

**Relating to Strangers?
The educative effects of everyday democracy.**

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ABSTRACT

In her 2004 book *Talking to Strangers*, Danielle Allen argues that habits of everyday interaction comprise the ‘real meat’ of democratic citizenship. Emphasizing the importance of relations of trust between strangers to the democratic process, Allen challenges us to learn habits of political friendship. The educative effects of face to face collective decision making processes have become one important normative justification for a commitment to participatory and deliberative principles of democratic practice. In this paper, I ask how might participatory deliberative processes build the competencies needed for everyday interactions with strangers? In an effort to create productive engagement between normative political theory and empirical social science, I explore this question empirically. To do so I focus on the community mediation process, where citizens meet face to face in the presence of volunteer mediators to manage their everyday conflicts. Through observation and interviews at two community mediation organizations I examine the breakdowns in relations between neighbours as they are played out before, during, and after mediation. I find that in a minority of cases the process builds minimal levels of trust and empathy necessary to improve the quality of participants’ relationships along the lines that Allen envisions. In most cases however, parties use the process to establish patterns of peaceful avoidance characterized by mistrust and mutual indifference. Rather than see this a failure of participatory deliberative processes in general, or community mediation specifically, I begin to provide a normative defence of peaceful avoidance which calls into question the ideal of political friendship.

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*He only says, 'Good fences make good neighbours'.
Spring is the mischief in me, and I wonder
If I could put a notion in his head:
'Why do they make good neighbours? Isn't it
Where there are cows?
But here there are no cows.
Before I built a wall I'd ask to know
What I was walling in or walling out,
And to whom I was like to give offence.*

Robert Frost, Mending Wall

Neighbour

1. *A person who lives near another; one whose abode is not far off.*
2. *One who is near in sympathy or confidence.*

Webster's Revised Unabridged Dictionary

Democratic Talk and Relational Elements of Democratic Citizenship

In her 2004 book *Talking to Strangers*, Danielle Allen argues that habits of everyday interaction comprise the 'real meat' of democratic citizenship¹. Emphasizing the importance of relations of trust between strangers to the democratic process, Allen challenges us to learn habits of political friendship. Taking the Little Rock school desegregation conflict as her starting point, Allen argues that the US is still in search of the habits of citizenship that correspond to post-1954 conditions. She argues that everyday habits more so than institutional practices like voting are the main stuff of citizenship and points to the patterns of dominance and acquiescence that characterized US citizenship during the pre-civil rights era. She argues that new habits of citizenship are required to replace these old unjust modes. Although Allen's concerns are focused on the US context, her general argument about the features of democratic life are broadly applicable.

Allen suggests that a key feature of democratic life is loss and sacrifice and that this is obscured by theories of democracy that emphasize agreement and consensus. Democracy is as much (if not more) about distributing losses fairly as it is about producing lasting, stable agreements. She argues that trust is absolutely central to the capacity of a democratic society to manage the psychological impacts of loss and points out how current habits limit our ability to cultivate this trust by teaching us "don't talk to strangers". Allen traces our "bad habits" through the emphasis placed by Hobbes and the social contract tradition on oneness of the polity, arguing instead that we try to achieve wholeness- an orientation that accepts unanimity is not possible but seeks to keep the polity whole even in spite of inevitable disagreements. She also argues that Habermas' idealization of unanimity is representative of the contemporary orientation that shields from view the centrality of loss and sacrifice in democracy. Both Hobbes and Habermas she argues are insufficiently attentive to the problem of trust production in democracy and are too dismissive of the positive role played by rhetoric in contributing to this task. Therefore Allen focuses on the potential for a particular

¹ Danielle Allen, *Talking to Strangers: Anxieties of Citizenship Since Brown v. Board of Education*. (Chicago: University of Chicago Press, 2004).

approach to democratic talk, one that encourages speakers and listeners to cultivate trust through rhetorical techniques, to establish the relationships between citizens she believes are desirable.

Allen suggests that the habits she described can be compared to the features and functions of “strong democratic talk” as conceptualized by Benjamin Barber in *Strong Democracy*². Barber places democratic talk at the heart of his argument for participatory democracy. Like Allen he seeks to rescue a place for forms of democratic talk that emphasize both speaking and listening and make space for both cognitive and affective forms of expression. Strong democratic talk according to Barber enables citizens to explore mutuality and establish affiliation and affection³. Both theorists envision an ideal relation between citizens that models the positive features of friendship such as trust, empathy, and reciprocity while avoiding their parochializing force by suggesting their ideal of political friendship can be sustained by weaker bonds of affection than those found in genuine friendships. In this paper, I explore these claims empirically by examining the kinds of relationships citizens establish through one real world example of democratic talk.

Community Mediation: A Case of Democratic Talk

To do so I look at the community mediation process, where citizens meet face to face in the presence of volunteer mediators to manage their everyday conflicts. Through observation and interviews at two community mediation organizations I examine the breakdowns in relations between neighbours as they are played out before, during, and after mediation. Community dispute resolution organizations (CDRs) are non-profit agencies that offer free conflict resolution services, especially mediation (often called community mediation), to address citizen disputes. Usually, their services are offered by trained volunteers while the organizations themselves are run by paid staff. Since the 1970s, the number of such organizations in North America is estimated to have grown from under 10 to over 550.⁴ Community mediation applies participatory deliberative principles to micro-level disputes among small numbers of (usually two) citizens. In short, it is a real world example of citizens engaging in “strong democratic talk” where relationships are often at the forefront of the concerns addressed and is therefore well suited to provide insights about the relational elements of democratic citizenship outlined above.

I draw on data collected from two well established CDRs in Toronto that operate independently of the courts, espouse educative, participatory goals, and use a “transformative approach” to mediation in their practice. The data I present in this paper are from post process interviews with mediation participants (n = 33) and observation of a small number of mediation cases (n⁵ = 4). I conducted interviews within 1 year of the conclusion of mediation which lasted between 30 minutes and 3 hours and 75 minutes on average⁶. Although my research suggests that family and intimate conflicts are just as common in community mediation, in this paper I focus only on those cases that involved neighbour disputes because these are most relevant to my concerns here. I find that in a minority of cases the process builds minimal levels of trust and empathy necessary to improve the quality of participants’ relationships along the lines that theorists like Allen and Barber envision. In most cases however, I find that parties use the process to establish patterns of peaceful avoidance characterized

² Benjamin R. Barber, *Strong Democracy: Participatory Politics for a New Age*. (Berkeley: University of California Press, 1984).

³ Barber 1984, pp. 182-190.

⁴ National Association for Community Mediation, <http://www.nafcm.org/pg5.cfm#top>

⁵ Two mediation cases involving a total of four participants (two each) were observed.

⁶ See Table 1 at the end of the paper for a list of the interview and observation participants and a brief description of their conflicts (all names are pseudonyms to respect the confidentiality of participants).

by mistrust and mutual indifference. Below I present vignettes of two cases from my research that exemplify these two different relational outcomes in order to describe their basic features and explore their relative normative appeal.

Jeremy and the Woods⁷

Jeremy awoke one morning at 5am to the sounds of loud explosions coming from the valley behind his home. A large fire had broken out in the scrap yard located there in the small industrial area adjacent to the residential neighbourhood he'd lived almost his entire life. Jeremy and his wife evacuated that morning at the behest of fire crews who told them they could lose their home. By that afternoon the fire was under control and they were able to return, but when the scrap yard was back operating business as usual first thing the next morning Jeremy was furious. Over the years the yard had often been a nuisance, because of its appearance and the excessive noise it produced. Neighbours had complained many times to no avail but this time Jeremy decided things had gone too far with the fire. He was determined to get the scrap yard shut down.

Jeremy started contacting local political officials and administrators to find out how he and his neighbours could get the scrap yard shut down. Through his research he learned that the yard closest to his property had come under new ownership and was being run by father and son business partners. A city official he spoke to told him about community mediation and said that the owners of the yard, Frank and Donny Wood, would probably be willing to talk to him about his concerns. Since it was becoming clear to him that it was going to be nearly impossible to have the yard shut down Jeremy contacted the community mediation service.

By the time the mediation occurred almost six months later, between Frank, Donny, Jeremy and another neighbour Eddy, Jeremy had met Frank and Donny once previously at a public meeting where he had protested their proposal to build a fence around their yard. They rehashed this topic during the mediation and confirmed that they were both in general support of a fence but Jeremy pressed his view that it must be constructed appropriately to reduce the reverberation of noise that might cause more disturbance to he and his neighbours. Though the fence plans took up much of the discussion, other topics such as safe work habits in the yard, noise and light pollution were also discussed. They made no written agreement but Jeremy had agreed to talk with city officials about helping to fund a noise study that Frank and Donny had been ordered to do by the permits office before going forward with construction of the fence. Frank and Donny agreed to work with Jeremy and his neighbours on their concerns about the placement of the fence, noise and light pollution.

Since the mediation Jeremy feels more comfortable dealing directly with Frank and Donny. Two months after the mediation Jeremy and his wife visited the scrap yard at the Woods' invitation and identified the sources of the specific noises that they find most distressing while Donny made note. They have been emailing about the bylaws that govern hours of operation as Jeremy is still being awoken on Saturdays by loud crashing noises at 7am. Donny agreed to delay the start of work until after 8am while they both continue to look into the specific by laws governing the scarp yard's allowable hours of operation. Recently Donny sent Jeremy an email of apology after a particularly loud incident at the scrap yard while Jeremy had been on vacation that had prompted other residents to call the police.

⁷ All names have been changed to respect participant confidentiality. This case is entirely based on my interview with Jeremy. Unfortunately I was not able to interview Frank or Donny Wood or Eddy who are also described in the case.

About this Jeremy said:

I thought that was nice of him to send an email ... I don't think that would have happened before the mediation, that was a direct result of him meeting with me and with, with my neighbour down the street, and him realizing like ok, I better, you know, I better at least send them ah, you know this is why it happened, you know apologize and say sorry, that, that's fine. That, that goes a long way.

He admits the actual mediation process may not have been necessary and that he could have talked directly with Frank and Donny about his concerns all along, but he insists that the area where the scrap yard is located is a threatening place to visit and says that he feared that the conversation might escalate unproductively without the structure of the mediation process. Overall he feels the mediation process provided a "safe" environment for he and Frank and Donny to establish communication. Before that they really had been complete strangers to each other, and now, having met in person and exchanged perspectives both appear more willing to consider each other's interests.

Establishing "Friendship" in the Neighbourhood

Several features of this case fit a particular conception of the ideal relationship outcome from face to face deliberation. Jeremy describes how his attitude softened and how he became more able to see the legitimate perspective of the other side. This has influenced his behaviour making it possible to maintain communication with Frank and Donny and causing him to have more patience and ability to tolerate the noise coming from the scrap yard. Through the mediation process a relationship has been built where one didn't exist before between Jeremy and the Woods and although they are very limited and tenuous, it is characterized by trust and empathy.

Trust

There are indications that a weak sense of trust has been established between Jeremy and the Woods. One indicator of this is that despite what is typical of the mediation process, neither party wanted to produce a written agreement and they are instead relying on verbal commitments to follow up, remain in contact, and consider each other's perspectives in future decisions. As in Allen's ideal of ethical friendship (drawn from Aristotle), both are content to keep the balance sheet of the relationship informal and are willing to believe that as they perform favours so too will the other party return these in a loose agreement to respect the norm of reciprocity. As Allen has pointed out this approach requires some basic trust between individuals to be assured that one's sacrifices will be recognized and reciprocated over time. Though it hardly requires bonds of sincere affection it suggests a level of trust beyond a utility friendship based on immediate reciprocal exchange or legal friendship where obligations are documented and enforceable.

Yet in this case any such trust is limited, provisional, and tentative and while Jeremy trusts the Woods enough that he has given them the benefit of the doubt for now and sent a message to the neighbourhood calling for patience rather than trying to rally further opposition to the scrap yard as he did in the past, he is still communicating with political officials to find out what additional recourse he will have if the noise problem is not resolved once the new fence is finally constructed. The Woods continue to pursue their plans to build a tall fence around their yard and while it has the potential to dampen the noise, their main motivation for wanting it built is likely more related to the

limited trust they have in Jeremy and their other neighbours. Although no charges have been pressed, Jeremy learned in the mediation that the Woods believe that the fire was caused by an arsonist and they are putting up fences and lights to keep people out. Jeremy also suspects that the fence is a legitimate response to the complaints of he and his neighbours, acknowledging that the Woods do not trust them enough to continue to give them a full view of the work going on in the scrap yard.

And they're aware that you know we're kind of watching a little, which is part in why they probably want the 25 foot fence up ... which I understand, I wouldn't want somebody watching me, you know while I was working all the time, that's, you know, I, I totally understand that.

Empathy

There are also indications that the exchange in mediation has helped both parties to develop empathy for each other and to form more favourable perceptions of each other's motives.

I think they're less angry at the residents and understand that you know, we're not, a lynch mob ready to drive them out and you know, and I realize that they're not out to just, piss us off at any cost, so I think, I think that's probably um, probably a good thing.

While each has made minor accommodations, Jeremy agreeing to tolerate the noise with little complaint in the hopes that the fence will eventually improve the problem and Frank and Donny agreeing to delay the start of their work day on Saturdays while they seek out information about the bylaws, neither is particularly willing to sacrifice in order to accommodate the other. Jeremy's description gives the sense that Donny will start work earlier if he learns he is legally entitled too, even though it will continue to disturb Jeremy. Jeremy will pursue other means to force Frank and Donny to address his concerns even if that places limits on their ability to run their business successfully.

Even though I know them a little bit now, I don't, hate their guts, it's kind of like well, I don't know, I really don't want to hear that all the time.

Each remains firmly wedded to his own interests despite having become more aware of the legitimate standing of the others and this measured empathy seems entirely appropriate to a democratic society that values individual freedom.

Democratic Talk and Political Friendship: A Rare and Tenuous Outcome?

While Jeremy's case should be encouraging for theorists who focus on the potential for democratic talk to build positive relations between citizens as they manage their different interests and work towards collective decisions, the strength of the relationship established with the Woods should not be overblown. Their circumstances and conflicting interests still present much potential for conflict and while the animosity that once posed a threat to each other's physical and psychological safety has been replaced by more measured kinds of interaction, characterized by direct communication, there is no assurance that this tentative "friendship" will endure. Nor should their accomplishments be minimized as their willingness to communicate directly, listen and appreciate the legitimate interests of the other has established the minimal levels of trust and empathy needed to make getting along possible.

While this case is encouraging, others suggest that we should not underestimate how difficult even these limited friendships are to cultivate among strangers in democratic societies. It seems that, although strong emotions were at play prior to the mediation, the fact that Jeremy and the Woods were relative strangers to each other made it easier for them to make the transition to interacting as friendly strangers who take each other's interests into consideration.

I guess it's different too, this was a very civil mediation, there was. You know there, I don't think, nobody raised their voice at all. It was all more of like a discussion, um, and I guess it's a little different when you've got two people who really can't stand one another or two parties that can't stand one another

If the tenuousness of the relationship formed between Jeremy and the Woods gives us pause in our desire to glorify the civic bonds that are formed among citizens through participatory deliberative processes, we should recall that such processes are designed to manage conflict which often breeds animosity and deep mistrust. In fact in the case of community mediation participants far more often come face to face in the process following a series of negative interactions that have significantly damaged their ability to trust or empathize with each other. The potential for democratic talk following a pattern of more destructive interactions is therefore what I turn to next.

Sylvia and Victor⁸

Sylvia and Victor have lived in neighbouring bungalows for about four years ever since Sylvia moved into the house next door to Victor and his family. Both remember their initial exchanges as friendly but limited. Interactions became more strained over time as Victor started talking to Sylvia about several problems he was having at the property line between their two lots.

A previous owner had built a garage on Sylvia's property which necessitated raising the land four feet and building a retaining wall along the property line. By the time Sylvia lived there the retaining wall was deteriorating and pushing against Victor's iron fence. Sylvia parked her car close to the edge of the driveway and Victor believed this was worsening the problem. He also eventually complained to Sylvia that her drain pipe was situated such that water was running off on to his property contributing to the erosion of the retaining wall. Sylvia also had some trees on her lot that overhung onto Victor's yard and dropped leaves that he was having to clean up. Victor spoke to Sylvia about these problems on several occasions. Because he found she was ignoring him he started to leave notes to her on her side of the fence with messages like "good fences make good neighbours" to let her know she should have the retaining wall fixed. When she still did nothing he became so fed up that he started dismantling the retaining wall himself by hand.

Sylvia found Victor's complaints bizarre and did not know what he wanted from her. It seemed to her that he wanted her to pay to have his fence replaced because it was damaged but she did not see how this could be her responsibility. She found it unreasonable that he was blaming her for things that were out of her control for example that trees drop leaves and that water runs downhill. Her encounters with him made her feel uncomfortable and she decided to try to ignore him as much as possible. When he began putting notes on her fence she found them threatening and felt harassed. At one point Sylvia decided to have a survey done to determine where the exact property line was and the surveyor told her that when he came while she was a work, Victor became so

⁸ I interviewed both Sylvia and Victor.

aggressive he had to phone the police. When Victor started digging holes on her side of the property line she phoned the police on several occasions. Victor worked on his cars in the area adjacent to Sylvia's yard and dumped oil on her side of the property. She called the Ministry of the Environment and someone came to tell Victor to stop doing this, but he continued. She had to have her drainpipe bolted down because he kept tampering with it and after paying \$50 to have that done she started finding it plugged up with cans. Sylvia went on vacation and returned to learn from her friends who had been watering her plants that Victor had cut down four trees on her property. She called the police for the fourth time. When the police suggested mediation Sylvia agreed to look into it since they were not doing anything to help her and after everything that had happened in the last year and a half she had no interest in trying to resolve things directly with Victor.

When the mediation centre contacted Victor to see if he was willing to participate he jumped at the chance. He was extremely frustrated that Sylvia would not address any of the concerns he had about the property and that she kept phoning the police. He had been especially shaken by a visit from the police in the middle of the night where he felt they were about ready to draw their guns on him. He was sure Sylvia made up stories about him stalking her and peaking in her bedroom at night to get the police to come intimidate him.

At the mediation they each talked about their concerns and the mediators helped them to write down their agreement. Victor learned that for Sylvia the main problem was that she felt harassed by him and also that she had not seen the problem caused by the deteriorating retaining wall as her responsibility. Sylvia learned that Victor's main problem had to do with the fence and that he would leave her alone if she paid to have a new one built. In the written agreement they signed Sylvia agreed to have the retaining wall fixed and a new fence built within 6 months and to have her remaining trees professionally maintained. Victor agreed to let Sylvia's contractors on his property to do the necessary work, that he would not come onto her property and that any future communication between he and Sylvia would be by mail only.

Since the mediation Sylvia decided to take out a loan to have the fence built sooner than planned. Rather than tell him herself, she paid the contractors extra to notify Victor of the upcoming work in writing and he allowed the construction to go on without incident. Sylvia continues to ignore Victor but says since the mediation he has not tried to speak to her. Victor says that although they are not on talking terms he is happy that they are now respecting each other's property rights and that there is peace between them.

Peaceful Avoidance in the Neighbourhood

The relationship between Victor and Sylvia is certainly improved from where it stood just prior to the mediation. But this seems to be in large part because they have established a relationship that requires them to relate to each other as little as possible. The result of this mutual avoidance is peaceful relations but their experience with democratic talk has not "strengthened" their relationship in any way that one would typically use that term. While the "peace" Sylvia and Victor have negotiated appears tenuous and tentative like the one described in the previous case, here it does not appear to be grounded in even the modicum of mutual trust and empathy I suggested was present between Jeremy and the Woods. Instead Sylvia and Victor's relationship appears to be characterized by mistrust and indifference.

Mistrust

Sylvia and Victor's decision to sign a written agreement provides some indication of their mutual mistrust. Following standard practice in the mediation process they have formalized their obligations to each other by putting them in writing in a way that mimics a contractual relationship. To be sure these are not contracts which are likely to be legally enforceable so they serve a more symbolic role, giving each a resource to hold the other to their word. Yet they nevertheless serve as a mechanism to help parties relate to each other under conditions of mutual mistrust. My intention in highlighting this regular feature of the mediation process is not to suggest that mediations resulting in written agreements are normatively inferior to those resulting in verbal agreements. I wish only to note the tension between the expectation that democratic talk can strengthen civic bonds between citizens and a process which adopts as standard a mechanism which assumes mistrust is a basic feature of such relationships.

More direct indicators of mistrust can be found in Sylvia's description of her continued suspicion and wariness towards Victor.

I don't trust him, because as I say he's mentally off⁹. He's not normal. And what do I know what's going on in his brain? It could switch and who knows. So have a, I have a lock there on, and it's a little gate so I have a lock there. And um um, do I feel safe? Ah, well I don't trust him, I wouldn't be surprised with anything. I'm just, I'm base it on that he never did anything before so I just, I just hope.

She also describes several occasions since the mediation where strange things have occurred and she has been suspicious that Victor was responsible. Acknowledging that she doesn't have proof of Victor's role and noting that some might think she is paranoid, Sylvia describes finding six dead birds in her yard in the last seven months. She also recounts one morning when her car would not start because the battery had died. The emergency light had been on overnight despite the fact that she is sure it was off when she left the car parked and unlocked in her garage the night before. Although she is not prepared to say with confidence that Victor is responsible for any of these incidents she is mistrustful enough of him to entertain that possibility and to maintain a vigilante attitude towards him at all times.

I think anything happen on my property I, I just think you know like it's him again.

Victor's mistrust of Sylvia may not be as strong in part because he never felt threatened by her in the same ways she did by him¹⁰. However he also describes a wariness about interacting with Sylvia emphasizing how he perceives her as unpredictable.

⁹ The presence of mental illness is certainly a factor which complicates our conception of ideal relations between democratic citizens. Unfortunately in this brief treatment I do not have space to explore in more detail the standards that might apply to relations involving mental illness. For now I wish simply to note that a) although accusations of mental illness are a regular feature of these conflicts they are not necessarily reliable indicators of any person's actual mental health, and b) that my field work suggests mental illness may be prevalent enough amongst everyday citizen conflicts that we cannot so easily bracket it as an exceptional case not relevant to our normative ideals.

¹⁰ A reoccurring pattern across the mediation cases I heard about involve single women feeling harassed, bullied and even targeted by their male neighbours. In addition I encountered cases where parties felt similarly targeted because of their sexual orientation and/or gender roles. These cases suggest that gender dynamics have strong potential to influence perceptions of danger and threat in citizen interactions.

So in terms of my opinion on her, my obligations to her is not to trespass, not to stalk her, so I try to stick on to what we agreed on and probably leave it and is, to a mend the relationship um, probably best to leave things that we have resolved the problems. It's to leave it as it is rather than take a chance trying to fix the relationship. Ah taking another chance, cause sometimes they may think something else, you're up to something else again.

As Victor's above comment indicates, it is in part their mutual mistrust which accounts for their shared commitment to peaceful avoidance.

Indifference

Empathy occurs, as I argued it does between Jeremy and the Woods, in part because the perspective of the other is viewed as legitimate, though one may continue to hold a conflicting perspective. While the mediation certainly allowed for information exchange that made reaching an agreement possible there is little indication that Victor and Sylvia have come to empathize with each other. The reduction of hostility they feel towards each other has however enabled them to recognize and articulate each other's views with a resigned indifference.

Sylvia believes Victor wanted a new fence and that she should be the one to pay for it. She thinks he made the assumption that she had plenty of money and decided to harass her and trespass on her property until she gave in and built the fence he wanted at no cost to him. In the mediation she learned that if she built the fence Victor might leave her alone once and for all. While she did not see his demand as reasonable or legitimate she has agreed to pay for the fence in the hopes that he will finally leave her alone. Her comments below indicate that she remains unable to empathize with Victor's perspective despite having a greater familiarity with what it is.

I don't understand this guy, I wish I could, maybe it would make things easier, but I decided that you know when he started to accusing me and, and say, and telling me crazy things. I say I cannot, I cannot talk to this guy so I said I, I'm not going to talk to him, if, if he wants to talk to me maybe mediation would be the best.

You know I just realize he's not a person I can, I can anytime relate to anyway.

Victor believes that it was Sylvia's responsibility to replace the retaining wall but he was surprised when she paid to have a new wooden fence installed that would replace his iron fence. He believes she wanted this fence to prevent him from spying on her. Although he finds her accusations that he had done this in the past and her fear that he would continue to do this in the future ridiculous, he understands now that this is a major concern of hers. Knowing this has strengthened his resolve to avoid and ignore her in order to prevent any future misunderstandings or confrontations. Yet note that he continues to view her requests, especially that he communicate with her only by mail, as unreasonable and openly makes light of them:

V: Well if that's what she wants I'll do that, ah, I, I cracked a joke when she mentioned that. I say well wait until you have a fire, I'll send you a mail. Your house on fire. I crack a joke I can make. And she insist that will be part of the, in, I'll send you a mail, in the mail, your house on fire.

H: And what did she say?

V: She just look at me, ha ha, no response.

While the exchange and agreement has reduced animosity between them enough to eliminate confrontations through direct verbal exchange¹¹, leaving notes, or calling the police, it does not seem to reach a level which could be accurately characterized as empathy. Instead Victor and Sylvia seem to be in a tentative and fragile relationship of mutual indifference, a sort of middle ground between empathy and hostility. Note also that indifference is distinct from but related to ignorance. Both continue to be baffled in a way about the other's approach providing less than charitable accounts of each other. Yet both have been willing to accommodate to some extent the other's unreasonable demands in the interests of getting along. In this case however, rather than getting along through habits of political friendship: direct communication supported by limited trust and empathy Sylvia and Victor agree to get along through habits of peaceful avoidance: avoidance reinforced by measured mistrust and indifference.

Peaceful Avoidance an Unexpected Ideal?

The relationship described between Sylvia and Victor may upon first review disappoint democratic theorists who wish to focus our attention on the relational elements of democratic citizenship. At best it might be viewed as a second best outcome which while doing nothing to establish friendly relations has at least minimized the probability of future hostilities. At worst the mutual commitment to avoidance could be viewed as strong evidence of the pathologies of contemporary democracy and the need to make reality look more like our ideals by shifting our political culture. But before jumping too quickly to condemn habits of peaceful avoidance as normatively inferior or even detrimental to democratic life, I think two points are worth making. First, Victor and Sylvia both appear happy with peaceful avoidance and go to significant lengths to signal their gratitude about this outcome. Second, amongst the community mediation cases I heard about, this pattern results far more often than anything resembling habits of political friendship.

First, that Sylvia and Victor are happy with the outcome of peaceful avoidance is evident in their comments:

That ah as I say you know I accomplish, my accomplishment I hope is that, he, you know like he leaves me alone, I don't want him to exist in my life, and if this is, you know like if, if this is the case you know I'm, I'm happy. (Sylvia)

Um, so no, she, she appears that she understood what was in the resolution ah note of understanding and she did what she's doing so I'm happy, and I think she's also happy. I'm no longer feel or she no longer feel I'm harassing her even though I've not done anything, ha ha, to, to ah upset her, except to, make sure that she, she give me the enjoyment I should have had on my property. So that's, and we, we don't look at each other, we don't help each other, but we are at peace. (Victor)

¹¹ While no physical confrontation ever occurred in this case both participants talk about fearing that it was possible. For example when asked about likely outcomes if the mediation had not happened Victor replied:

"I would think that um, we would probably get into a little more physical, if ah, if um, we could get into a physical situation I think if ah, if we had not had the, ah the mediation. Um, she has been coming- Well when I was removing the retaining wall she has been trying to get some, other guys you know, healthy looking guys and you know hang around my place, ah in my presence she's a ah social person, a social person. So she's calling ah these big looking guys but as long as it's not on my property, I didn't bot, didn't bother to look at them. They come around and stand right next to my property while I'm working [inaudible] So, ah as I said we could get into some ah physical violence, I think. Because wherever the friend ah...that she brought over could instigate something. And. I would end up with a fistfight."

Sylvia also reports sending a donation to the mediation centre as a gesture of how grateful she is for the result. Victor's endorsement is reinforced by additional comments he makes about community mediation's goals. In consecutive breaths he quite aptly describes how community mediation organizations aspire to establish good neighbourly and citizenly relationships by building mutual understanding and concludes that in his own case they have successfully met these goals. These comments and actions suggests that neither are particularly disappointed by their current relationship.

Furthermore, this outcome is not unique among my cases. In fact the dominance of this pattern is striking and Victor is not the only person to draw on the proverb made famous by Robert Frost that endorses avoidance between neighbours. In her story about her conflict with members of the congregation at the church next door to her home, Martha also endorses the view that peaceful avoidance is an ideal pattern of interaction to establish between neighbours. Recalling one occasion prior to her mediation where she encountered one of her neighbours she remembers saying to him:

I said I don't think we need this talk, I said that's one of the reasons that fence is there so that you are on that side and I am on this side and to keep the peace, good fences make for good neighbours. (Martha)

This striking parallel is only the most dramatic illustration of the way many of the citizens I spoke to used democratic talk to negotiate peaceful avoidance with their neighbours.¹²

Why do citizens celebrate patterns of peaceful avoidance when we might expect that they should instead be mourning a loss or absence of political friendship? Have their histories of conflict simply lowered their expectations of each other? Is peaceful avoidance only the "best we can do" once things get bad enough or might their endorsement signal something inherently redeeming and normatively appealing about peaceful avoidance in its own right? I argue such questions are worth pursuing in part because habits of peaceful avoidance reoccur in many of the community mediation cases I examined and much more often than habits of friendship like those established between Jeremy and the Woods.

Contrary to the thrust of theorizing about the potential for democratic talk to strengthen civic bonds between citizens, there are reasons to suggest that peaceful avoidance may in fact be desirable and even preferable as an ideal. In the context of community mediation, I find that the latter is a far more typical outcome than the former. This may be interpreted as a failure by those who would see political friendship (or even genuine friendship) as an outcome to strive for in all cases. I wish to suggest instead that we take the frequency of and satisfaction with peaceful avoidance described by community mediation participants as indicative of the possibility that, at least in some cases, peaceful avoidance is more than a suboptimal result and instead an appropriate ideal in itself.

Particularly in cases where democratic talk cannot dissipate the feelings of danger and threat that strangers have with one another, sometimes quite rightfully, negotiating mutually agreeable habits of

¹² While I have focused on relations between neighbours here I should note that approximately half of the cases I examined involved familial and intimate relationships. While I found a similar bifurcation of relational outcomes between patterns of friendship and patterns of avoidance among family cases, the family and intimate context raises additional complexities making it infeasible to explore the significance of these instances of democratic talk here.

avoidance may be exactly the outcome to which citizens should aspire. I find that this sense of danger and threat is particularly salient in participant narratives about their conflicts with their neighbours. In fact, parties are many times seeking out or accepting participation in the mediation process in an effort to minimize their sense of the potential danger of their interactions. In these cases mediation is sought out as a formal and indirect way to communicate with others while increasing the likelihood that physical and psychological safety will be preserved. This is striking because it contrasts with the perception mediators typically have about the process, which is that it is informal and characterized by direct communication. Furthermore it suggests that citizens may be reluctant to trust and empathize with each other for good reason such that aspiring to these kinds of habits risks offending their individual liberties.

To be clear, I do not wish simply to argue that in some cases of escalated conflict political friendship is an unfeasible goal. Instead my aim is to advance a positive normative defence of the habits of peaceful avoidance such that they become a resource for theorizing about the relationships that democratic citizens ought to have with each other. For example, Nancy Rosenblum has made a convincing case for the benefits of mutual indifference in everyday citizen interactions¹³. Starting from the basic facts of pluralism in democratic society and the challenges these present to getting along, Rosenblum articulates two major competencies she believes are required for democratic citizens to manage their everyday interactions. One is the ability and willingness to speak out against everyday injustice on one's own behalf and on behalf of others. This can be as simple as speaking up when someone cuts in line at the bakery and it requires only the most minimal amount of trust that fellow citizens will support rather than scorn such an effort. Emphasizing these competencies as simple habits with limited impacts she notes that while speaking up may not go very far towards addressing wrongs or establishing justice, it serves as a constant reminder that acts of injustice are met with collective indignation in democratic society. The other more fundamental competency, which is relevant to my concerns here, is what Rosenblum calls "easy spontaneity". Here she suggests that democratic citizens must have the ability to treat each other as equals in their everyday interactions. An example of this is the habit of using non-hierarchical terms of address such as Mr. and Ms. when speaking with strangers. The corollary to this is also having a thick enough skin to allow minor slights to pass which follows from an ability to resist the desire to have one's individuality acknowledged in every case by others. The expectations for easy spontaneity are minimal as this habit need not be grounded in genuine feelings of mutual respect nor should it be taken as an indicator of any sort of civic virtue. Easy spontaneity is instead a kind of egalitarian indifference characterized by detachment and distance which makes getting along in a highly pluralistic society possible.

I find strong alignment between the notion of easy spontaneity articulated by Rosenblum and the patterns of peaceful avoidance described in many of my interviews. Because community mediation is a form of democratic talk designed specifically to address interpersonal conflict between individuals and small groups, we might expect to find strong potential for political friendship in these cases. I have begun to suggest that the fact that citizens often do not accomplish this coupled with the fact that they are often quite pleased with the alternative need not be a discouraging reality. While I have only managed here to provide the briefest sketch and there is much to develop in making a more convincing case for my claim, I wish to contend that we should take seriously the

¹³ Nancy Rosenblum, "Navigating Pluralism: The Democracy of Everyday Life (And Where it is Learned)" in Stephen Elkin & Karol Edward Soltan eds. Citizen Competence and Democratic Institutions. (University Park, PA: Pennsylvania State University Press, 1999) 66-88.

possibility that habits of peaceful avoidance, particularly between citizens thrust together through the accident of residential proximity, is a perfectly defensible and in some cases desirable relational outcome.

TABLE 1: SUMMARY INFORMATION FOR MEDIATION PARTICIPANTS AND CASES

CDR 1		
Participants	Participating : Total¹⁴	Brief Description of Case
Martha Mr. Kim ¹⁵	2:2	(Neighbour) Long time resident elderly resident and pastor of the congregation using the church next door discuss use of the grounds and future interactions.
Tracy Alec	2:7	(Community) ¹⁶ Circle process convened between a troubled youth, his mother, his teacher, his outreach workers, his pastor and others to address an act of vandalism.
Dalia	1:2	(Family) Mother and adult daughter discuss the history of their relationship, their living arrangements, and the guardianship of daughter's 12 year old son.
Loretta	1:2	(Business) Former business partners discuss disagreement about an informal agreement about payment for work.
Max Lynn	2:4	(Neighbour) Long time married couple residents and newly arrived married couple discuss the placement of an air conditioner in the space between the houses and its subsequent effects on one party's health and well being.
Sara	1:2	(Neighbour) Two mothers discuss an altercation they had after a fight broke out between their school aged children.
Sylvia Victor	2:2	(Neighbour) Long time and newer resident discuss fence, retaining wall, and trees located at the property line between the two homes as well as history of interactions over these matters.
Evelyn Julie Alice	3:6	(Family) Six adult siblings and their two aging parents discuss arrangements for sharing use of the family cottage.
Michelle	1:2	(Intimate) Husband and wife in the process of separating discuss living arrangements, care, and support of their son as well as the past and future of their relationship.
Beth	1:2	(Family) Adult siblings discuss the inheritance of a sentimental item in their deceased mother's estate.

¹⁴ The number of participants in the study relative to the total number of participants involved in the case (participation in observation/interviews is voluntary).

¹⁵ Cases shaded in grey have not yet been included in the data analysis.

Jeffrey Leslie	2:4	(Neighbour) Married couple and adult sons of their mentally ill neighbour discuss problems coping with her mental illness.
CDR 2		
Participants	Participating: Total	Brief Description of Case
Jaime Anne	2:2	(Friend/Roommate) Former roommates/friends discuss the logistics related to moving out, dividing belongings and paying final bills.
Catherine Jonathon	2:2	(Neighbour) Neighbours discuss mutual driveway as well as history of interactions over this matter.
Norm Lauren Jennifer	3:6	(Family) Adult siblings discuss the current physical and mental health of their mother and her care as well as their relationships and communication in general.
Alfred Beverly	2:2	(Neighbour) Two elderly residents of a social housing unit for seniors discuss noise and their history of interactions over this matter.
Lisa Alan	2:2	(Family) Ex spouses and co-parents discuss financial arrangements for their daughter's higher education and the history of interactions over this and other matters.
Lorna	1:3	(Neighbour) Residents in a housing cooperative discuss noise and the history of their interactions over this matter.
Jeremy	1:3	(Neighbour) Resident and business owner discuss noise and safety concerns relating to the operation of the business near a residential area.
*Debbie Joan	2:2	(Neighbour) Two elderly residents of a social housing unit for seniors discuss election of tenant representative and history of interactions relating to this matter.
*Nigel Rita	2:2	(Neighbour) Neighbours discuss mutual driveway, noise and history of interactions over these matters.
TOTAL		
<u>SEX</u> Male- 11 Female- 24	<u>n: total possible n</u> 35:59	<u>TYPE OF CASE</u> (Neighbour)- 11 (Intimate/Family/Friend)- 7 (Business)- 1 (Community)- 1 TOTAL- 20

*For these cases observation of case development meetings and mediation sessions took place.