

Law 695-002

LEADING ACROSS THE DIVIDE: CIVIC LEADERSHIP SKILLS FOR TROUBLED TIMES

**Professor of Practice Mary Grier
Fall 2019**

Instructor Information

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Guest Speakers

Toni Massaro, Regents Professor, Milton O. Riepe Chair in Constitutional Law and Dean Emerita

Frank Gonzalez, Assistant Professor, School of Government and Public Policy, SBS

Jeanette Maré, founder of Ben's Bells (compassion and community building)

Leslie Langbert, MSW, LCSW, Executive Director of the Center for Compassion Studies

Mayor Jonathan Rothschild

Attorney Keri Silvyn

Arlan Colton, FAICP, College of Architecture, Planning and Landscape Architecture

Mark McLemore, Arizona Public Media

Stacy Rupprecht Butler, Director, Innovation for Justice; Professor of Practice

Tara Jackson, Attorney and President, Arizona Town Hall

Carolyn Lukensmeyer, National Institute for Civil Discourse (invited, not yet confirmed)

Class Meeting Time

Mondays, 5:30 pm – 7:20 p.m.

Beginning September 9, 2019

Course Description

These are perilous times, but the challenges we face are neither new nor unforeseen. George Washington, in his farewell speech to Congress, warned that political partisanship would lead to instability of democratic government. Less than 100 years after the Constitution was adopted unresolved disputes over fundamental issues of national identity (primarily slavery) led to the American Civil War.

For decades now Americans have been sorting themselves into partisan camps that fundamentally disagree about what it means to be an American, creating a modern existential crisis. The political left sees Republican xenophobic, racist, misogynist and homophobic rhetoric and actions as intolerant and un-American. The political right sees Democrats as baby-killing, gun-hating, anti-Christian, flag disrespecters, and un-American. Increasingly members of these groups identify with their party on an ideological basis, and exhibit hostility toward the out-group, whom they view as evil and corrupt. Partisan divides now overlay religious, cultural, geographical and racial divides, becoming linked to personal identities.

More than eight in ten U.S. adults (85%) say that political debate in the country has become more negative and less respectful, according to a survey conducted this spring. Recent academic research found that just over 42 percent of the people in each party view those in the other party as “evil.” Nearly one out of five Republicans and Democrats agree with the statement that their political adversaries “lack the traits to be considered fully human.” Some 20 percent of Democrats (that translates to 12.6 million voters) and 16 percent of Republicans (or 7.9 million voters) do think on occasion that the country would be better off if large numbers of the opposition died.

In 1960 only 5% of Republicans and 4% of Democrats said they would be displeased if their son or daughter married someone of the opposing party; in 2010 that number rose to 49% of Republicans and 33% of Democrats, and in 2019 those numbers are likely higher still. An overwhelming majority (86%) of Americans say conflicts between Democrats and Republicans are either strong or very strong, according to a new Pew Research Center survey.

According to ABC News nearly 40 percent of Americans have feuded with friends and family since the 2016 election. Only 10 to 11 percent of American couples have divergent party registrations. Most Americans (63%) say that when discussing politics with people they disagree with they find they usually have less in common politically than they thought. Nearly eight in ten Americans say that when it comes to important issues facing the country, most Republican and Democratic voters not only disagree over plans and policies, but also cannot agree on basic facts.

Some political scientists hypothesize that as we separate into identity politics, we are falling into three dangerous and self-reinforcing cycles: the “disappearing trust doom loop;” the “disappearing electoral legitimacy doom loop;” and the “growing inequality doom loop.” At the root of these doom loops is mutual distrust and demonization. If we reach the point where one extreme imposes by force policies abhorred by the other extreme, a constitutional crisis may result.

Many factors contribute to our current political dysfunction. There is disagreement about the extent to which “tribalism” is to blame. Nevertheless, understanding the psychology of in-group favoritism, out-group derogation, group polarization, and the influence of social identity on cognition, may help us to communicate more effectively, and to find ways to develop cross-cutting connections.

We each have multiple roles to play in nurturing democracy. As lawyers we play a critical part in crafting laws and regulations, avoiding and resolving disputes, negotiating and drafting agreements. We also serve as community leaders: members of parent teacher organizations, school boards, zoning commissions and city councils, and elected officials. As parents, family members, neighbors and business leaders we can model and encourage positive civic engagement, and foster the development of cross-cutting connections, or we can feed the doom loop.

Learning Objectives

- To revisit the basic principles on the which American democratic republic was premised, and consider the important role that citizen leadership and engagement plays in maintaining the effective functioning of democratic institutions
- To better understand certain threats to American government at the national, state and local level posed by citizen and leadership behaviors that we can directly influence, including hyper-partisanship, attacks on the media, intolerance of differences, and the culture wars

- To examine the evolutionary and psychological factors that feed the culture wars and the hyper partisan doom loop.
- To develop and practice skills, techniques and strategies for dealing with people whose world views, political opinions, values, and life experience differs from your own, working toward solutions and consensus despite differences, and developing techniques for resolving conflict and building common ground.

Course Requirements

- **Weekly reading/video assignments:** Students will be expected to complete weekly reading assignments and/or to watch certain presentations made available on youtube video links, and to send brief comments reacting to the assignments to the professor by email. The comments may be less than one page and need not be formal or legalistic but should be substantive and indicate that the student has thought about or had some critical evaluation of the content read or viewed.
- **Class Participation:** Students must participate in class discussion and exercises. Exercises will vary depending on the session. For example, a class session may involve conducting an interview, engaging in an active listening exercise, or participating in recording a town hall discussion.
- **Final Project:** There will be no exams for this course. Instead, students will complete a written project that may be one of the following, at the student's option.
 - An essay at least 1000 words in length, addressing the topic: The America We Want: Identifying Common Ground and Shared Values to Rebuild Trust and Cohesion (or another comparable topic approved in advance by the instructor).
 - A public service campaign strategy (social media, contest, video, etc.) that applies principles learned or practiced during the course.
 - A writeup of the design for a community project or activity that would implement principles learned or practiced during the course .
 - An op-ed article suitable for publication in the Arizona Daily Star or comparable publication addressing principles learned or practiced during the course.
 - Another project similar in scope to those suggested above, as proposed by the students and approved by the instructor.
- **Optional Outside Activities:** Information about optional outside activities is provided on the D2L page for this course. Participation in these activities will not affect a student's grade but may be interesting and enjoyable. If cost is a barrier to participation scholarship assistance is available.

Grading

This is a pass/fail course. A student's grade will be based upon the final project (60%) and class participation (40%). Class participation will be based on the student's participation in discussion and exercises as well as submission of comments by e-mail before each class.

Course Materials

There are two assigned texts for this course, as well as additional reading materials compiled in a course reader posted on the D2L page for this course. The assigned texts are not required reading in their entirety; they should be viewed as references. The reading list is extensive, but much of the material listed is optional reading. Required material is clearly marked as such.

Topics

Class #1 September 9 – Professor Toni Massaro, Guest Speaker

Democracy: The worst form of government except all the others that have been tried from time to time. Basic principles of government and democracy; the role of individuals in society and in nurturing the proper functioning of democratic institutions. What is “democracy”? In what contexts has it been attempted, flourished, or failed? What are the advantages and disadvantages of democratic forms of government? What was the American Experiment and how successful has it been? What concerns did the Founding Fathers have as they shaped the future government of the United States? How did they address those concerns? Are those concerns still relevant today? Are there new concerns that should be addressed? How well are American democratic–republican institutions functioning in the 21st century?

Class #2 September 16 – Professor Frank Gonzalez, Guest Speaker

“Well Doctor, What Have We Got?” “A Republic, if You Can Keep It.” Modern challenges to the proper functioning of our democratic republican form of government, including hyper-partisanship, extreme polarization, demonizing the other, gathering in silos, and the media. What theories of political psychology, evolutionary biology and competing political world views and value systems explain today’s culture wars and group affiliations (Kahan/Lakoff/Haidt). How do you communicate and cooperate or work effectively with people whose world view is diametrically opposed to your own? What strategies might help the United States overcome the extreme divisions in its body politic?

Class #3 September 23 – Jeanette Maré and Leslie Langbert, Guest Speakers

Core Skills: Empathy and Compassion. The role of empathy and compassion in building relationships and community. The skills of empathy allow you to understand the views and motivations of others, particularly those with whom you have the least in common – people with different life experiences, political views or ethnic backgrounds. At higher levels, empathy allows you to stand outside yourself and see how others view you, which is critical to effective leadership. We will explore various aspects of empathy, its importance and how to cultivate the skills of empathy and compassion and bring those skills to difficult conversations with our partners, clients, and adversaries.

Class #4 September 30 – Professor Stacy Butler, Guest Speaker

Core Skills: Strategy, Learning and Motivation. There is no cookie-cutter answer to the process of solving community problems or client problems. The skills of strategy help you see the road that will move good ideas forward, the ability to understand and deal effectively with power. The skills of learning help you search for, and recognize potential solutions, sometimes from unexpected sources. Think of these as the skills that great detectives use in solving their cases. The skills of motivation help

you engage others – and yourself – in your community’s work. We will explore ways to develop strategic thinking and other creative analytical skills.

Class #5 October 14 – Hon. Jonathan Rothschild, Keri Silvyn, and Arlan Colton, Guest Speakers

Case Study – Local Government Land Use Planning Dispute. This session will present a hypothetical land use planning dispute, to demonstrate how creative solutions may emerge when participants use active listening, empathy, strategic thinking and problem-solving skills and look for ways to balance their competing interests. Facilitators will also discuss some of the strategic considerations that affect the outcomes of such disputes.

Class #6 October 21 – Mark McLemore, Guest Speaker

Core Skills: Working Across Differences: Active Listening and Engaged Interviewing. This session will focus on the art of active listening and engaged interviewing—skills that everyone thinks they have in plenty, but few possess. A representative from Arizona Public Media will describe the One Small Step project, and students will have an opportunity to download the app and practice the One Small Step interview technique, as well as discuss and practice other active listening and engaged interviewing skills.

Class #7 October 28 – Tara Jackson, Guest Speaker

Core Skills - Working Across Differences: Facilitating a Community Conversation. This session will train students to plan and facilitate a town hall style community conversation, using the methods developed by Arizona Town Hall, one of Arizona's most trusted non-partisan sources for Arizona policy solutions. Arizona Town Hall brings diverse people together to solve critical and often divisive policy issues; building bridges across political, geographical and other barriers; building relationships and strengthening communities; developing leaders and engaged citizens; providing the impetus for developing recommendations that have had significant impacts throughout Arizona.

Town Hall gatherings are designed to empower participants to be constructive members of their communities and to galvanize participants to engage with others to address community issues. Students will be trained in the design of discussion questions, development of a neutral research report, development of consensus, chairing and recording the discussion. This session will prepare students to facilitate the community discussion that concludes the class on November 18.

Class # 8 November 4 - Carolyn Lukensmeyer, Guest Speaker (Invited, Not Confirmed)

Working Across Differences: Difficult Conversations, Engaging Differences Productively as a Leadership Skill, and Building Common Ground. As we head into the holiday seasons families across America prepare to sit down to dinner. Some family members no longer speak to one another. Others simply dread the inevitable, miserable confrontations that will occur when Uncle Jim and Aunt Sally have a little too much to drink. How might we manage to avoid the food fights, talk across our differences, and maneuver through difficult conversations with grace and perhaps even come out the other end with a better understanding and acceptance of one another? How might these skills translate into a public and professional setting, as we deal with clients and members of the public? This session will focus on techniques for handling difficult conversations in a way that preserves, rather than

destroys, the important relationships in our lives. We also will discuss the importance to effective leadership of engaging different perspectives honestly, seriously, and respectfully.

In addition, students will work on planning for implementation of the community town hall discussion to be held on November 18.

Class # 9 November 18 John Kitigawa, Guest Facilitator

Building the America We Want: A Community Conversation about Establishing Common American Values in Today's Hyper-Partisan Environment. In conjunction with facilitators from Arizona Town Hall, students will help facilitate a community town hall to be held in the lobby of the College of Law. Participants from across campus and the larger community will be invited to discuss how they, as individuals, members of the community and voters, can move beyond partisan politics and tribal identification to identify and engage their deepest values to build the America We Want (whatever that means to them) as we move into the 2020 election cycle. This town hall will give students real life experience practicing some of the skills they have learned during the class.

Attendance Policy

The American Bar Association and the Law School require regular and punctual class attendance. As a general rule the work in this course cannot be made up. Your attendance and active participation are important and appreciated. See <https://law.arizona.edu/student-handbook> for more information and for information about accommodation of absences pre-approved by the Dean of Students.

Honor Code

You are bound by the entirety of the College of Law Honor Code in this class. See http://law2.arizona.edu/current_students/documents/Honor_Coe_2015.pdf for more information.

Disabilities and Accommodations

Students who have a disability, illness, or emergency that requires some accommodation should review the Student Handbook for information about relevant policies and procedures and may contact the Disability Resource Center at 520-621-3268 or drc-info@email.arizona.edu.

Additional Policies

In keeping with university policies and the purpose of this class we want a safe, welcoming and inclusive environment where all feel comfortable with each other. Your presence and attention are important so for the duration of the class extraneous activities such as texting, chatting, making phone calls, web surfing, and the like are not permitted except during the scheduled break. Dialogue both in class and outside of class, in person or online, should be courteous and respectful, and free of bullying, harassment, or discrimination.