust them. Paradoxically, knowing someone well helps us to separate what they say from what we know about them as a person, making it easier for us to focus on their arguments. We are less likely to be offended by what they say and motivated to understand them better, even if their comments may raise initial questions in our minds. We are more likely to think to ourselves, "That doesn't sound like them," and then seek clarification.

When feasible in smaller groups of students, I will print students' names on regular copy paper and tri-fold them into name plates, which I then bring to class with me every day and collect as students leave the room. I also try to learn my students' names within the first few weeks of class. I ask for their names the first time they speak up in class, and repeat doing this a few times with each student who speaks. Naturally, I get embarrassed when I keep forgetting a student's name after asking for it several times, but I believe they appreciate my attempts.

Further, throughout each class and for the term, I regularly refer to students by name, usually after they share in class. I also make it a point to connect with each other what different students have shared about the topic being discussed. Although I find that doing this comes naturally for me—I do this even at conference panels, connecting things that people have shared with my own thoughts or with what others have said—I also consciously do it whenever I can. I believe that doing

this indirectly shows students that I value their comments and think what they say has significance beyond just for themselves. I am, in effect, legitimating their views and ideas.

If I think my students would be comfortable with this, for fun I sometimes label certain positions or views with students' names—e.g., “the Fred position/approach” or “the elitest position adopted/taken/defended by Joan”—which I will then continue using if it serves my pedagogical purposes. (In a small constitutional law class, I had fun using three students to represent, based on their own comments, an elitest view, a populist/democratic view, and an idealist/constitutional view for discussing different approaches to interpretation.)

I cannot say definitively, however, that either my learning students' names or their learning each other's names necessarily increased their trust and sense of community so as to make them more willing to share openly and honestly with their classmates. I will even admit that, in my 20-plus years of teaching, I have found it rare that students refer to their classmates by name, even the few times that they will specifically refer to another student's comments from that same day, even in small group settings with fewer than fifteen people, and even when I have used name plates.

But I cannot believe that learning students' names possibly detracts from a more positive environment for using CDAP. Further, it is possible to view in a positive light the fact that students rarely use each other's names in discussion: By not naming other students specifically, even when referring to their comments, this avoids sounding as if one is referring to the students themselves, rather than their ideas or arguments. Certainly, this is a disposition that I want to encourage in all my classes generally, but especially when using CDAP. Nevertheless, education is not primarily or merely about my imparting or transferring information to my students. At its foundation, genuine education is about our relating honestly to other persons, namely our students, and sharing ourselves with them (see Palmer, 1998).

To illustrate the depth of open and honest discussion that can take place even while using CDAP, I will share about one remarkable class period I had a few years ago. Toward the end of a term, some students surprised me when they, without any prompting from me, prefaced stating their views by sharing about their religious background. (The topic at the time was the legal clash between gay rights and religious freedom.) Their disclosures seemed to help their classmates better understand why they believed certain things or espoused certain views, even if others disagreed with those views. I found the depth of openness expressed by these students incredible. I believe that my students' unprompted disclosures arose from the deep level of trust they had built throughout the term, which then deepened the honesty of the conversation. At the same time, these disclosures, I also believe, helped increase their level of trust.

A colleague at my school introduced me to the concept of *gradual disclosure* in inter-personal communication theory. While I was not familiar with that theory, it corroborates with my own teaching experience that, over the course of a term, students tend to reveal more about themselves, their beliefs, and eventually their feelings, even when discussing controversial topics, because they have gotten to know each other and feel they can trust each other more. Students with a relationship have a level of trust enabling them to listen to each other and take seriously what each of them says, even if they disagree with it, without being offended. Disagreeing with a stranger, with someone whom we do not know and care nothing about, is easy, because it imposes no cost on us. We can choose to walk away. But paradoxically, it takes a strong relationship to withstand the burden of a strong disagreement. I will never forget my amazement at the insight expressed by my student who once said, “Only true friends can truly disagree.”

### **Using CDAP in the Classroom**

My primary approach to conducting discussions of controversial issues within a classroom setting (either a physical classroom or a virtual classroom) is to treat different viewpoints or theories with equal respect by presenting arguments for both sides of the issues we discuss. But as I am about to discuss the practices on how to handle real-time interactions within the classroom, let me first describe some teaching practices I use that share a continuity with my earlier discussion of building trust and a sense of community among students to use CDAP effectively.

#### **Affirming students for sharing.**

Because discussing controversial topics is difficult, especially in large groups, when I sense that a student is sharing a comment or answering a tough question honestly, I try to affirm what they said. Affirming and thanking students who share honestly and courageously helps create a safe space for them to speak more openly, honestly, and freely. I may not reveal whether or not I agree with something said in class, but I will use one of the phrases below:

- (1) That is a view taken by many others, or I’m sure many others share your view or concern.
- (2) People who tend to think about \_\_\_\_\_ are likely to agree with you/that perspective.
- (3) You’re in good company with that position.
- (4) Thank you for sharing that comment.
- (5) That is an excellent question!
- (6) I happen to agree, but many would reject that view.

It is important to thank speakers for their courage and honesty in sharing their views, especially if their view may be unpopular in the class. (I will discuss later how to handle comments that may create psychological tension in the classroom.)

On the extremely rare occasions when students willingly admit their ignorance on a subject, I thank them for their honesty in admitting that and ask them a follow-up question that I think they may be able to answer, usually drawing on their own experience. (Sometimes, though, in partial jest, I will use something a former law professor would ask in response to students who answered flippantly, “I don’t know.” He would ask them, “Well, if you did know, what would you say?”) But in over 20 years of college teaching, I can count on one-hand— perhaps even on just one or two fingers—the number of times a student has openly admitted their ignorance about something. Most college students, I assume as most people, seem to perceive that saying “I don’t know” or “I may be wrong” in public is a social *faux pas*. I, however, like to treat such an admission, if it seems sincere and not flippant, with a visible look of admiration and approval. The willingness to admit one’s ignorance is, in my view, a virtue, and is articulated in my second ground rule for discussion.

By affirming what students share in response to a difficult question or topic, I want to encourage them to disclose more of their views and even their feelings. My purpose is not for them to then focus on their feelings, but to reflect on those feelings to try to understand what they may reveal about their beliefs or views about something. This is consistent with what I wrote earlier, about the importance to critical thinking of being able to distance ourselves from what is discussed. Affirming what students say in class helps them see that my class is a safe space for them to speak their thoughts honestly and openly.

I may critique and question, but will not reject, their views, which leads to the next strategy described below.

### **Sharing my own views.**

Sometimes I may share my own views in class, prefacing my comments with, “My own bias is to see this as...,” which I think helps defuse disagreement. When I tell others that this is my bias, people seem more likely to accept what I say as being from my perspective. Further, I always add that I could be wrong about something, which I mean sincerely. When revealing my biases to the class, whether it is regarding something personal that I think is relevant to the discussion, or whether it is my own view or position on the issue being discussed, I naturally make myself vulnerable to being perceived by others, whether correctly or incorrectly, in certain ways. I cannot control what others will think of me based on what I reveal about myself. But if I reveal my own position under the best-case scenario, I believe it will help strengthen my relationship with my students—not only with

those who happen to agree with me, especially if I happen to hold a minority position in the class, but even with those who may disagree with my position. Under the best-case scenario, I try to show that, despite my biases, I can still treat opposing viewpoints fairly and respectfully and with a willingness to question my own position and concede its weaknesses.

I realize that other instructors may disagree with this practice. I rarely share my views at the start of a class, but only after I have built some trust and developed a relationship with students, which then gives me some discernment about how I can best teach them. Naturally, every instructor must exercise judgment in deciding whether to reveal their personal biases or viewpoints to students. But even those who decide never to disclose their own views in class cannot necessarily claim the moral high ground, for only we ourselves can know whether we are hiding our views in order to deceive our students or because, out of good intentions, we want to avoid unduly influencing their own thinking.

Finally, although I have my biases and convictions, I do not espouse them as if I knew for certain that they are correct, which I cannot possibly know. The one admission that I am quick to disclose to my students is that I could be wrong about something; indeed, I could be wrong about many things.

### **Treating all viewpoints respectfully.**

My main approach when using CDAP in the classroom is to treat all viewpoints and comments with respect. Whatever comments are spoken aloud in class, I show students that I take whatever they say seriously by responding to it. Perhaps because of my legal background, I am especially sensitive about what words we use. I tell students that our words can mean many things, but they cannot mean just anything we want them to mean. Our words matter. My desire to treat all viewpoints respectfully informs the teaching practices described below that I use to structure the in-class interactions in using CDAP.

(Before I use the practices described below in class, I always assign reading on the topic for students to do before we discuss the topic in class. Because readings and other content media for learning the subject are either within the discretion of college instructors or else already set by the curriculum for secondary school teachers, I will not discuss this aspect of course design.)

### ***Interrogating all viewpoints or comments.***

I try to promote the view that there are no positions that cannot be expressed, no untouchable topics that cannot be raised, which is articulated in my sixth ground rule. Whether a student's comments in class draw nods of agreement or a collective gasp, I nearly always use the practice of asking the speaker to

elaborate, clarify, or explain what they meant: What makes you say that? What do you mean by that? How do you define that word? I also try to avoid making facial expressions that show whether I approve or disapprove of the person's statement or the view expressed. Instead, I will make facial expressions that reveal how intrigued I am with person's comment.

I usually will not let students simply make a comment and leave it at that. Besides asking them to clarify their comments, another practice I use to take the discussion to the next level is what I call interrogating the speaker, i.e., questioning to challenge or offer some push-back to what the speaker just said. If students make a claim that seems to represent their own view, I may ask them these questions: Do you see any problems or weaknesses with that/your view? What might critics of that/your view say in response? If that is not your own view, then what potential objections might you raise to it? I will also apply their statement to scenarios that may reveal problems with it and see if they will either defend their statement as is or qualify it after seeing a problem (which I encourage in my fourth and fifth ground rules). I try not to let them get off easily by stating their own positions only. I do my best to make them think about what objections or counter-argument opponents might offer. If the student cannot think of anything, then I will pose the question to the class: Can anyone else think of any possible responses, even if you yourself may not personally agree with that response?

But my other motive for interrogating students about what they say, regardless of whether I agree with it or not, is to help them understand that, while they are welcome to challenge ideas that they disagree with, I will also invite them to question their own ideas. I want students to learn to question their own assumptions and beliefs, not necessarily because I want them to reject them, but to teach them to think critically, not just about others' views, but about their own views, which most of us rarely ever do. We tend to assume that what we believe is correct without ever even thinking to possibly question ourselves. I will never forget the time when, after my seminar students had received back their essays showing generally low scores, one of them who was visibly upset almost yelled at me in frustration, "So what are we supposed to argue, if there are problems with our arguments?" A classmate then blurted out in response, "Don't you get it? No matter what you say, he's going to attack it!" That brought a huge smile to my face.

### ***Brainstorming.***

The practice of interrogation blends easily into what is often called brainstorming, when students are invited to throw out their initial ideas about a topic. (When using CDAP, instructors can either start with inviting students' comments to interrogate and then use brainstorming to build on those ideas or do



them in reverse.) When brainstorming, I encourage students to just say aloud what they are thinking, and to get as many ideas as possible out on the table for discussion, even if some of those initial ideas may be glaringly weak. We can discard those ideas from the batch after some brief discussion of why they are weak or not as strong as others and, therefore, dispensable from consideration. Brainstorming is also usually done collectively as a group. (I discuss below when using teams may help generate ideas.)

Depending on how controversial the issue is that is being discussed, sometimes it is useful to have students contribute ideas and comments anonymously. When ideas are contributed anonymously, this makes focusing on the ideas or arguments much easier, rather than letting students possibly be influenced by stereotypical associations they may perceive based on the speaker's visible characteristics (e.g., race, gender, appearance, clothing). Anonymization can be done by using educational software (e.g., Socrative), if all students have smartphones, or by distributing paper and pencil in advance and collecting them, a much clumsier but still viable method.

After collecting the comments, the instructor can, either during a class break or in preparation for another class meeting, loosely organize the comments to share with students. It is best if the comments can be organized for students into pro, con, and neutral arguments or dispositions about the issue being discussed. This information will later carry over to the homework on the controversial issue. If brainstorming is done non-anonymously in class, then I write comments on the board in abbreviated form and take a photo of the board to jog my memory when I draft essay prompts for the written homework on the topic.

Adding a game or contest element to brainstorming tends to liven things up a bit more. For example, divide the class into smaller groups or teams and have them compete to see how many ideas they can think of. Other activities that lend themselves to using CDAP in class includes having students role-play as attorneys or as other characters representing different interests involved in the issue being discussed. When role-playing is used, students must have enough information about their character to be able to perform their role. Even if students' performances are stilted and awkward, this kind of practice is essential to helping them learn the material and the arguments involved in the issue. It is the students who role-play who benefit the most from engaging in this initially awkward activity. The learning that indirectly comes from role-playing can be eye-opening for students, especially when they play the role of someone whom they do not identify with and may actually dislike. According to educators McTighe and Silver (2020), roleplaying is a "means of opening the door to empathy" (p. 102).

The practices of clarifying and interrogating students' comments and of collective brainstorming and role-playing are all intended to help students think about the given topic in different ways, including ways that they may disagree with

or reject. Helping students engage in the difficult and unnatural intellectual process of critically thinking about their positions on controversial issues, rather than merely saying what comes naturally to their minds, is the goal of using CDAP in the classroom. Students will later use the information gathered from in-class discussion and the assigned reading on the topic to organize their thoughts and arguments more systematically in their homework assignments.

### **Using CDAP to Structure Homework**

The practices above that structure students' interactions in the classroom necessarily carry over into their homework assignments, which are meant to help students further understand the complexities of controversial issues from both sides. Just as I try to prompt students in class to start considering both sides of an issue rather than just thinking about their own view, I require students to do the same in their essays. Teaching students to argue different viewpoints helps them appreciate that no position is ever completely without either weaknesses or merits. To get a higher score on their homework, which is usually an essay, students must discuss both sides of an issue. One of the specific writing criteria on the grading rubric is how well an essay addresses the weaknesses in the student's own position. I tell students that if they think their position has no weaknesses, then they do not really know their position, because every position has weaknesses. There are always pros and cons to everything.

How I grade students' essays roughly follows these criteria: a one-sided discussion that explains and supports only the student's own position gets a C grade; an essay that goes beyond a C by also acknowledging the weaknesses in one's own position gets a B; and an essay that goes beyond a B by also rebutting the weaknesses in one's own position gets an A. The grading rubric also contains, for the most part, everything on the topic that was discussed in class or covered in the assigned reading, which always includes the pro and con arguments for both sides of an issue. Generally, the more items on the rubric that appear in a student's essay, the higher the grade on the essay. If students discuss only or predominantly one side of an issue, then their grade will suffer because they will have omitted the items on the rubric that deal with the other side.

As a further incentive to get my students, many of whom want to attend law school, to practice this type of critical thinking, I explain that being able to think about both sides of an issue and seeing both the pros and cons on both sides, is an important skill to cultivate, not only to do well in my class, but also in law school. Lawyers who can argue only one side, namely the side they agree with, are handicapped, like a one-armed boxer who can only defend one side. As discussed in the first main section of this paper, being able to weigh arguments against each other is an important part of critical thinking. Further, not being wed to seeing only

one side of an issue increases one's ability to see the issue more clearly and accurately, which then makes one's own position better, not weaker. As social critic Os Guinness (2019) states: "Contrast is the mother of clarity." Nothing helps one understand one's own viewpoint or position better than seeing it from another's perspective, especially that of a sincere critic of one's position.

A student in one of my law classes came to my office to argue for more points on her essay based on her view that I should have written its rubric differently. Although I conceded that her argument was not baseless, I tried to explain that I had other objectives—besides increasing her particular essay's score, which was her only motivation—for making the rubric as I did. But she persisted. I finally told her that if she drafted an email taking my position, not hers, and I found it persuasive, then I would give her twice as many points as she had been seeking. She eagerly took up the challenge.

When we met again after I had received her email, I then turned the tables: I defended her original position and argued against the points that she had made in her email, in which she had tried her best to defend my position. I explained to her why I was not persuaded by her email, even though she was arguing for my own position. But I decided to give her back twice the points she sought, because she had told me sometime during our second meeting that, in writing her email, she had done research to try to understand my position's rationale. That is when I knew she had learned the lesson: The arguments we make depend on which side we are on. She changed her arguments because, suddenly, she was motivated to earn more points by arguing my side rather than her own. At the end of the quarter, she met with me once more to tell me that she would always remember that lesson.

When students occasionally tell me that they are contributing a comment that actually goes against their own personal position, then I affirm them, as discussed earlier, by telling them how much I appreciate their effort, because I realize doing that does not come naturally. Nothing warms my heart more than hearing students argue what they personally disagree with. As I noted earlier, most students find pointing out weaknesses in their own position and looking for the merits in the other side both difficult and awkward. But practicing that is the first step to getting better at it. Readers may wonder why we would even care to cultivate that skill, to look for the strengths in the opposing side and the weaknesses in our own. I suggest it is necessary so that we can see things more accurately, more completely, and less distorted by the blind spots caused by our biases, which we usually do not even realize are there, until someone else points them out to us.

Finally, when I evaluate students' essays, I focus on their arguments, not their conclusions. I tell them I care little about what side they finally take on an issue; what I really care about are the arguments they use to support their conclusions. It is like using a calculator: The calculator will give you the correct answer; but if you do not understand how the math got to the answer, then you will

not know why the answer is correct. I want students to show me their work by explaining as explicitly as possible in their essays how and why they reached their conclusions. If I were to ask them, “Why do you think that answer is correct?” and they were to reply, “Because you said so,” then that is not the answer I was looking for.

Admittedly, it is difficult measuring whether my using CDAP in my classes has helped my students learn the critical thinking skills and intellectual dispositions that are my explicit goals in having them discuss controversial issues with their classmates. Merely asking students whether they felt they had acquired these skills and dispositions, and then trusting the validity of their self-reported responses, would not withstand methodological scrutiny. But the closest thing I could think of to see whether they at least understood what I was trying to teach them, regardless of whether I succeeded in doing so, was to ask them what they thought I was trying to teach them in the class, so I created an anonymous poll using an online educational polling platform (i.e., Socrative PRO), in which I asked my students that question specifically.

The poll, which was purely voluntary and administered online near the end of the term, received eight responses out of the fifteen students in the class. Respondents could choose up to three answer choices out of six possible answers. Below were the six answer choices, followed by the percentage of respondents who chose that answer:

- A. Prof. Chen was trying to teach us how to think about our own position (on issues) more critically. [26%]
- B. Prof. Chen was trying to teach us how to find weaknesses in others’ positions (on issues). [17 %]
- C. Prof. Chen was trying to teach us how to, regardless of our own position (on an issue), assess the validity of arguments for and/or against a position (on that issue) [35%]
- D. Prof. Chen was trying to persuade us to agree with his positions (on issues). [0%]
- E. Prof. Chen was trying to teach us how to make better arguments. [22%]
- F. Prof. Chen was trying to impose his own views (about law and morality) on us. [0%]

Note that answer choices D and F were basically different formulations of the same point, that I wanted students to adopt my own position or views. Because respondents could choose up to three answer choices, they did not have to limit themselves to only one of these. I was gratified to see that none of the eight students chose either answers D or F. In my view, this showed that the students did understand what my pedagogical objectives were, and furthermore, none of them

felt that they were compelled to adopt my own views or positions on the issues we discussed.

Based on my having taught college students for over 20 years, I know that most of them find it difficult to think outside of their perspectival boxes. Indeed, realizing that we are even inside a box of our own perspectives and biases is difficult. Building on a metaphor used by the late writer David Foster Wallace (2005), you would never ask a fish that has spent its entire life in water what water feels like, because it would not know. Indeed, the fish may not even know what you were talking about. But yank the fish out of the water, and then it will know what water feels like! The fish will finally see its *reality* apart from being in it. We see things more clearly only after we realize that we can see things differently; indeed, we may not even be conscious of what we see until we see it differently from a new perspective. Again, “Contrast is the mother of clarity” (Guinness 2019).

Teaching students to think about controversial issues based, not on their biases or emotions, but rather on their critical evaluation of the competing pros and cons on each side of an issue, will hopefully make them more circumspect and humble, when they can appreciate the strengths in the opposing side and the weaknesses in their own. The goal of learning how to evaluate arguments on both sides of an issue, without being influenced by our personal biases, is not only to learn how to critique positions that we reject, but eventually to also critique our own positions and thinking. Learning to see things from perspectives other than our own is the first step to understanding and appreciating not only how others view the world, but also how others view us, which we may find uncomfortable.

## **CDAP Case Study: Legalizing Polygamy**

In this third main section of the paper, I provide a case study of implementing CDAP while using the legalization of polygamy as a discussion topic. I have used this particular topic with three different groups of students so far, all of them in advanced seminars with enrollments of twelve to fifteen students. Although working with a smaller group of students is more conducive to building trust and a sense of community, again I do not think larger groups necessarily pose insurmountable obstacles to using CDAP.

### **Why Polygamy?**

Using CDAP involves discussing issues on which people disagree. When I first introduced the topic of polygamy for discussion after the U.S. Supreme Court’s 2015 ruling legalizing same-sex marriage, I was fairly confident that the vast majority of students, if not all of them, would oppose legalizing polygamy. In

that sense, the issue was not initially controversial at all among my students because they unanimously opposed it. In contrast, they also unanimously supported the Court's ruling in 2015 that legalized same-sex marriage for the entire United States. They saw nothing inconsistent about opposing the legalization of polygamy while endorsing the legalization of same-sex marriage.

A few students asked in class why we were even discussing that issue since, in their mind, the idea of legalizing polygamy was ridiculous, because there was very little public support and no large-scale political mobilization for it, unlike for same-sex marriage. Further, all the students in my advanced seminar viewed polygamy as a morally corrupt social practice. Their attitude matched recent polls showing that most people across all demographic and political affiliations view polygamy as "morally unacceptable." However, for almost 20 years Gallup has recorded gradually increasing rates of support in the United States for polygamy as being "morally acceptable," from seven percent in 2003 to 20 percent in 2020 (Newport, 2020). This issue may be undergoing a process that Diane Hess calls "tipping," which Zimmerman and Robertson (2017), citing Hess, describe as

[A] situation where a question previously regarded as closed is in the process of coming to be publicly regarded as open, or vice versa. Hess offers women's suffrage as an example of a question once regarded as open that is now closed. Legal marriage between gay and lesbian partners, once regarded as closed (they should not be allowed to marry) has become open and is tipping toward becoming closed again, although with the opposite conclusion (they should be allowed to legally marry, as the Supreme Court has recently decreed). In such cases, whether or not the question is truly controversial (on all criteria) may itself be controversial, even if it's clear that some public disagreement continues. On each side there are likely those who hold that the question has a clear right answer on moral grounds, and is therefore closed. (pp. 55-56)

If the legalization of polygamy were to gain momentum as a political movement, I suspect it would quickly become a controversial issue in the United States in much the same way that same-sex marriage had quickly become a controversial issue.

My main purpose in choosing polygamy as a discussion topic was not to change students' positions on the legalization of polygamy, but to teach them to critically analyze the arguments for and against it apart from their own pre-existing biases. I wanted to see if they could at least recognize the legal arguments in its favor, while distancing themselves from their originally unreflective rejection of it. But even beyond acquiring critical thinking skills and the disposition of respectful disagreement that are essential to democratic deliberation, I wanted to foster in my

students a disposition of open-mindedness to opposing views, trust in the mutual integrity of those with whom they disagreed (namely polygamists), and even empathy for them in seeing that they wanted what we also wanted—the legal right to engage in their pursuit of happiness—even though we may disagree with what they were pursuing.

### **CDAP and Polygamy**

To recap, the CDAP teaching practices that I implemented when discussing legalization of polygamy included the following: (1) establishing trust and a sense of community among the students to encourage open and honest sharing; (2) treating all viewpoints raised in class respectfully, and having students, regardless of their own position, brainstorm together the pro and con arguments on both sides of the issue being discussed; and (3) assigning homework to reinforce students' grasp of both sides of the issue by having them practice articulating the pros and cons to both sides of an issue.

Regarding building trust and a sense of community, nearly all the students in these advanced seminars had taken at least two other classes with me, as there is a two-course prerequisite to enroll in these seminars. A few students in each seminar had even taken three or four classes from me previously. Because of the students' history with me, not only were they familiar with my use of CDAP in my courses, but they also already knew many of the other students because they had also taken classes with me previously. Further, because all of them shared the same position on the issue of polygamy, I sensed no hesitation or embarrassment from anyone who spoke out against it in class. And, as usual, I played the recording of my ground rules for respectful discussion on the first day of class, which reinforced my usual policy of encouraging open inquiry, honest engagement, and respect for all viewpoints. These circumstances helped to create an environment conducive to honest and open sharing. As I stated earlier, a few students even felt comfortable enough to ask me in class why we were even studying polygamy, given its moral disapproval in the United States.

Given the students' unanimous opposition to legalizing polygamy, I thought two teaching practices that would be most productive for this topic would be (1) collective brainstorming and (2) ganging-up on the professor (discussed below). Although I had assigned students to read a few online articles talking about legal arguments in favor of legalizing polygamy, most students seemed uninterested in reciting them in class, even for the sake of argument. So, I resorted to having students gang-up on me as I recited the pro-polygamy arguments, and they recited the con-polygamy arguments, all of which I wrote on the board. As always, I explained that their homework would require that they marshal arguments on both sides of the issue, regardless of which position they defended in their essay.

Below are the arguments the students came up with in opposition to legalizing polygamy:

- (1) polygamy has always been illegal in every state in the United States;
- (2) marriage has always been between two persons only; marrying any more than two persons is not a legally valid marriage;
- (3) if polygamy were practiced on a large enough scale, it may make it harder for single persons to find marriage partners, which could have negative sociological impact;
- (4) polygamous marriages are harmful to the children and unhealthy for the adults (specifically, women) involved;
- (5) the love or relationship between 3 persons is not qualitatively the same as the love or relationship between 2 persons;
- (6) legalizing polygamy will complicate marriage laws and the administration of wills and trusts, not to mention complicating the logistics of divorce law (e.g., child custody, division of property);
- (7) most Americans view polygamy as morally unacceptable.

One more con-polygamy argument was that polygamy is patriarchal and promotes sexual inequality. However, I explained to students that, if polygamy were ever legalized in the United States, the law would grant the right to marry more than one person to all persons—men, women, and non-binary—and not just to men.<sup>iii</sup>

The counter-arguments to the above objections are as follows:

- (1) same-sex marriage was also illegal in many states before the U.S. Supreme Court's 2015 ruling legalizing it;
- (2) like same-sex marriage, legal marriage had always been between a heterosexual couple; the only difference between polygamy and couple-based marriage is the number of persons;
- (3) as proponents of same-sex marriage argued, the impact that same-sex marriage would have on overall marriage rates would be negligible because there would be relatively few of them;
- (4) the same thing was said about same-sex marriage, but there was little empirical evidence of the harm complained: the counter-argument is that there is empirical and historical evidence of such harm from polygamy, to which the rebuttal is that children and spouses are also harmed in some traditional marriages, but that does not legally prevent people from getting married;
- (5) the same thing was said about same-sex marriage, comparing gay couples to straight couples, and that view was rejected as bigoted;
- (6) the same thing was said about same-sex marriage: the counter-argument was that the laws would work themselves out eventually;



- (7) the same thing was said about same-sex marriage, but polls now show that a majority of adults find same-sex marriage morally acceptable, which could also happen to polygamy, if it were ever legalized.

Some of the key affirmative arguments in favor of legalizing polygamy included the following:

- (1) polygamy, like traditional marriage, has been practiced in many cultures for millennia;
- (2) polygamy has been legal in many countries outside the United States
- (3) similar to same-sex marriage, polygamy supports the idea of choosing whom you marry;
- (4) in cultures that practice polygamy, many wives/spouses find that arrangement beneficial;
- (5) given no-fault divorce laws, polygamy may differ little from serial monogamy, and may in some cases even be considered better in terms of maintaining social relations within families.

Regarding the homework assignment, which required students to assume they were judges who had to write a legal opinion either upholding or rejecting the legality of polygamy, I will discuss that below as I share about what I learned from the students' performance on their essays.

### **What Did I Learn?**

When I read the essays in the first two seminars in which I taught polygamy, not a single student had taken the position to legalize polygamy in their essays. Even though I always require students to write on both sides of an issue, instructing them to make the strongest case they could for each side, I found most of the students' pro-polygamy opinions weak and unpersuasive. As always, I give students a word limit on these essays, so they cannot simply write however much they want in both opinions. I do not, however, dictate how many words they devote to writing each opinion, so students decide for themselves how much to write on each opinion. Naturally, the shorter an opinion, the less developed, and usually weaker, its argument. For the most part, students largely neglected developing their pro-polygamy opinions, even though we had reviewed in class together most of the pro-polygamy arguments that they could have used.

What these essays showed me was that most of the students in the advanced seminars, even though they had taken a number of classes with me, still had not yet learned to personally distance themselves from the issues about which I had them write. In my law classes, this tends to work against students' grades, because I do my best to present both sides of an issue as equally strong. So, when students on their homework present a lop-sided view of an issue, it is usually because they neglected to include arguments for the other side, even though we covered them in

class, and even though one of my instructions, and hence part of the grading rubric, is to consider weaknesses in the position that they take in the essay.

Again, my point in using this topic for CDAP was not to suggest that polygamy should be legalized or to make students change their position on that issue. My point was to help them recognize that, like everyone else, they had their biases, and that they saw nothing wrong with how those biases influenced their attitudes toward certain groups of people. In their view, polygamy was a morally unacceptable and legally invalid form of marriage that potentially harmed women and children, which they naturally opposed. Supporters of legalizing polygamy were trying to change marriage laws to acquire something to which they were not entitled, namely more than one spouse. In my students' minds, everyone should be satisfied with a single spouse, which the law already permits them to marry.

Although the students unanimously supported same-sex marriage, they were, in effect, defending the new *status quo* of marriage law as between gay and straight couples only, against an innovation they abhorred because they saw it as harmful to society. One student, without my prompting, at some point in the discussion, pointed out that they were marshaling against the legalization of polygamy many of the same arguments that defenders of traditional marriage had marshaled against legalizing same-sex marriage, which had failed to prevent same-sex marriage from being legalized. But I am not sure whether the other students could grasp the significance of that—namely, that they, by opposing polygamy, were now in the same position that opponents of same-sex marriage had previously occupied. Their position now occupied the mainstream or dominant view in society, which they sought to defend against challengers whom they saw as deviants to the mainstream practice of binary marriage.

From my experiences using polygamy as a discussion topic, I cannot say definitively that it has been measurably successful in helping students recognize their own biases and empathize with others with whom they disagree. Instead, my experience seems to show just how difficult it is for us to see beyond our own biases, even when someone is able to explicitly point them out to us. Perhaps trying to teach empathy to students by using the issue of polygamy was a bridge too far for them to even sympathize with, let alone see themselves as the persecutors of, a historically marginalized group. Granted, it is difficult for any of us to overcome our natural bias to view negatively those with whom we disagree, especially if we think their behavior is harmful to others. Despite these difficulties, I still intend to use CDAP in my courses, hoping that some of my students, even if not most, will learn to see others as they see themselves. Even if they do not learn this in my class, I hope that they will learn it on their own at some point in their lives.

## What Next?

The next time I use the issue of polygamy, I may explicitly tell students what my ultimate goal is in having them discuss that issue: that is, using CDAP not only to learn deliberative and argumentative skills, but also, and more importantly, to become more self-aware of their own biases, so that they can see how they, too, are influenced by the same ways of thinking that they criticize their opponents for thinking. The downside to making my pedagogical goals explicit is that some students may consciously reject them. They may wish to continue vilifying their enemies, rather than sympathize, let alone empathize, with them, or try to see things from their perspectives.

I may also rewrite the essay prompt so as to involve a fictional polygamous family as the plaintiff seeking to establish their legal rights. I enjoy creating essay scenarios that pull students in different directions to see how they will respond. In the essays for my law classes, I often create sympathetic villains and unsympathetic heroes to see if students are willing to follow the law to rule for or against them, rather than disregard and rule based on their personal like or dislike for the character. In these scenarios, students are tempted to go against their emotional or gut-level inclination to favor one side or the other, and instead analyze the scenario more critically based on the law, because the position that they naturally want to side with has legal problems with it. All students have the same legal rules, and I like to see how skilled they are at using both sides' arguments to write a balanced legal opinion.

So far, I have had students discuss polygamy only as an abstract legal concept, defending or attacking it based on legal rules alone. Perhaps if I showed them videos or had them read articles portraying polygamists in a positive light, students might sympathize more with their cause. However, I do not want students to base their sympathy on their emotional attachment to such persons. Otherwise, they would support polygamy for the same reasons they support other causes that they care about and not because they understand that that position may also have legal validity, even though it is contrary to their personal wishes.

As our society changes, we have tended to become inclusive of more groups, which has been positive for increasing equal treatment to more members of society. In recent decades, LGBTQ persons have become mainstreamed into society. Sex-workers (formerly called prostitutes and hookers) are now slowly becoming viewed as legitimate members of the labor force. In the future, I may have my students discuss the plight of *minor-attracted adults/persons* (a.k.a. pedophiles). I realize that many readers may question, and even find morally offensive, the notion of humanizing some of these groups. I urge those readers to read the Conclusion.

## Conclusion: Learning from Our Biases

My use of CDAP confirms what I have learned from many years of teaching, that instructors cannot always control the direction or outcome of a discussion, or always teach our students as effectively as we want, or always teach them everything that we want. We can only remain open to the discussion as it happens and do our best to guide it to where we think it will be pedagogically productive for our students and for the purpose of the course.

There is no guaranteed way of making my students learn what I hope to teach them. They may be unable to learn something, through no fault of their own, because they are not yet ready to learn—for social, psychological, intellectual, or other reasons—because their time has not yet come to learn what I am trying to teach at that moment.

While using CDAP can be risky in that we cannot control the outcomes of these controversial discussions, I believe it is a worthwhile pedagogy that provides potentially high returns in light of its risks. Engaging in difficult conversations in a respectful and rational manner encourages us to develop deliberative skills and dispositions: e.g., distancing ourselves personally and emotionally from the issues being discussed so that we do not feel threatened by questions; not prejudging speakers based on their appearance or political affiliation, but focusing instead on the merits of their arguments; carefully listening to others without jumping to conclusions based on the worst interpretation of what we hear spoken; listening to those who think differently from us to understand them, rather than to rebut them, and possibly to learn something new. These are some of the key intellectual skills and dispositions that accompany the ability to think critically, rather than follow “the habitual beliefs and knee-jerk reactions that characterize less careful and circumspect thinkers” (McTighe & Silver, 2020, p. 100).

A student of mine once claimed that, because he had taken many courses on a particular subject, he therefore was not biased on that subject. My immediate response was a visible look of puzzlement, prompting him to rephrase what he had just said. He recognized immediately that one could be extremely knowledgeable about a subject and still have biases about it. But might we instructors be thinking as that student? Might we think that, by having studied our subject area for so long, we no longer have biases about our areas of expertise that require us to examine our own positions? This sounds similar to the Zimmerman fallacy: the belief that “if everyone fully discussed a controversial issue, unencumbered by cant and propaganda [i.e., their biases], they would agree with me!” (Zimmerman & Robertson, 2017, p. 97).

Lest we become over-confident in our own views, it is good for us all to be reminded occasionally that what we think could be wrong. It is also rational for us to think that we are more likely to be wrong about those topics in which we feel

personally invested, which tend to be either things that we care deeply about or things that we know much about, like those subject areas involved in our professional commitments. Because we teachers have our own biases, if we are not cognizant of them, then not only are we no different from our students, but we may also be even worse than they are, because as their teachers, we ought to know better. We should question ourselves if we think in every case that our biases are better than theirs. With a warning directed at teachers, Zimmerman and Robertson (2017) state:

A basic tenet of democracy is that people of equal knowledge and reason can and sometimes do reason to different conclusions from the same set of facts. People who do not accept this democratic premise are more likely to impose their own views on students, and could scarcely succeed in teaching students how to engage each other in respectful and productive discussion of controversial public questions” (pp. 97-98).

If we come across in our classes as a know-it-all, showing disdain toward certain viewpoints or positions rather than treating them respectfully, not only will students pick up on our demeanor, but even worse, they may also think it is acceptable to copy us.

Zimmerman and Robertson (2017) conclude that “‘Controversial issues can be taught effectively...if the community will have faith in its teachers.’ *That is still the real issue, when it comes to teaching controversial issues in American schools*” (p. 99). As inherently biased persons, we ought to recognize that, at least sometimes, how others view us may be more accurate than how we view ourselves. If we are to remain teachable, as we would like our students to be, then we should always be open to this possibility. I must recognize that I would be the last person I should ever trust to give myself an honest assessment of my strengths, and especially of my flaws and shortcomings.

I concur with Zimmerman and Robertson that discussing controversial topics among students in class, and ultimately engaging in democratic deliberation among members of society, boils down to a matter of trust: trust not just in our teachers, but in others, and less in ourselves, and less in our own views and biases. On my office door hangs a poster that reads: “We don’t have to believe everything we think—and we probably shouldn’t!” Social trust requires that members of society have some minimum level of the disposition of mutual integrity, the belief that everyone, everywhere—including those with whom we disagree vehemently—desires to do what they think is good, just, fair, and right, just as we do.

Debating and discussing controversial topics gives us opportunities to see things differently through the eyes of others, and opens ourselves to change based

on our desire to understand how things really are, rather than just what they seem to be to us. To be willing to discuss with others controversial topics, in which we sincerely listen to others' views about things that we hold dear and believe that different perspectives help us to see the world more completely, is to open ourselves to truth—truth about the world, about others, and, perhaps most importantly, about ourselves. I can only hope as a teacher that when we are able to see ourselves in others, then we will begin to see ourselves more fully.

## References

- Bostock v. Clayton County*, 590 U.S. 644 (2020).
- Chen, P. (n.d.). *One person's controversy is another person's curriculum*. 2022-2023 Innovative Teaching Showcase: Difficult Conversations. <https://cii.wvu.edu/showcase2022/chen/index.shtml>
- Civil Rights Act, 42 U.S.C. § 2000d et seq. (1964).
- Denzin, N. K., Lincoln, Y. S., Giardina, M. D., & Cannella, G. S. (2023). *The SAGE handbook of qualitative research*. (6<sup>th</sup> ed.) Newbury, CA: SAGE Publications.
- Ellis, C., Adams, T. E., & Bochner, A. P. (2011). Autoethnography: An overview. *Forum: Qualitative Social Research*, 12(1). Retrieved from [https://www.qualitative-research.net/index.php/fqs/article/download/1589/3095?inline=1#footnote\\_1](https://www.qualitative-research.net/index.php/fqs/article/download/1589/3095?inline=1#footnote_1)
- Guinness, O. (2019). *Carpe diem redeemed: Seizing the day, discerning the times*. Downers Grove, IL: InterVarsity Press.
- Haidt, J. (May 2022). Why the past 10 years of American life have been uniquely stupid. *The Atlantic*. Retrieved from <https://www.theatlantic.com/magazine/archive/2022/05/social-media-democracy-trust-babel/629369/>
- Herrmann, A. F., & Adams, T. E. (2022). Autoethnography and the “So what?” question. *Journal of autoethnography*, (3)1, 1-3.

- Hess, D. (2009). *Controversy in the classroom: The democratic power of discussion*. New York, NY: Routledge.
- Jones, S. H., & Adams, T. E. (2023). Autoethnography as becoming-with. In Denzin, N. K, Lincoln, Y. S., Giardina, M. D., & Cannella, G. S. (Eds.), *The SAGE handbook of qualitative research*, 421-435.
- McTighe, J., & Silver, H. F. (2020). *Teaching for deeper learning: Tools to engage students in meaning making*. Alexandria, VA: ASCD.
- Newport, F. (2020, June 26). Understanding the increase in moral acceptability of polygamy. Gallup. Retrieved from <https://news.gallup.com/opinion/polling-matters/313112/understanding-increase-moral-acceptability-polygamy.aspx>
- News Literacy Project. (n.d.). This apple is not an orange! And other false equivalences. Retrieved from <https://newslit.org/tips-tools/news-lit-tip-false-equivalence/>
- Palmer, P. J. (1998). *The courage to teach: Exploring the inner landscape of a teacher's life*. San Francisco, CA: Josey-Bass Publishers.
- Popper, K. R. (2020). *The open society and its enemies*. Princeton, NJ: Princeton University Press.
- Preskill, S., & Brookfield, S. (1999). *Discussion as a way of teaching: Tools and techniques for university teachers*. Buckingham, UK: Open University Press.
- Preskill, S., & Brookfield, S. (2005). *Discussion as a way of teaching: Tools and techniques for democratic classrooms*. San Francisco, CA: Josey-Bass.
- Roe v. Wade*, 410 U.S. 113 (1973).
- Schkade, D., Sunstein, C. R., & Hastie, R. (2006). What happened on deliberation day? John M. Olin Program in Law and Economics Working Paper No. 298. Retrieved from [https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1618&context=law\\_and\\_economics](https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1618&context=law_and_economics)

TEDx Talks. (2017, December 8). *TEDxNaperville – Daryl Davis - Why I, as a black man, attend KKK rallies* [Video]. YouTube.

<https://youtu.be/ORp3q1Oaezw?feature=shared>

Wallace, D. F. (2005). This is water [Speech transcript]. Retrieved from

<http://bulletin-archive.kenyon.edu/x4280.html>

Zimmerman, J., and Robertson, E. (2017). *The case for contention: Teaching controversial issues in American schools*. Chicago, IL: University of Chicago Press.



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## Notes

<sup>i</sup> See also Preskill and Brookfield's award-winning book, *Discussion as A Way of Teaching: Tools and Techniques for University Teachers* (1999). Notably, Preskill and Brookfield highlight both of the points just made by renaming the subtitle of their book to *Tools and Techniques for Democratic Classrooms* (2005).

<sup>ii</sup> This section of the paper incorporates materials by the author that appeared in an online [showcase](#) at Western Washington University that spotlighted innovative teaching on using difficult conversations in the classroom.

<sup>iii</sup> If the law only granted cis-gender men, who have historically practiced polygamy in various cultures, the right to marry more than one woman, then the law would run afoul of the U.S. Constitution's Equal Protection Clauses, which prohibits discrimination (i.e., unequal treatment) based on, among other things, sex.

Recently, in *Bostock v. Clayton County* (2020), the U.S. Supreme Court recognized that the word "sex" in the Civil Rights Act (1964) includes sexual orientation, therefore if polygamy were ever legalized, then both straight and gay persons would be able to practice it.