

# INTRODUCTION

As I scanned the room, the beauty of the pro-life and pro-choice leaders was striking. Six women, tragically unified by shooting deaths at two women's health clinics, were talking about partial-birth abortions, also referred to as bans on certain abortion procedures.<sup>1</sup> As their absolute and unbridgeable chasm came into clear focus so too did the depth of their relational bonds. It was mysterious. Some called it sacred. As a facilitator of the talks, I called it paradoxical unity. I've since renamed it *civic fusion*.

For years after this experience, I walked around with little red bar magnets in my pocket. In spare moments, I'd take them out and turn their positive ends toward each other to feel the combined power of their mutually insistent forces. It reminded me of the gap that existed among the pro-life and pro-choice leaders. But it also left me continuously puzzled over the binding force that had held the two groups together, even as the gap remained intact. I thought there must be a natural, physical force that would help explain the paradoxical unity of the

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1. During the talks, we used this dual nomenclature. Since neither side accepted the way the other framed the issue, we used both to enable the conversation to proceed.

abortion talks. With the benefit of an MIT email address (I was teaching there at the time), I wrote to magnetics professors to ask their indulgence for a brief conversation.

Dr. Alan Lightman, a physicist, novelist, and director of MIT's writing program, generously agreed to meet with me. I explained the puzzle I was trying to solve, and he quickly suggested I was looking for the nuclear force, which holds together protons and neutrons in an atom's nucleus.

Having studied basic chemistry, I found myself shocked that I had never questioned how protons—with positive magnetic charges—stay together in the nucleus of an atom. The answer, Dr. Lightman explained, is that when brought close enough together, a different type of force, a nuclear force, overcomes the magnetic forces that would pull it apart. Importantly, the protons retain their positive magnetic charges while bound by the nuclear force and, therefore, the potential to forcefully repel and break apart.

This seemed to be a workable metaphor for understanding not only what happened during the abortion talks but for explaining what happens during public policy mediation processes. After a few more years of thought, I named this metaphor civic fusion.

This book is my effort to describe the civic fusion theory of public policy mediation. I'll look at what mediators aspire to do, and what we actually do, to bring together disparate groups of people to reach agreements on complicated public policy questions.

Professional mediators bring to the table negotiation and mediation skills and passion for public policy and its dynamics. But how do we guide a group that represents hundreds, thousands, and sometimes millions of people, who have deep disagreements about what should be done, who can't solve the problem without working together, and are frustratingly stuck in place?

The field of public policy mediation began as an offshoot of urban planning in the 1970s when the Kettering Foundation funded an experiment called the Negotiated Investment Strategy (NIS). As part of the NIS project, federal, state, and local officials, with assistance from mediators, developed plans to increase the impact of community

development blocks grants.<sup>2</sup> Since then, the use of public policy mediation has expanded at both the federal and state levels and has since been applied in almost every policy area.<sup>3</sup> State and federal agencies and institutions currently exist to educate and support government officials on its use. Practitioners are organized in nonprofit and for-profit organizations, and as solo practitioners. In courses around the world, public policy mediation cases are used to teach complex negotiations and mediation. In books and articles, academics and practitioners theorize, describe, debate, and analyze past and potential applications of public policy mediation.

Over the course of twenty-five years of mediation practice, I've seen unlikely partners solve complex, public problems together. I've sat with pro-life and pro-choice leaders, who were unified against violence committed in the name of one and meted out against the other, act together to protect born life. I've seen leaders of the construction crane industry demand federal regulations to protect their workers, after they worked with labor and government to build technically feasible, cost-effective rules. And I've seen citizens from diverse sectors of a failed city draw up a new charter for effective self-governance.

I wrote this book to share these experiences with future and current public policy mediators and to improve our methods. I want future mediators to understand just how powerful the tool of mediation can be and to strive to achieve its potential. For those of us who have already experienced the extraordinary unifying power of policy mediation, I hope to provide a way of reflecting back on those processes so that we can reproduce the best of what we do with greater frequency.

A complementary purpose of this book is to make people aware that there are alternative ways to face our political conflicts. Political disagreements are fundamental to representative democracies. Democratic governing systems provide mechanisms to contain policy conflict through debate and deliberation as citizens and leaders strive to reflect the

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2. Carl M. Moore, "Negotiated Investment Strategy," *National Civic Review*, vol. 77, no. 4, pp. 298-314 (July 1988).
  3. Lawrence E. Susskind and Sarah McKearnan, "The Evolution of Public Policy Resolution," *Journal of Architecture and Planning Research*, vol. 16, no. 2 (Summer 1999).

interests and values of ever-changing societies. Today many U.S. citizens are concerned about the polarization and political gridlock that allow for festering disputes and stagnation. Bumper sticker sloganeering may simplify issues and express support for particular political positions, but it may also contribute to the polarization that makes it harder to solve complex problems.

It turns out you don't find the devil in the details of policy conflict, you find constraints and difficult choices that require civic responsibility. If people are willing to fuse their ideas while maintaining their beliefs and values, you may also find consensus strategies for addressing complicated issues.

## The Contents of the Book

The book is divided into four parts: Part I, "Civic Fusion Defined and Described"; Part II, "Civic Fusion Illustrated"; Part III, "Building the Foundation for Civic Fusion"; and Part IV, "Initiating and Sustaining Civic Fusion."

In Part I, I construct the metaphor of civic fusion and describe how passion, power, and conflict provide the energy for it. I describe civic fusion and suggest how to increase the likelihood of helping disputants initiate, achieve, and sustain civic fusion to secure its tangible results.

In Part II, I provide background on three projects: the Chelsea charter consensus process, in which culturally diverse citizens restored effective self-governance to their morally and financially bankrupt city; the construction cranes and derricks negotiated rulemaking, a process that enabled government, labor, industry, and manufacturing interests to build cost-effective and enforceable federal regulations to protect workers on, in, and near cranes; and the abortion talks, during which pro-life and pro-choice leaders sought to expunge violent rhetoric from their debate after fatal shootings of clinic workers in Massachusetts. Later in the text, I add greater detail to the stories to illustrate abstract concepts of policy mediation and complex negotiations with concrete examples. I draw on examples from a few other past cases as well.

In Part III, I describe what it takes to build a foundation for civic fusion. Specifically, I explain how to conduct a mediator's assessments

and what we need to learn about the status quo to construct process designs that promote productive negotiations and overcome perceived obstacles to success.

In the six chapters of Part IV, I bring you to the negotiation table to see civic fusion triggered and sustained to reach actionable agreements. It includes strategies for tracking and managing negotiation dynamics of outcome-based multiparty, multi-issue negotiations and preliminary activities for facing polarization, such as developing a shared goal and procedural ground rules to clarify expectations and prevent process conflict. The additional chapters describe and illustrate how to manage human emotional and intellectual dynamics to make progress on the substantive issues to be resolved. In Chapter 9, I explain how to keep scores of substantive issues in motion among a roomful of stakeholders as they work to build agreements. Next, I describe how people shift from their hardened positions to an exploratory openness. By shedding light on assumptions that limit people's understandings, they pass from certainty through not knowing to curiosity. In Chapter 11, we'll consider how mutual respect and making unpleasant realities explicit contribute to fostering the civil discourse of deliberative negotiations. Chapter 12 focuses on how to institutionalize the bonds created through civic fusion during the "march to closure" as negotiators tackle their most difficult issues. In the last chapter, we'll explore how civic fusion supports ongoing participant ownership of agreements and commitment to action.