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# *In Practice*

## Civic Fusion: Moving from Certainty through Not Knowing to Curiosity

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*Civic fusion occurs when people bond across passionate difference to solve a shared public problem. It requires bringing people close together under conditions that enable them to bond, even as their polarizing beliefs remain intact. In managing multiparty multi-issue negotiations, public policy mediators help disparate, passionate parties negotiate actionable agreements. To achieve and sustain civic fusion, interested parties recognize and acknowledge confining assumptions and move through a continuum in which their certainty about each other and their presumed solutions is challenged and transforms to uncertainty and then to curiosity.*

*They connect across common public goals and find mutual understanding and respect for the interests of others as they come to understand and accept the opportunities and limitations that are inherent to their complex situations. A steady stream of new understandings moves people beyond their long-held perspectives to foster productive negotiations and build innovative solutions. Ultimately, the parties generate sustainable consensus agreements even as they retain their deeply held and often opposing values and beliefs.*

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## Introduction

Civic fusion is a term I have coined to describe a process in which people bond across passionate articulated difference to solve a shared public problem. It requires bringing people close together under conditions that enable them to bond, even as their polarizing beliefs remain intact. It suggests that disputants can simultaneously hold in mind and respect multiple discordant perspectives in order to develop effective actions to satisfy their critical interests.

In managing multiparty multi-issue negotiations, public policy mediators help disparate, passionate parties negotiate actionable agreements. To achieve and sustain civic fusion, interested parties recognize and acknowledge their confining assumptions and move through a continuum in which their certainty about each other and their presumed solutions is challenged and transforms to uncertainty and then to curiosity. They connect across common public goals and find mutual understanding and respect for the interests of others as they come to understand and accept the opportunities and limitations that are inherent to their own complex situations. A steady stream of new understandings moves people beyond their long-held perspectives to foster productive negotiations and build innovative solutions. Ultimately, the parties generate sustainable consensus agreements even as they retain their deeply held and often opposing values and beliefs.

## Civic Fusion Defined

Following the fatal shootings at two women's health clinics in Massachusetts in 1994, I cofacilitated secret talks among leaders on both sides of the abortion conflict: those who support legal abortion and call themselves "pro-choice" and those who oppose legal abortion and call themselves "pro-life". As the parties discussed deeply controversial issues such as late-term abortions, the unbridgeable chasm between them came into clear focus even as they sustained deep relational connections. All of us had an awareness of these peculiar moments — some called it mysterious, others thought it sacred. I've since named this experience *civic fusion*.

I puzzled over what I perceived as a paradoxical unity for years. 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 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 it.

Finally, a professor from the Massachusetts Institute of Technology suggested that I was describing something similar to the nuclear force of the atom. From basic chemistry, we know that the nucleus of an atom

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contains protons and neutrons. The protons all have a positive charge, which causes them to repel each other, but when brought close enough together, a nuclear force acts to bind the protons and neutrons even as the protons retain their positive charge. Within an atom's nucleus are both binding and repelling forces.

By bringing diverse, politically active people close enough together, under particular conditions, mediators help disputants to bond. Just as protons retain their positive charge even while bonded in the nucleus of an atom, people retain their passionate beliefs within the bonds of civic fusion. In fact, it is the energy of the passionate beliefs combined with an acknowledgement of those of the "other" that makes fusion possible. The women of the abortion talks, for example, never veered from their deeply held positions: women active in the pro-life movement view abortion as causing the death of an unborn child, and pro-choice women argue for the right and moral capacity of women to choose to terminate their pregnancies. But the leaders bonded through their shared commitment to protect born people from politically motivated violence and their mutual recognition and understanding, although not acceptance, of the world views that underpin each other's positions.

Civic fusion does not presume that people change or compromise their values and principles. It does not allow people to suggest that others are wrong or misguided in their beliefs, that if only they were a little smarter or more principled, the others would see it their way and the dispute would resolve. Rather, a civic fusion approach takes conflicting values and beliefs as a given and builds acknowledgement of difference and respect for people who act from a moral basis, even if that moral basis is intolerable to the other. The potential to polarize always remains, but it exists in tandem with powerful bonding forces.

In the term civic fusion, "civic" describes the participants as citizens or citizen-representatives who have intimate knowledge and wisdom of a particular public policy conflict through significant personal or professional experience, as well as sufficient interests in the conflict to motivate their participation and commitment to action. For example, in a case involving community participation to prepare a new city charter, "civic" referred to the city's residents; for a negotiated rulemaking to develop worker safety standards for construction cranes, members of the civic universe were citizen-representatives of crane-related stakeholders and, by extension, their constituents. In the latter example, although the general public has an interest in worker protection and the safe operation of cranes, it would have little knowledge of specific strategies for preventing cranes from toppling over or hitting power lines.

The use of fusion in this context derives from the process of nuclear fusion, in which positively charged protons are brought close enough together to engage nuclear forces that are, over short distances, strong enough to sustain bonds across polarizing magnetic charges.

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To achieve civic fusion for sustained productive negotiations of substantive issues, negotiators must ferret out the assumptions that underlie seemingly antithetical perspectives and the presumed motivations of people they consider to be opponents or even enemies. Policy mediators help parties acknowledge the complexity of their conflicts in order to challenge such assumptions as ascribing evil inclinations to those with conflicting perspectives.

With participants encouraged and supported to think more broadly, new ideas emerge and participants generate binding energy. Often a “chain reaction” occurs in which participants rethink their assumptions and jointly explore new possibilities for resolution even as they maintain opposing core beliefs.

The difference between a civic fusion approach and other common ground-focused models is that the possibility of resolving conflict requires identifying, acknowledging, and respecting unbridgeable difference in the context of a commitment to build an agreement that satisfies parties’ critical interests.

## **Some Essential Conditions for Civic Fusion**

Situations ripe for civic fusion share certain essential conditions. Most importantly, the parties must first acknowledge that the status quo is unsustainable and that none of the parties has enough power or knowledge to act unilaterally to solve the problem. This realization often follows failed efforts and frustrating impasses. The inertia of inaction may have worsened the situation to the point where a will to act emerges from somewhere within the political system or universe of actors.

Typically, some conflict constituencies are frustrated by a status quo they consider unacceptable, while others are resigned to, or even content with it. In the policy mediation sector, these situations are usually not mediated. In international conflicts, external actors may perceive a status quo as intolerable even as the primary disputants consider it to be better than results they expect to achieve through negotiation. In such situations, external actors, such as the United Nations, the African Union, or the United States, may determine to initiate mediation. For example, U.S. Secretary of State John Kerry offered himself as mediator in the Israeli–Palestinian conflict because the status quo is unacceptable to the U.S. even as the core disputants seem to believe the expected peace agreement will not improve their overall situations.

In contrast, public policy mediation is more typically used in cases when either the parties or relevant authorities have determined that the status quo will or must change. In some cases, the change is required, for example, by passage of a new law that will require implementing regulations; in other cases, key parties agree that the consequences of not acting are too grave. For example, the Environmental Protection Agency initiated

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a negotiated rulemaking, a particular form of policy mediation, to develop regulations for the newly passed Small Business Liability Relief and Brownfields Revitalization Act of 2002 (Brownfields Law).

In the case of the clinic shootings, people had been aware of violence-laden rhetoric used in the abortion debate. (For example, the term “justifiable homicide” had appeared in speeches and on signs.) After the shootings, Governor William Weld of Massachusetts and the Archbishop of Boston, Cardinal Bernard Francis Law, called for common ground talks, and leaders on both sides of the abortion debate determined to act in concert to protect born life. The leaders overcame a moral indignation and determined to meet because they came to agree that the rhetoric of the abortion debate might be contributing to violence perpetrated by people claiming to be pro-life.

When crane accidents began to account for the highest number of worker 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. After years of effort through usual means failed, the government and the parties agreed to undertake a policy mediation effort to revise obsolete regulations.

In such situations, the usual government mechanisms and institutions available for pursuing resolutions may be inadequate to address the problem. Public policy mediation provides a forum for the representative stakeholders to deliberate jointly to build an innovative agreement that integrates differences and resolves conflicts. OSHA initiated a negotiated rulemaking to revise worker safety standards that had been developed in the early 1970s and that had become obsolete because of complex changes in crane technology and work processes. This process created a forum for intensive negotiations, from which emerged a consensus agreement among twenty-three representatives of government, unions, employers, safety experts, crane manufacturers, and crane users (home builders, billboard companies, utilities, etc.).

### **From Certainty through Not Knowing to Curiosity**

Polarization of public issues is often sustained when long-held assumptions prevent parties from taking in relevant new information about the issues and about the intent of other parties. Disputants become unable to consider alternative pathways out of the conflict. Even a slight shift in assumptions can alter a polarizing configuration enough to enable new ideas to emerge. The key is to trigger curiosity in those moments when people realize they do not know something of which they were previously certain.

In the hopes of enabling new ideas to develop, mediators simultaneously act to disturb the certainty of parties by gently shaking their assumptions, which leads them into a state of “not knowing.”<sup>1</sup> The process thus

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engenders curiosity as participants respond to their uncertainty about the range of possible solutions and the motivations of their opponents.

Most parties enter into public policy mediation with a moral certitude about their cause, positions, and often strongly held opinions about best solutions, but without a knowing respect for the interests and beliefs of other stakeholders or an understanding of the political and resource limitations that make it impossible to act unilaterally. Thus, prior to negotiations, even though parties agree that the status quo is unacceptable, situational dynamics typically exacerbate stagnation and impasse.

Stakeholders often enter into discussions by proposing solutions that satisfy their concerns but not those of their opponents. They may be frustrated by the inability of others to accept the validity and efficacy of their proposed solutions and may perceive other parties as ignorant, greedy, immoral, or simply misinformed.

At the same time, given a failure to persuade others prior to the mediation process, parties often worry about their ability to succeed in negotiations. As representatives, they feel responsible for satisfying their constituents and often envision a nightmare scenario of a feared, worst possible, perhaps even humiliating outcome.

For civic fusion to occur, the parties must feel secure that the negotiations offer an opportunity to satisfy their interests and that they will be protected from their worst-case scenarios. But they must also feel uncertain of the configuration of the solution — they must gain an awareness of the limits of their preconceived notions. The structure of the process itself, parties' increased understandings of the complexity of the situation as the process progresses, and the emergence of new and innovative ideas all contribute to and build confidence in the process over the course of the negotiations.

Parties must feel comfortable and at ease in order to move from certainty through not knowing to curiosity. As early as the initial assessment interviews, mediators begin to develop relationships with the parties by asking questions that indicate an understanding of the situation and stakeholders' compelling interests. It is best when negotiators have a sense that the mediator has heard and understood their concerns *before* their first face-to-face negotiating session.

A consensus decision rule assures negotiators that proposals they oppose will not become part of the product. In other words, if a party vehemently opposes a proposal, they will dissent on that proposal, and it will not become part of an agreement. The presence of multiple negotiators representing each stakeholder category provides this protection even when consensus is defined as slightly less than unanimity.

As they develop shared ground rules, the negotiators become familiar with the process of deliberative negotiations. Parties may find that they can reach agreement on *procedural* issues despite the endurance of

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*substantive* disagreements. When this occurs, their assumptions about each other begin to shift.

As they bring this sense of reorientation to their discussion of substantive issues, people begin to offer ideas and make suggestions that respect the nuances of the conflict but that have never before been considered. As confusion and misinformation is clarified and written draft agreements reflecting expressed interests and concerns are produced, participants' confidence in the process builds and parties typically become more comfortable and convinced that they will satisfy their interests.

### ***Creating the Space of Not Knowing***

As confidence in the process grows, assumptions about viable solutions to the problem and other parties' negative intent can shift. Participants' certainty is replaced with a state of "not knowing" — an awareness that the situation is more complex than they previously understood and that they must understand others' perspectives before they can work to develop solutions. This encourages an openness that enables parties to seek out new information and understandings.

The policy mediator works to help parties become aware of their limiting assumptions about substantive issues as well as about other negotiators' motives. Importantly, this process does not require that the parties question or reject their *own* values or beliefs, but it may involve explaining those beliefs to others and listening to and trying to understand as the other participants explain theirs. For example, in the abortion talks, activists initially assumed considerable negative intent on the part of their opponents, but later came to understand their world views. Although some could not even tolerate the other's beliefs, they respected the individual and thus were able to continue in civic-fusing discussions that led to actions to prevent violence — in at least one case, protection of the life of one of the participants.

In policy disputes, people will rarely choose to be in a "space of not knowing" — to voluntarily consider information that suggests that their position or proposed solution fails to fully reflect the complexity of the situation. Instead, parties often defend their positions and demand their solutions be adopted, often without actually understanding or giving credence to the concerns raised by others.

Similarly in public policy mediation, most people enter into negotiations thinking they know at least part of the solution to the situation. Their proposed solutions are not necessarily wrong, but they do not incorporate responses to all the interests and concerns required for an actionable agreement. But when someone mistakenly believes they already know an answer to a question, he or she is unable to take in new information. For example, if someone "knows" that one plus one is three, he is unlikely to learn that the correct answer is two. His mind is closed to new information

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because the problem is already solved. He sees no reason to explore a question if he believes he's already correctly answered it.

Public policy mediators foster deliberations that enable people to experience the shortcomings of their assumed perspectives. At the moment one develops such awareness, she enters the space of not knowing. If she feels safe enough within that space, she may become curious and her mind may be open consider new ideas — to having a revelatory moment.

### ***Surfacing and Shifting Assumptions***

On political issues, people often replace unknown information with assumptions, which can often crowd out new and more accurate information. Thus, to begin to reconfigure the conflict, the mediator must first help people learn what they do not know. Mediators help parties examine their own assumptions and perceptions to gain a clearer picture of the full reality of the situation, with a greater level of complexity and better understanding of the constraints on possible solutions.

In political conversations built on top of unexpressed assumptions, people usually do not learn much. They may sharpen their debating skills but are unlikely to persuade or bring others into their fold. Many people choose social circles of like-minded people or avoid topics that may offend or lead to clashes.

Parties may have assumptions about the overall framing of the conflict and issues, about technical issues, and about the personal attributes of the other party. People often ascribe negative attributes to those with whom they are in conflict (see Heradsveit 1982). These perceptions may be challenged by awareness of a more complex reality. Among those negotiating the construction crane issue were individuals whose contact with OSHA had primarily involved inspections and enforcement actions. Few had met previously with officials responsible for crafting safety regulations. But because the regulation drafting team was willing to learn about complex crane issues and to explain how to write regulations to focus inspectors' attention on priority safety issues, the negative assumptions held by participating members of the regulated community gave way to respect.

During the abortion talks, participants grappled with the topic of using contraception to reduce the number of abortions performed. At least one of the pro-choice participants assumed that the pro-life leaders strongly supported the use of contraception because it could help prevent pregnancy and therefore prevent abortion. Her shock when she found that they opposed contraception created an opportunity to identify and consider participants' embedded assumptions. When initial communications failed to foster understanding, the group detoured from its planned meeting agenda to caucus on their underlying world views. As a result, the pro-choice leaders came to understand that their opponents' stance on abor-



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tion was part of a broader constellation of issues associated with human sexuality. This explained what had seemed like a contradiction: why the pro-life women opposed abortion and also opposed contraception. The pro-life women learned that the pro-choice women embraced a worldview rooted in women's moral agency. Although some pro-life participants continued to consider that moral construct reprehensible, they came to understand that the pro-choice participants were not acting with evil intent.

In this case, shifts occurred as participants consciously expressed and analyzed their underlying assumptions. The participants embraced the experience of not knowing because of their commitment to reduce the violent rhetoric used in the abortion debate and the relationships they had built by connecting across their deep divide — the bonds of civic fusion.

More typically, mediators need to help negotiators draw out and examine technical assumptions specific to substantive issues rather than overall world views. As people enter into negotiations over longstanding conflicts, they usually have strongly held and solidified opinions on issues of great importance to them. They may not have had combative conversations with the individuals in the room, but they probably believe they can predict what many will say. Why would people expect a different outcome if past discussions always became stuck?

In substantive disputes, people typically base their logical arguments on sets of unarticulated assumptions. Technical assumptions are complex, and identifying them can require great care. One example involved a complex, mixed-use proposed development that included offices, apartments, condominiums, a hotel, and retail space, as well as a water park, a museum, and a park-and-ride lot for commuters. During permit discussions, the permitting agency was presented with conflicting traffic analyses from consultants for the developer and abutters. The studies included predictions based on existing traffic, traffic originating at the new development, and traffic that would be diverted from other roads to the new development. Estimates were dependent on uniform land use codes for each portion of the development. During discussions, the traffic consultants identified their assumed land codes, which clarified the causes of some of the discrepancies. After delving into the assumptions that lay beneath the data, differences regarding how each expert calculated key variables emerged. Some of these clarifications caused a traffic consultant to jettison incorrect technical assumptions. In those instances in which differing assumptions could both be considered valid, clear explanations about those assumptions enabled government officials to better understand the range of likely additional trips per day and to determine which assumptions to rely on for their decision.

In most public disputes, the assumptions involved are part technical and part representative of participants' world views. Again, the mediator does not ask the negotiators to explore their assumptions with the goal of

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changing anyone's values or beliefs, but rather to clarify beliefs and values so that parties may more fully and accurately understand each other and the issues.

To deconstruct substantive issues, the mediator poses a series of well-constructed questions. In the same way that Socrates said that he did not know what virtue is, but through intensive questioning helped his interlocutors discern what it is not, mediators do not know the solutions to substantive disputes, but can help people discover what is not a workable solution and possibly trigger the creation of new solutions.

Sometimes helping negotiators go deeper and further into the minutiae of substantive issues itself can prove useful. Parties usually bring a great deal of passion to issues. They often believe there is no chance of reaching an agreement because they paint the situation with too broad a brush. The mediator helps them break issues into smaller and smaller parts, and parties discover that the actual conflict is often limited to a very discreet set of issues, which are more amenable to resolution than the parties had realized.

### ***Creating Curiosity***

Becoming aware that one is now uncertain about important issues can generate fear and anger, but also, I argue, curiosity. Curiosity promotes exploration as negotiators ponder the question: if I didn't know *that* about my situation, what else don't I know? What else should I know?

As the mediator works to challenge assumptions, she can further cultivate curiosity by tending to negotiators' emotional comfort as parties experience the space of not knowing. Awakened curiosity is often accompanied by attentive relaxation (or openness), and the mediator seizes this opportunity to encourage parties to recognize both the situational complexity of the conflict as well as the possibility that it may be resolved in ways that had previously not been considered.

Mediators can help create opportunities for participants to transition from not knowing to curiosity using *disjointed communication*, providing *trusted information*, or generating *innovative ideas*. Disjointed communications occur when a speaker fails to convey her intended meaning to the listener. They present opportunities for parties to both explain themselves more fully and to listen more intently to each other's explanations.

During the abortion talks, disjointed communications between both groups concerning contraception compelled participants to dig further. The exasperation of pro-choice participants triggered curiosity, which led all the participants to work hard to explain their views. This effort resulted in a deeper understanding of the issues that divided them.

The introduction of reliable information that corrects misconceptions and answers substantive questions can also trigger curiosity. For example, before representative stakeholders were convened to develop worker safety standards, negotiations had reached an impasse over requirements for

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testing and verification of crane prototypes. The method required in the U.S. differed from — and was perceived by some participants as more robust than — the method required under European standards. Many stakeholders had passionately advocated their positions. During the negotiated rulemaking, uncertainty and intense curiosity developed as it became clear that none of the participants were intimately familiar with the European method. To fill the informational void, the chief engineer of a major European crane company was invited to provide an in-depth presentation of the European standards and respond to intensive questioning by the negotiators. The parties quickly consumed the new and more accurate information and easily reached a consensus decision on that issue.

Encountering innovative ideas can also trigger curiosity. During negotiations to develop regulations to implement the Brownfields Law, a negotiator representing environmental justice groups made proposals that were highly protective of communities saturated with Brownfields sites. When the risk-aversion aspects of her proposals were explained to negotiators representing banks and insurance companies, these negotiators became unexpectedly curious about how their own interests aligned with those of environmental justice advocates.

Jettisoning false assumptions and taking in new information — or as the abortion talks participants described their experience, “being stretched” — actually increases participants’ desire and openness to learn more. Many of the leaders who participated in the abortion discussions spoke about the benefits of being with those who do not share their views. As they wrote in an op-ed article that appeared in the *Boston Globe* (Fowler et al. 2001):

These conversations revealed a deep divide. We saw that our differences on abortion reflect two world views that are irreconcilable. If this is true, then why do we continue to meet? First, because when we face our opponent, we see her dignity and goodness. Embracing this apparent contradiction stretches us spiritually. . . . We continue [to meet] because we are stretched intellectually as well. This has been a rare opportunity to engage in sustained, candid conversations about serious moral disagreements. It has made our thinking sharper and our language more precise.

Throughout negotiations, to initiate the move from certainty through not knowing to curiosity, policy mediators must attend to the emotional state of the negotiators, individually and collectively. They may intervene to reduce fear, anger, and disengagement, as well as to promote comfort, curiosity, and creative thinking. A person at ease is better able to consider new ideas and information. A person who feels uncomfortable will hold tighter to the assumptions that make him or her feel secure. An

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uncomfortable person is likely to express negative emotions and less likely to bond with people in a conflict situation.

To carefully trigger curiosity, mediators gently ask questions framed to expose assumptions. From an observer's point of view, this might look like a conversation rather than an aggressive cross-examination. Some mediators cultivate an ability to "read people" and respond to the emotions and concerns behind spoken words. From facial expressions and body language, one can sometimes tell when a person has a new idea. Overall, the policy mediator tries to model a curious, nonjudgmental, respectful stance.

## Conclusion

Effective civil discourse requires parties to stretch beyond their usual policy discussions to examine their underlying assumptions while maintaining respect for differing values and beliefs. This does not require that they compromise their principles, but rather that they show respect for others' principles, which encourages understanding among people in conflict.

Civic fusion occurs when people with polarizing differences engage in respectful deliberations to explore those differences in the context of achieving a shared public goal. Although sharp differences remain intact, the strong bonds that develop among parties may result in sustainable agreements that respect their differing values and integrate their different interests.

## NOTE

1. This idea extends the concepts described by Z. D. Gurevitch (1989).

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