

CHAPTER 1

CIVIC FUSION DESCRIBED

Introduction

The conflicts seem intractable and yet the disagreements must be resolved. Leaders and the public have a determined will to move beyond a recognizably unstable status quo. But how do tense and frustrated people, with conflicting values and interests and a history of failed efforts, reach consensus on a way forward? The answer may be civic fusion. Civic fusion is when people bond, even as they sustain deep value differences, to solve a common public problem.

As a public policy mediator, my work is to help disparate, passionate parties negotiate actionable agreements. To do so, they must draw close enough together to overcome their polarization, or in other words, achieve civic fusion. To achieve and sustain civic fusion, interested

parties engage in assumption-shifting discussions that contribute to unexpected bonding. They connect across common goals all the parties share, and find mutual understanding and respect for their interests and those of others. In addition, they come to understand and accept the constraints of their complex situations. A steady stream of new understandings moves people beyond their long-held perspectives to create opportunities for productive negotiations and innovative ideas. Ultimately, the parties generate pragmatic consensus agreements even as they retain their deeply held and often opposing values and beliefs.

Public policy mediators design processes to foster productive negotiations in high-pressure situations to build uniquely crafted solutions. Seemingly intractable and potentially chaotic situations require process adaptations beyond the mere application of mediation and facilitation techniques to attempt resolution. These adaptations may include a means for moving beyond habitual patterns of communication to surface and acknowledge actual passionate differences in order to create solutions that encompass those differences rather than paper over them.

Civic fusion peaks in the moments of simultaneous connection and recognition of unbridgeable value differences. It is sustained throughout negotiations by a mutual recognition of parties' interdependence and reciprocated understandings during discussions of difference. Many initial mediation tasks, for example, identifying a shared public goal and developing procedural ground rules, are undertaken in support of attaining civic fusion. Memory of having experienced civic fusion results in a fused group that aspires to attain it again.

Civic Fusion Defined

In the term *civic fusion*, *civic* identifies the citizens or citizen-representatives who have intimate knowledge and wisdom of the public policy conflict as a result of living it, as well as sufficient interests in play to motivate their participation and commitment to action.¹ Thus, in an example we will be studying in the chapters to come, the Chelsea

1. For more information on identifying the parties that compose the civic universe for a process, see Chapter 6, "Conducting the Mediator's Assessment."

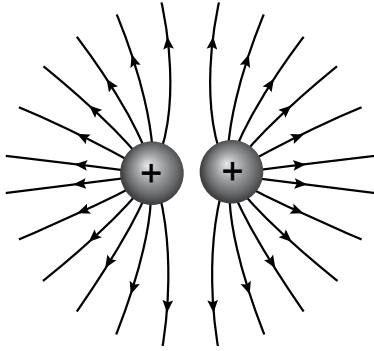
city charter consensus process, *civic* refers to the city's residents—some of whom participated as members of a charter negotiating team; others as facilitators, attendees of public forums and community meetings, callers to a hotline, and viewers of cable television.

For a second example we will be examining—the negotiations for developing safety rules for construction cranes—members of the civic universe were the representatives of identified stakeholders and, by extension, their constituents. Even though the general public has an interest in worker protection and the safe operation of cranes, it would have little knowledge of the specific strategies for preventing cranes from toppling over or hitting power lines. Thus, for this case, "*civic*" refers to the citizen-representatives of crane-related stakeholders.

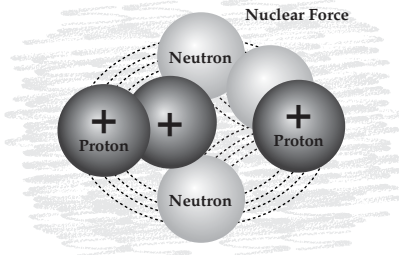
For the example of the abortion talks, civic fusion required only a small circle of pro-life and pro-choice leaders, who were able to take individual actions to protect the Massachusetts populace and jointly publish a consensus article in the *Boston Globe*.

The word "*fusion*" is borrowed from the process of nuclear fusion, in which positively charged protons are brought close enough together to engage nuclear forces that overcome their otherwise polarizing magnetic charges.

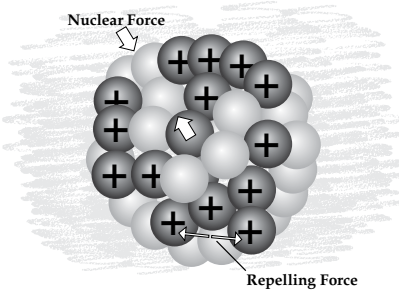
Think of an atom and its nucleus of protons and neutrons. The protons all have the same positive charge, which causes them to repel each other. (Figure 1.1) However, when brought close enough together, a nuclear force binds the protons and neutrons even as the protons retain their positive charge. The neutrons, lacking any magnetic charge, as well as the protons, contribute binding energy to hold the nucleus together. (Figure 1.2) Within an atom's nucleus are both the binding and repelling forces. (Figure 1.3) Thus, should something cause the protons to move beyond the bounds of the nuclear force, the magnetic force would cause the protons to quickly fly apart.



*Figure 1.1
Protons repelling*



*Figure 1.2
Nuclear force binds protons and neutrons in the nucleus of an atom*



*Figure 1.3
Repelling forces of protons remain even as nuclear force binds protons and neutrons*

In this metaphor, the protons are the parties to the negotiations, for example, pro-life and pro-choice leaders. Each individual's passionate stance is a positive charge. Efforts to move the participants close together expose the polarizing forces that repel, for example, issues such as when life begins and the right of a woman to terminate her pregnancy. One quickly perceives a seemingly insurmountable gap between the two groups and the impossibility of achieving a stable bond amidst the polarization, like trying to force together the positively charged ends of two magnets.

The mediators, who do not contribute political passion on substantive issues, are the magnetically neutral neutrons. Without a magnetic charge, they do not contribute to the polarization.

By bringing diverse, politically active people close enough together, under particular conditions, mediators help disputants to bond. Note that just as protons retain their magnetic force even while bonded, people retain their passionate beliefs within the confines of civic fusion. The women of the abortion talks, for example, never veered from their

deeply held positions: pro-life women continued to view abortion as the death of an unborn child and pro-choice women continued to view as paramount the moral capacity of a woman to choose to terminate her pregnancy. They connected through their shared humaneness and abhorrence of violence and their mutual recognition and understanding, although not acceptance, of the worldviews that underpin each other's positions.

Essential Conditions for Civic Fusion

Situations ripe for benefitting from civic fusion share certain essential conditions. Most importantly, the parties agree that the status quo is unsustainable and that none of the parties has enough power or knowledge to act unilaterally to solve the problem. Often the inertia of inaction has worsened the situation, as in our examples, Chelsea's public monies disappeared into the coffers of the corrupt, fatal crane accidents occurred with regularity, and individuals with extremist views attacked other adults to play hero to the unborn. As a result, a will to act emerges from somewhere within the political system or universe of actors.

Another condition is that past efforts to solve the problem failed, perhaps because existing government mechanisms and institutions available for pursuing resolutions proved inadequate to address the problem. Such past efforts, even when well-intentioned, often result in increased frustrations among the involved parties to the conflict, particularly those who believed they knew of workable solutions but were unable to persuade others to accept them.

In these situations, the people living the conflict need a forum within which to surface and acknowledge their deep differences and, at the same time, jointly build an agreement that encompasses those differences.

Civic fusion enables creative thought to emerge despite deeply held conflicting viewpoints. The seeming intractability, instability, and complexity of the public dispute may contribute the intense energy needed for people to transcend their ordinary thought patterns to acknowledge the legitimacy of others' beliefs and concerns, even as

they may vehemently disagree with those pronouncements. A mediator tries to tap this energy to help people bond and at the same time, create space for jointly absorbing new information that conflicts with some of their usual assumptions about substantive issues and the intentions of other interested parties. Their newly gained understanding may enable them to create unique solutions that mutually satisfy the range of interests represented within the group.

When crane accidents accounted for the highest number of fatalities and serious injuries in the construction industry, unions and employers asked the federal Occupational Safety and Health Administration (OSHA) to revise its relevant national worker safety standards. The status quo was unsustainable. The existing standards, developed in the early 1970s, were obsolete because of changes in crane technology and work processes.

The OSHA Directorate of Construction, responsible for writing and enforcing regulations for all construction-related worker safety standards, does not and cannot have in-house expertise for all types of construction equipment. It often convenes work groups of stakeholders for advice on updating its regulations. The failure of a cranes work group established to propose solutions after four years of meetings and the continued reliance on safety standards that failed to adequately prevent accidents, created great frustration for workers and the industry. The work group's single consensus recommendation, that OSHA initiate a formal negotiated rulemaking, reflected a recognized need for a process adapted to the seemingly insurmountable differences among conflicting interests and values of the interested parties. By the time the negotiated rulemaking committee was convened, despite their differences, the parties were energized and determined to fix the broken system under which they lived. Conditions were ripe for civic fusion.

Design to the Obstacles

A carefully designed process, rooted in the mediator's assessment of the conflict's substantive issues, history, dynamics, stakeholders, and constraints, provides a foundation for achieving civic fusion. The process design is as critical to civic fusion as is the physical container in which nuclear fusion may occur.

Just as MIT's levitating donut is designed to eliminate known obstacles to nuclear fusion, public policy mediation processes are designed to account for known obstacles to civic fusion.² The process design maps out the steps needed to reach actionable consensus agreements. Perceived barriers can be converted into unique process components.

For example, when developing a new charter for self-governance in Chelsea, the politically unengaged populace was considered a barrier to building an actionable agreement. To meet this challenge, the process included the means for engaging people where they already congregated. We held meetings at popular local venues, such as social clubs, houses of worship, community residences, and schools.

Results

As a result of civic fusion, disputants find unique solutions to old problems and often forge new long-term relationships among past foes that support and sustain implementation of the agreements reached. Broad-brush disagreements on issues give way to nuanced understandings of complexities. The result is democracy in action: well-articulated, conflicting views merged for the public good, and strong support for agreed-upon solutions.

Civic fusion enabled OSHA and industry and union leaders to reach consensus on proposed worker safety standards for construction cranes and generated a deep commitment to the implementation of those standards. Negotiators' assumptions shifted on key issues, as did their judgments of institutions and other people's motivations. For example, employers, who previously had engaged with OSHA only over regulatory violations, expressed new understandings of OSHA's challenges in creating enforceable standards to protect workers. When their consensus proposal was stuck in a bureaucratic maze, many of the representative negotiators banded together to help move it forward

2. The Levitated Dipole Experiment, a joint project of the Massachusetts Institute of Technology and Columbia University, uses a donut-shaped magnet, suspended by an electromagnetic field, to cause 10-million degree-hot plasma to become more densely concentrated—an essential step in nuclear fusion, explains David L. Chandler in "Levitating magnet brings space physics to fusion," MIT News, January 25, 2010.

through coordinated strategies including press conferences, meetings with government officials, and testimony at a public hearing.

Similarly, the pro-life and pro-choice women came to respect, as individuals, those who held passionate positions intolerably different from their own, because of the strength of their bonds. Seeing each other up close and personal, made it impossible to see the other as an enemy, or as an individual lacking moral character. Members of each camp did not agree with the other sides' sense of morality, but they learned that no one was acting out of a purposeful immorality. Intense policy disagreements remained, but the demons disappeared.

Over time, each leader acted individually to achieve the group's joint goal of reducing the risk of future violence against abortion clinic workers. Choosing to promote healing rather than anger, during the memorial on the first anniversary of the clinic shootings, Nicki Nichols Gamble, then president of Planned Parenthood of Massachusetts, expressed gratitude "for the prayers of those who agree with us and the prayers of those who disagree," as two pro-life participants sat in the audience. Similarly, Madeline McComish, then president of Massachusetts Citizens for Life, told the Virginia-based spiritual mentor of the shooter and a proponent of justifiable homicide that he was not welcome in the state during the murder trial.

As civic fusion occurs, unexpected relationships develop and help sustain people as they journey into deeper understandings and mutual acknowledgement of opposing stances, in the effort to build and implement consensus agreements. Sometimes lifelong relationships are created. Many describe their participation as a highlight of their career because they were able to transcend petty disagreements to contribute to the common good.

The possibility of civic fusion offers a way out of the political polarization of public disputes. It takes awareness, intent, and commitment, but it can be done. The next chapters describe how public policy mediators can help to initiate and sustain civic fusion as well as how to help government and citizens reap its benefits.