

2016

Community, Autonomy, and the Paradox of Public Engagement

Bernard Mayer

Follow this and additional works at: <https://open.mitchellhamline.edu/mhlr>

 Part of the [Public Policy Commons](#)

Recommended Citation

Mayer, Bernard (2016) "Community, Autonomy, and the Paradox of Public Engagement," *Mitchell Hamline Law Review*: Vol. 42 : Iss. 5 , Article 2.

Available at: <https://open.mitchellhamline.edu/mhlr/vol42/iss5/2>

This Article is brought to you for free and open access by the Law Reviews and Journals at Mitchell Hamline Open Access. It has been accepted for inclusion in Mitchell Hamline Law Review by an authorized administrator of Mitchell Hamline Open Access. For more information, please contact sean.felhofer@mitchellhamline.edu.

© Mitchell Hamline School of Law

COMMUNITY, AUTONOMY, AND THE PARADOX OF PUBLIC ENGAGEMENT

Bernard Mayer

I.	INTRODUCTION.....	1458
II.	THE SEARCH FOR COMMUNITY AND THE STRUGGLE FOR AUTONOMY IN PUBLIC ENGAGEMENT	1462
III.	STAYING WITH PUBLIC ENGAGEMENT	1467
IV.	WHAT ABOUT THE ELECTION?	1471
V.	CONCLUSION	1473

“The point of political equality is not merely to create spaces free from domination, but also to engage all members of a community equally in the work of creating and constantly recreating that community.”¹

I. INTRODUCTION

Some years ago, when Christopher Moore, my partner at CDR Associates and I were asked to facilitate a major public dialogue on issues of wildlife management in Alaska; we tried to construct a process that would offer a significant opportunity for people to discuss contentious issues with each other. Even in this highly politicized atmosphere, it was not hard to develop a structure in which everyone could offer input, but getting people to engage in meaningful conversations with those they had genuine disagreements with and with whom they seldom spoke directly was another matter. One of our efforts involved using a modified version of a circle process—something labeled (inaccurately)—a Samoan Circle.² We ran into a great deal of resistance from some of the participants, because they did not want to talk—what they wanted to do was to deliver a public statement, which would be

1. DANIELLE ALLEN, OUR DECLARATION: A READING OF THE DECLARATION OF INDEPENDENCE IN DEFENSE OF EQUALITY 14 (1st ed. 2014).

2. D&D Resources, *Samoan Circle*, NCCD (Dec. 24, 2008), <http://ncdd.org/rc/item/1439>.

duly recorded in some official record or another (and then promptly forgotten). As one of the activist said: “I did not come all the way to Alaska to participate in some childish process, I just want to deliver my statement and go home.”

Growing governmental efforts to engage the public in decision-making do not seem to have led to a public that feels more listened to or more able to participate in constructive dialogue with those they disagree with. If anything, that goal seems more elusive than ever, and yet is absolutely essential if we are to contend with the major issues we face globally, nationally, and locally.

Public participation procedures in decision-making have been around for a long time—and their use seems increasingly prevalent. They permeate all aspects of governmental decision-making. There are public meetings to gather input about location of public facilities, school closures, transportation planning, proposed changes in regulations, annexation decisions, and just about every other public decision a local governmental entity makes. In many jurisdictions, elected bodies are required to deliberate in the open and it is not even permissible for more than three or more elected officials to talk privately about official business.³ Sometimes these are simply input procedures—with no real capacity to promote dialogue or seek consensus, but there are many diverse approaches that seek to encourage genuine interaction and consensus building as well.

But along with the growing efforts to provide for public participation, there also appears to be a growing sense of alienation from government, a belief that public officials are not genuinely responsive to their constituents or interested in hearing what they think. Or at least that is what a growing chorus of angry voices seem to be saying—particularly in the current US election. What is going on here? Why do what appear to be extensive and genuine efforts to give people a direct voice in decision-making procedures only seem to make people more skeptical about the genuine commitment of government officials to take their views into account?

No doubt the public’s reaction is related in part to a growing sense that government cannot address the fundamental issues that

3. COLO. PRESS ASS’N, *SUNSHINE LAWS: PUBLIC/PRESS GUIDE TO COLORADO LAWS ON OPEN MEETINGS AND OPEN RECORDS 1* (2010), http://www.coloradopressassociation.com/img/site_specific/uploads/sunshineLaws.pdf.

we face and that endless input may be a substitute for decisive action. Also, the very amount of requests for feedback and input (will we ever be able to travel on an airplane, rent a car, or stay in a hotel again without being asked to provide feedback?) may breed cynicism about the sincerity of the desire to gain information and act on it. And of course, just because we provide input or participate in a stakeholder process does not mean that our views will be adopted or our concerns effectively addressed. Ironically perhaps, the more people devote time and energy to participating in a public engagement process which then results in at best an imperfect outcome from their point of view, the more they may end up feeling that government is truly unresponsive. Of course, that is by no means a universal experience, but it is what many participants seem to feel. It is not so hard to understand why a pro forma public participation process can actually make people feel more disconnected from government. Consider for example, an illustration of a typical interchange at a meeting of a public body—perhaps a zoning commission:

Chair: We are now open for public comments on the proposed rezoning that would allow for a health care clinic to be located in a lot that formerly held a church. Please limit your comments to three minutes

Citizen J [*Citizen J is nervous about speaking in public, is very concerned about this plan, and has worked very carefully over a statement which Citizen J reads*]: Thank you Madame Chair, I live across the street from the proposed rezoning. . . . [*Citizen J explains with great forcefulness and cogency just why this seems like a bad idea. After 2 minutes a yellow light comes on and after 3 minutes a red light. The Chair gently asks Citizen J to wrap up his remarks, which he does*] Thanks for the opportunity to speak, I urge you to reject this rezoning application.

Chair: Thank you, Citizen J. Next.

No matter the outcome, no matter the good intentions of the officials involved, Citizen J will probably go away from this interchange without having experienced any sense of genuine participation or empowerment. Citizen J may feel hopeful, alienated, relieved, angry, or frustrated, but he or she will not likely feel engaged in a meaningful way. To be sure, there are many better designed mechanisms for public participation than the one described above, but this is a very common approach that most engaged citizens have experienced. The sheer quantity of such

processes can be overwhelming to officials and citizens alike and may encourage a sense that these efforts are more about complying with regulations or checking off the “public input” box than about genuinely learning from the public or crafting better proposals or decisions in collaboration with them. It is also easy to understand why people often walk away from these interactions feeling a disconnect between the intensity of their feelings about an issue and the impersonal nature of the response. This is true even in more elaborate and carefully designed public processes. The quantity of input often overwhelms the quality of the dialogue.

The connection between greater input and growing cynicism about government responsiveness to the public is in some ways a reinforcing system of interaction. The more input processes, the more cynicism and public resistance. The more cynicism and resistance, the more efforts to develop ever more elaborate input processes. Of course, it is not quite as grim as I am describing. Many of these processes result in better outcomes, more public acceptance, and a greater sense of buy-in to certain decisions. But the cumulative, societal impact of this does not seem to be a greater connection between citizens and their representatives on any level of government. Nor does it seem to have resulted in a greater public capacity to engage across political, ideological, religious, or other divides. How can we understand this on a deeper level and what we can do to make public participation more meaningful?

I suggest two fundamental dynamics which need further exploration and are operative here. One is the interaction between two essential co-dependent but in some ways opposite human needs—the need for autonomy (individuation) and the need for community (attachment).⁴ Civic engagement forums are opportunities to build community and to forge “weak links,”⁵ but also to assert autonomy to differentiate from larger communal norms. The second is the role of enduring conflict.⁶ Most public input processes are efforts to minimize or resolve conflicts about issues that are fundamentally not resolvable—or at least that contain significant enduring elements. That being the case, the

4. See *infra* Part II.

5. PETER CSERMELY, WEAK LINKS: THE UNIVERSAL KEY TO THE STABILITY OF NETWORKS AND COMPLEX SYSTEMS 95 (2009).

6. See *infra* Part III.

very premise of these efforts flies against a deeply held if not always clearly articulated view of reality.

II. THE SEARCH FOR COMMUNITY AND THE STRUGGLE FOR AUTONOMY IN PUBLIC ENGAGEMENT

In *The Conflict Paradox*⁷ I suggest that the key to helping disputants find a more constructive approach to conflict is to address the polarized way in which they view the choices they face. I outline seven paradoxes that govern our views about conflict.⁸ Each of these polarities are paradoxes in the sense that we understand them as opposites, but in fact, you can't have one without the other. Each offers a lens through which we can view conflict and understand the challenges that a conflictual interaction poses. While not all public engagement activities are characterized by high levels of conflict, almost all take place against a backdrop of potentially competing interests, and many are very contentious. All seven of the paradoxes discussed in *The Conflict Paradox* are in play in most public engagement efforts.⁹ For example, there are constant pulls to compete and to cooperate across interest groups; a central challenge in public engagement is how to help participants cooperate enough to compete effectively and in such a way that ongoing cooperation can occur. Another challenge is how to enter into each effort with a realistic view of the obstacles faced in achieving a successful outcome so that genuine optimism is possible. While each of the paradoxes are relevant, the one that seems especially cogent to me in understanding the misgivings and frustrations associated with public engagement efforts is that defined by autonomy and community.¹⁰

We are social animals, and our need for connection, for community, is central to our identity, but our individuality, our sense of who we are as autonomous human being, is essential to our ability to function as well. As children move through the different developmental stages, they assert their autonomy in new

7. BERNARD MAYER, *THE CONFLICT PARADOX: SEVEN DILEMMAS AT THE CORE OF DISPUTES* 1–6 (2015).

8. *Id.* at 4–7 (listing the seven paradoxes as: competition and cooperation, optimism and realism, avoidance and engagement, principle and compromise, emotions and logic, neutrality and advocacy, community and autonomy).

9. *Id.*

10. *See id.* at 237–65 (examining the paradox of autonomy and community).

and sometimes ever more challenging ways, and as they do so, they also seek new and more mature ways of experiencing and expressing attachment. While this often comes to a head in adolescence, the effort to resolve the tension between our fundamental needs for autonomy and community is a lifelong journey. Almost every analysis of human development revolves around the evolving ways in which we resolve the tensions between our pull towards connectedness and our need for boundaries.¹¹ Our capacity for experiencing a strong sense of self requires both a rich sense of autonomy and a strong feeling of belonging. The more we can experience autonomy, the better we are able to participate in community; the more we experience community, the stronger our sense of who we are as individuals. While the norms of different cultures about expressing our individualism or submitting to the group (clan, village, family) vary tremendously, the pulls are always present. In an analogous fashion, groups experience the same seemingly opposing pulls, for boundaries and for connection. In fact, this is a characteristic of virtually all complex adaptive systems. A nuclear family unit must define both its separateness and its connection to a larger family system, just as that system must do with the larger clan, community, or ethnic group that it is identified with. Each unit in an organization, department in a university, platoon in the military, or neighborhood in a city experiences the same seemingly contradictory but in essence co-dependent pulls.

Civic engagement activities are in essence community building and boundary defining activities. By joining in such an activity we both declare our connection to the larger community and assert our independence from it. As we become more committed to a collaborative outcome, we struggle with changing the interaction between our sense of separateness and our sense of connection to the large communal structure that the civic engagement effort operates within. We can see this in almost every public participation process we take part in, but sometimes this tension is dramatically clear. For illustration, consider the following:

11. See, e.g., ERIK H. ERIKSON, *IDENTITY YOUTH AND CRISIS* 91–141 (1968); CAROL GILLIGAN, *IN A DIFFERENT VOICE: PSYCHOLOGICAL THEORY AND WOMEN'S DEVELOPMENT* 153–54 (1982); MARGARET MAHLER, FRED PINE & ANNI BERGMAN, *THE PSYCHOLOGICAL BIRTH OF THE HUMAN INFANT: SYMBIOSIS AND INDIVIDUATION* 11 (1975); JEAN PIAGET, *THE PSYCHOLOGY OF INTELLIGENCE* 131 (M. Piercy & D.E. Berlyne trans., 2nd ed. 2001) (1947).

When an unincorporated neighborhood, which I will call Uphill, found that its water supply had been polluted by discharge from a nearby light industry, the EPA was called in and so were many lawyers. Uphill was entirely surrounded by Boulder, Colorado. As part of the settlement, the city agreed to build water and sewer lines to replace the wells and septic systems that had been used by Uphill residents at no cost to them. This was a tremendous benefit to the neighborhood and would (in fact did) result in an immediate and significant increase in property values. But there was one important condition—the neighborhood would have to agree to be annexed by the city, a policy deeply rooted in the way in which water is dealt with in the West. For many reasons (new zoning regulations, less local autonomy, concern about possible new fees that might be imposed by the city, among others), many residents of Uphill were resistant to agreeing to annexation. I was therefore asked to conduct a dialogue between the city and the Uphill community about the issues surrounding the annexation proposal.

Two elements of this ultimately successful effort were very striking to me. First, many of the neighbors initially responded to me as if I were an outsider who was intruding into their community. In a sense I was, but not very much outside. When this process took place, I had been a resident of Boulder for twenty plus years. I lived just a few blocks from the neighborhood and had many connections with people who lived in the area. In fact, at one point when I first moved to Boulder in 1972 (and was trying my best to be a member or the “counter culture”), I drove a school bus to the neighborhood school. One of my sons had attended a pre-school located in a church in Uphill, and both had good friends living there. So I felt very connected to the area. It is not unusual for organizers of public engagement efforts to face questions about their background and loyalties or for citizens to worry that the facilitators are acting as agents for the governmental authority who contracted with them, and I have often had to deal with this concern. But in this case, the stark way in which some neighbors labeled me as an outsider clashed with the connection I had genuinely had with this community. Something was going on here beyond normal concerns about impartiality, but what was it?

It seemed to me that a big part of what this was about was identity. Identity concerns are different in kind and require a different response than conflicts rooted in conflicting interests.

Participants in identity conflicts often require an opportunity to assert their sense of who they are, and efforts to focus instead on their more tangible substantive interests often misses the boat.¹² In this situation, we negotiated terms that were beneficial to the neighbors and appeared to address their essential concerns, but many of them remained reluctant to sign on to the plan. When the proposed agreements were discussed in community meetings (and modified according to the neighbors' input), I never felt that concerns about the terms of annexation were really driving the discussion. Instead, I noticed was how strong a feeling of community existed and how much this sense of community had been built around coming together to deal with this issue. There were usually food and a good deal of informal visiting that accompanied these meetings. It became clear that the community, which had long defined itself as "not-Boulder," was in essence negotiating the end of its existence as an independent community. So the second essential element at play here was the loss of autonomy. Every step towards an agreement with the city involved a weakening of the neighborhood's sense of community, which was in essence about its autonomy from Boulder. To accept the deal and become part of the city meant having to accept a new configuration of autonomy and community, one that was considerably less meaningful to many of the residents.

In the end, the only way we could deal with the resistance that seemed to no longer have roots in specific terms of the agreement was to name the problem. I discussed with them what they were going to lose, no matter what the agreement was. We talked about how they had come together as a community, and acknowledged that while they could still have meetings, block parties, etc., it would not be the same no matter what the final outcome. They sadly agreed with this, and they also decided the time had come to move forward. They agreed to annexation, and property values quickly doubled or tripled. There are now many larger and more elaborate homes in the neighborhood, but it has largely lost its separate identity. In its place, a new sense of community, one covering a much larger area (referred to as NoBo) has arisen, one

12. JAY ROTHMAN, *RESOLVING IDENTITY-BASED CONFLICT IN NATIONS, ORGANIZATIONS, AND COMMUNITIES* 5–8 (1997); BERNARD MAYER, *THE DYNAMICS OF CONFLICT: A GUIDE TO ENGAGEMENT AND INTERVENTION* 25 (2nd ed. 2012).

which very much describes itself as part of Boulder—rather than the “not Boulder” neighborhood in the middle of the city.

While there are some unusual aspects to this story that underline the nature of the struggle between community and autonomy, it is by no means unique. Almost every public engagement effort with which I have been involved has involved this dynamic. Public engagement is propelled by a desire of people and groups to define their place in a community, city, county, state, or nation, by way of articulating differences, establishing boundaries, and agreeing to connections. But these are seldom the terms on which civic engagement efforts are conducted. Most efforts focus on particular issues, the varying interests of different individuals and groups involved, and how these interests can be addressed. These are very worthwhile endeavors, but they often miss the essential dynamic that drives the interaction and by doing so, they fail to address the most essential struggles of the people involved.

The symbiotic tension between the need for community and autonomy is dynamic—it is always evolving, and there is seldom a completely stable integration of these needs. As individuals, finding the sweet spot between being cut off from others and being enmeshed or co-dependent is a lifelong process.¹³ While it can be painful at times, it is also essential to being fulfilled adults. Communities experience similar pulls toward autonomy and connection; civic engagement efforts are one important way that communities, groups, and organization engage in a similar process of identity formation and expression. At their best, they help participants experience the essential connections and boundaries essential to allowing them to participate in the communities and systems they are part of in a healthy way. But this is always an ongoing process that is never completely finished nor entirely satisfying—just as our efforts to work out who we are in our family system is a lifelong project.

13. MURRAY BOWEN & MICHAEL KERR, FAMILY EVALUATION: AN APPROACH BASED ON BOWEN THEORY 89 (1988) (Kerr and Bowen refer to this “sweet spot” as being “differentiation of self,” a place where we can stay meaningfully connected to our families but make our own autonomous decisions in a way that is not determined by wanting to acquiesce to family pressures or rebel against them); see Sean Sayers, *Identity and Community*, 30 J. SOC. PHIL. 147, 147–60 (1999).

III. STAYING WITH PUBLIC ENGAGEMENT

Lewis Coser pointed out in his classic text on conflict, *The Functions of Social Conflict*,¹⁴ that conflicts are vitally important as a foundation for social cohesion and connection. We are connected as much by our conflicts as by our areas of agreement. We see this all the time. For example, in the United States, we are currently going through a very dramatic election, one characterized by an unusual amount of highly charged and polarizing conflict, and partly as a result, Americans are fully aware of being part of our national community (for better or worse).¹⁵ When a major public dispute arises we become far more aware of the nature of our connection to the communal entity within which it arises. And the more fundamental the conflict, the more aware we become.

All societies have enduring conflicts, ones that do not easily go away and are an essential part of the experience of being part of that society. In Canada, the tensions between the Francophone and Anglophone communities are deeply rooted in Canadian national consciousness. In the U.S., racial issues have been and continue to be a defining part of our social awareness starting before the founding of our country. So too are the tensions between the role of government and rights of individuals, the power of local government and that of the central government, or divergent beliefs about immigration, the allocation of natural resources, the role of the market, and the distribution of wealth (to name a few). We are separated by our differences about these issues but we are brought together by them as well. They inform our sense of the social entities we are a part of.

It is into this cauldron of enduring issues that civic engagement processes delve. But they often do so in a way that dodges the enduring nature of the most essential conflicts that public involvement efforts attempt to address. We naturally want to focus on the elements of conflict we can “do” something about, and that means those aspects of an issue where it seems some actionable agreement might be feasible. As a result, we tend to shy away in our public engagement efforts from those elements that we feel we can do nothing about. The American culture in particular is about doing something, not just about simply experiencing something. This means we devote our greatest attention to addressing those

14. LEWIS A. COSER, *THE FUNCTIONS OF SOCIAL CONFLICT* 151–57 (1956).

15. *See infra* Part IV.

elements of conflict that are at least in theory resolvable in the near term. So we talk about how to educate police, create oversight bodies, and bring those who misuse police power to account, and of course these are important issues. But we tend to avoid the more intractable questions about the contradictory roles of police in controlling behavior and engaging with a community, the deeply embedded narratives that govern police attitudes towards African American communities and the historical foundations and ongoing experiences that have led to those communities' attitudes towards police, or the racist roots of American social institutions and of our American consciousness. While there have been efforts at creating dialogues to get at the more fundamental roots of this conflict, these easily devolve into a "what can we do" discussion, rather than how can we as citizens, communities, or social institutions examine how we think and consider the basic values and narratives that perpetuate our conflicts.

When we talk about global warming, we rightly try to address what we can do in the here and now, but we do not easily address the structural roots of anthropogenic climate change in the very nature of the society, culture, and the world we live in. When efforts are made to do this, people become discouraged and cynical because imagining a different world is almost impossible. Yet, we can and must do exactly that about climate change or any of the enduring conflicts that abound in our world if we want to address the heart of the dispute. We need to talk, especially with those we profoundly disagree with, about the most difficult aspects of race, community police relations, our economic system, and the threat that that system inevitably poses for the environment. The more we avoid our essential differences and the deeper elements of the conflicts that we face, the more cynical people become about public involvement, and the less able we will be over time to make inroads into our most important problems. When we feel we are touching on irresolvable differences, it is natural to construct an engagement process that focuses us on where we might agree and what we might do. But by doing this we avoid engaging in dialogue about the most deeply felt or enduring elements of a problem, we perpetuate a formalistic approach to engagement that breeds alienation and cynicism.

Consider a less global issue, but one that is still deeply enmeshed in our society and our culture—the danger posed by football. We can anticipate many discussions at school districts and

universities about what to do about football. Should football programs be eliminated? Cut back? Rules changed? Essential elements of the game modified? I hope that there will be efforts to use our best public engagement tools to address this. But it will not be easy to get at the most essential problem. Football (especially—but also soccer, hockey, and several other sports) causes brain damage.¹⁶ There seems to be no getting away from this. It is bred into the very nature of the game. Better helmets will not help.¹⁷

Quicker diagnosis and stricter controls around concussions will not fundamentally change the problem either.¹⁸ When public engagement efforts about this occur, we can anticipate two kinds of discussions—an either/or consideration about whether to have a football program (and many will no doubt be eliminated) or a discussion about what to do to make the game less dangerous. But what about looking at just why it is that football has become so central to our culture—to our sense of community? What is it about the very violent nature of the game that makes it so engaging? And how does football perpetuate (and feed off of) a more general culture of violence and misogyny? What about the genuine value of the community defining culture that arises around football as well?

These are not easy questions to address, and there are no easy answers. But unless we at least face these, we are not considering the essential issues and dynamics involved, and therefore we will inevitably be drawn to rigid or superficial answers. Even if most of the public involved cannot easily articulate the fundamental problem, they can sense when it is not being addressed. The challenge for all of us is to find a way of raising the most enduring and deeply rooted aspect of any of these issues, and doing so in a way that encourages difficult discussions across intensely felt differences. When we can do this, we build community even as we underline our disagreements.

16. See, e.g., Dave Bry, *American Football Is Too Dangerous, and It Should Be Abolished*, THE GUARDIAN (Jan. 4, 2016), <http://www.theguardian.com/commentisfree/2016/jan/04/american-football-is-too-dangerous-and-it-should-be-abolished>; Jonathan Zimmerman, Opinion, *Football: Unsafe at Any Level*, L.A. TIMES (Sept. 13, 2014), <http://www.latimes.com/opinion/op-ed/la-oe-zimmerman-football-dangers-20140914-story.html>.

17. The problem is the brain rattling against the skull, not the head against the helmet.

18. The many hits that jar the head are as or more significant a part of the problem, especially for youth, than concussions.

I am not suggesting that the enduring elements in conflict are the only issues to be addressed or that every civic engagement effort must take these on as its primary focus. But the more these are systematically excluded from attention in civic engagement processes, the more people will see these efforts as lightweight and ultimately inconsequential. In *Staying With Conflict*,¹⁹ I suggest that we need to be alert to six faces or aspects of conflict which are almost always present:

- 1) the latent face (what has yet to arise but is implicit in the conflict);
- 2) the low impact aspect (which does not mean unimportant, but where the specific issue itself is not high stakes—e.g., what should the design of a light rail station be);
- 3) the representational element (what one element of the conflict represents on a deeper level—why is the design so important);
- 4) the transitional element (that part of conflict which is at least principle resolvable through agreement or some other decision making process—e.g., where shall we locate a waste water treatment facility);
- 5) the stubborn aspect (transitional but very difficult—what shall we do about regulations to control carbon emissions from coal burning plants); and
- 6) the enduring element (where no agreement would resolve the issue because it is imbedded in structure, values, identity, and power).

Enduring conflicts do not end by achieving a specific agreement or arriving at a decision. Rather they require a change in the structure in which they are embedded or through fundamental system change or personal growth. Enduring conflict and many stubborn conflicts are sometimes characterized as “wicked problems.”²⁰

Dealing with latent, representational, low impact, and transitional conflict is very important, and we should not criticize

19. BERNARD MAYER, *STAYING WITH CONFLICT: A STRATEGIC APPROACH TO ONGOING DISPUTES* 21–25 (2009).

20. JEFF CONKLIN, *DIALOGUE MAPPING: BUILDING SHARED UNDERSTANDING OF WICKED PROBLEMS* 5 (2005) (a wicked problem is one that is not only hard to solve but difficult to characterize or define and subject to continually changing parameters).

efforts that limit themselves to this or focus primarily on “getting something done.” But we must not always and completely ignore the enduring conflicts or our most “wicked problems” if we want to genuinely build community and engage people in meaningful dialogue on important issues. And we have many tools in our arsenal that can help us do just that; organizations such as the Public Conversations Project, Search for Common Ground, and Civility are just a few examples of organizations dedicated to taking civic engagement processes to a deeper level. We can help people who do not normally talk find ways to discuss issues they normally avoid. We can frame issues in a way that does not systematically exclude the enduring elements of conflict even as they focus people on “what-can-we-do” types of questions as well. We can look at the systemic sources of the conflicts that we face even if we cannot readily eliminate them. The more we discuss these, without assuming we can fix the problem, the more we encourage people to share their deepest narratives, the more we will build the environment in which fundamental problems can be addressed and the more powerful our civic engagement efforts will be. The more aware we are of the limits of our ability to fix enduring problems in the short run, the better we will be at building the community capacity to address them over time.

IV. WHAT ABOUT THE ELECTION?

As with many others, I have been feeling that this U.S. election season is interminable and frightening. At times it has seemed like the very fabric of our national consensus, our sense of belonging to a civic community that we want to engage with, is unraveling. But are we not also seeing an incredibly high level of public involvement? Are elections not essentially about airing our most significant differences and giving citizens a significant voice? So why do so many of us find this election cycle to be so disconcerting and upsetting? From my perspective, what is particularly problematic is that in the name of “saying it like it is,” we are seeing an attempt to define our national community in an incredibly rigid and narrow way, one that denies an important part of who we are. Playing on the anger and fear of many, the Trump campaign in particular, but others as well, are stoking the latent racism and xenophobia that has always been present in our society to promote a vision of community that not only shuts out large categories of our population—immigrants, Muslims, Hispanics, and others—but

labels them as illegitimate and dangerous. In doing so, people are indirectly and sometimes directly being encouraged to take action against people who are already vulnerable. A more fluid and inclusive sense of who we are is under attack and as a result our capacity to genuinely engage in a constructive conflict about real differences is being severely limited if not eliminated.

Public engagement requires that our definition of autonomy and of community not be so rigidly drawn that we cannot reach across boundaries. Our history (and of course we are not alone in this) is replete with awful examples of what has happened when our definition of who we are and what we are becomes exclusionary and rigid. It is not unusual at election time for politicians to try to claim the adherence of a particular community by way of differentiating it from another, supposedly less desirable alternative. We have heard politicians talk about “the silent majority,” “the moral majority,” “solid, God-fearing Americans,” “those who love our country,” and the like. Each of these are in essence efforts to divide our community into those who are “good” and therefore support that politician or political group, and the others—who are not so good and maybe not so American. This seems to be happening this year in an especially ferocious way. It is dangerous, but not new. This is the essential message of racism, misogyny, homophobia, Islamophobia, Anti-Semitism, and xenophobia. What is especially frightening is the ineffectiveness to date of the voices for a larger more inclusive sense of community.

Effective public engagement processes are an essential part of the antidote for this type of civic poison. At their best, these forums allow people to give expression to their most deeply held concerns—and to their anger—but to do so in a way that defines those on all sides of a conflict as legitimate members of our community who have a legitimate right to a voice in our public discourse. If, in the face of profound differences, we resort to ever more simplistic formulations not only of the conflicts and problems we face but of who we are as a nation, then the basic foundation of our civic community will be threatened. But if instead, we can encourage a more complex view of our community, our differences, and our identity, then we can not only sustain ourselves through profound disagreements, but we can strengthen our civic institutions in the process.

Public participation processes can help accomplish this by bringing ourselves together in our differences, but only if they do

not attempt to suppress our needs for autonomy or our loyalty to a spectrum of communities and only if they do not consistently direct us away from a focus on our most profound differences. The irony is that for public engagement to fulfill its mission, we have to be willing to trust the public, and if we don't, well then the public will be less trustworthy.

V. CONCLUSION

Effective public engagement requires that we find a way to accept and engage the paradoxical nature of complex systems. We all belong to many different communities, many different publics, and many different systems. Our efforts to resolve the seemingly contradictory pulls of these communities not only define who we are as individuals but who we are as a society. In order to accomplish its potential, public engagement efforts have to provide space to allow participants to assert their autonomy as they strive for community, to attend to immediate concerns while encouraging attention to the more enduring underlying elements that we all tend to avoid, and to encourage participants to act in a principled way at the same time as they consider the compromises necessary to give life to those principles. These are fundamental challenges for all societies and they are exactly why public engagement is so important to civic health.

Mitchell Hamline Law Review

The Mitchell Hamline Law Review is a student-edited journal. Founded in 1974, the Law Review publishes timely articles of regional, national and international interest for legal practitioners, scholars, and lawmakers. Judges throughout the United States regularly cite the Law Review in their opinions. Academic journals, textbooks, and treatises frequently cite the Law Review as well. It can be found in nearly all U.S. law school libraries and online.

mitchellhamline.edu/lawreview

MH

MITCHELL | HAMLINE

School *of* Law

© Mitchell Hamline School of Law
875 Summit Avenue, Saint Paul, MN 55105
mitchellhamline.edu