

RESEARCH ARTICLE

A Case Study of Deliberation: How Ilauditory Acts of Listening Helped a City Resolve a Public Art Controversy

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Mary Scudder's Listening Act Theory gives reason to analyze more than the attitudinal or policy outcomes of deliberation, but also the relationships created in the processes of deliberation. This essay examines the connections between ilauditory acts of listening between government actors and Black leaders in Elgin, Illinois prior to and during the controversy in question. Employing participatory critical rhetoric, deliberations were explored by interviewing participants in situ. The argument is proffered that a history of deliberative engagement characterized by seriousness, humility, and attentiveness shaped the subsequent context. During an especially fraught controversy over a public mural depicting a lynch mob, the relationships that prior deliberations fostered contributed to a context more conducive to listening.

Keywords: Listening; Listening Act Theory; Deliberation; Controversy; Mural

I was warned about us having this conversation, you know, "It's going to be ugly," you know, "People are going to act out," "People are going to do X Y and Z so you better control things." Well bullshit, and I'll just say (applause) we've been able to listen to one another.

Anonymous Speaker at Elgin, IL Courageous Community Conversation (June 7, 2016)

A mural condemning racism in 2007 ignited a controversy in Elgin, Illinois around its actual meaning nearly a decade following its dedication. Though the mural in question was commissioned to be anti-racist, members of the community were later given valid reasons to believe the mural itself was racist.¹ To the unknowing observer, however, the mural depicted a crowd in antiquated clothing, with one member menacingly pointing upward at something out of view. The mural's title, *American Nocturne 1932*, misdirected the viewer. Unacknowledged at its unveiling, the mural depicted a crowd captured in a photo at a 1930 Marion, Indiana lynching. While the artist claimed the image was meant to identify the crowd as villains, members of Elgin's Black community thought otherwise. Though the controversy about the mural's meaning is what drew my initial attention, its path to resolution proved to be of greater interest. The real story of Elgin's handling of this controversy is about the community's deliberative habits. This qualitative

study is a close examination of the context and execution of Elgin's deliberations about this mural, and its findings contribute to our understanding of its quality and efficacy. Several forms of meaningful community engagement implemented by leaders in Elgin enabled something more than inclusion and civic friendship. These practices facilitated deep engagement with disagreement that, I maintain, created the conditions for uptake. While specific findings in this instance don't provide specific deliberative prescriptions for government's elsewhere, they do provide reason to appreciate regular practices of community engagement over controversial issues. These observations also support key theoretical claims outlined in Mary Scudder's (2020) listening act theory – a theory that distinguishes between civil, empathetic, and inclusive listening and tolerating the discomfort that accompanies engagement in difficult conversations.

The diverse city of Elgin, Illinois overcame this tense controversy by relying heavily on deliberation – what Michael Morrell describes as 'giving reasons to fellow citizens when discussing issues of public concern'. He adds, however, that 'another vital facet of a properly functioning deliberative democracy is that citizens also *hear* the reasons offered by others' (2018, p. 237–238). It's the latter part of that definition that makes the instance of deliberation studied here so valuable, particularly in a localized context where Windy Lawrence and Benjamin Bates (2014) maintain too little research has been done. This controversy is noteworthy because of its evidence of uptake and so contributes to our understanding about key conditions that likely fostered it. It helps address questions asked by Martin Carcasson, Laura Black, and Elizabeth Sink (2010), 'How do we best deal with differences in our

increasingly diverse communities?’ (p. 11) and what can be learned by ‘looking closely at what actually happens in deliberative events, both in terms of discourse itself and the interactions between participants?’ (p. 15).

This study’s findings help illuminate how future public controversies, particularly ones marked by considerable hostility, could be resolved. Employing participatory critical rhetorical methodology that relied on textual analysis and the close reading of ethnographic interviews conducted during and after the controversy, this essay explains how disagreement over a mural was resolved through deliberative processes characterized by elements of democratic listening. The approach taken to study this phenomenon was used because it invites the use of critical scholarship, with its attention to rhetoric’s role in perpetuating and challenging power and ideology (e.g., McKerrow 1989) and combines it with knowledge of communication gained through observation, interviews, and practice (Middleton et al 2015). The process put me in the space of the controversy prior to its resolution and in close proximity to its key moments, so close that I was asked at times by various actors for my opinion about what to do. Deliberation characterized by uptake took place, in part, because of the *manner* or performance of the city’s deliberative practices, or what Mary Scudder (2020) terms their ‘illicit acts of listening’. This essay makes two key observations. First, it maintains that prior practice of deliberation in Elgin set the stage for deliberation and uptake. Second, the deliberation studied in this particular instance involved the kind of listening – democratic listening – that Scudder maintains is necessary for uptake or fair consideration.

The controversy in question stems from the realization that a publicly funded mural employed both offensive racial imagery and deception in its development and display by a white artist commissioned by Elgin’s mostly-white government. Documentation and interviews with people involved in the mural’s creation, including artist David Powers, give reason to believe that the artist’s intent was, in fact, a condemnation of racism (Dalton 2020). Featuring just the Marion, Indiana lynch mob, Powers later explained the mural’s point to a reporter, saying, ‘You don’t want to be on that wall with these monsters. Anywhere. In any town’ (Walker 2016). That’s not how the mural’s opponents read it, however, especially after having lived in the midst of it for nine years absent an artist’s statement and with a title meant to mislead the public. Opposition that emerged on social media, though not widespread, was vocal and angry. In contrast to social media outrage, an informal poll was taken following the first public discussion about the mural that also reflected both anger and support. The poll showed that 35% of the 92 responses (from the 104 in attendance) agreed the city should not ‘display the mural at all.’ The remaining responses felt it should either remain on display as-is or with an explanatory plaque (Habun, Vassallo & Williamson 2016). Despite expressions of anger, initial support for the mural was bi-partisan, backed, for instance, by Republican Councilmember John Prigge and Democratic Councilmember Carol Rauschenberger. Differing

perspectives about the mural weren’t easily reconciled, either. Supporters and opponents understood the images in fundamentally different ways. The government viewed the mural’s defense as crucial to the city’s branding as an art community. Mural proponents viewed it as little more than symbols about which various meanings could be subjectively drawn. Meanwhile, opponents described their experiences with the images as having little or no ambiguity – the images were harmful.

Despite the complications faced by interlocutors, this case study reveals that the ongoing practice of deliberation within the city was a critical element of the context that facilitated fair consideration – leading agents of Elgin’s government to not just remove the mural as asked, but to arrive at what seems to be a mutual understanding and appreciation for the perspectives of the mural’s opponents. I argue here that deliberative initiatives taken by government officials prior to the controversy over the span of eighteen months helped shape that context, rendering it more conducive to democratic listening. While regularly engaging in deliberation may not on its own account for the earnestness with which stakeholders engaged and listened (agonistic measures also played an important role), a close analysis of the unfolding of this controversy makes a compelling case for the deliberative quality (Drury, Elstube, Escobar, & Roberts 2021) of the controversy. More precisely, the illicit acts performed during deliberations were characterized by seriousness, humility, and attentiveness (qualities that comprise what Scudder terms ‘listening toward democracy’) and helped produce subsequent contexts more conducive to the same.

What do we know helps attain uptake in deliberation? The structures in which deliberation takes place and the individual dispositions of participants vary, and even when the two may successfully come together, Mark Button and Kevin Mattson (1999) advise that deliberation can’t be defined as a ‘single process or universalizing dynamic’ (p. 633). A structure delivering quality deliberation in one setting may fail in another because mandating a process can’t ensure that participants are given fair consideration. James Fishkin advises, ‘While dispositions can be incentivized, they cannot be legislated by fiat or specified by an institutional design’ (2009, 161). Effecting deliberation is complicated by the ability, willingness, or outright resistance of participants to consider the perspectives and reasons of others; interlocutors may have a personal interest in opposing deliberative outcomes or the ideas of others may just seem anathema. When achieved, effective listening in deliberation, sometimes termed ‘deliberative reciprocity’ (Esau & Friess 2022: 1), is characterized by a process termed ‘uptake’. Uptake is what Scudder (2020) describes as ‘fair consideration’ – and it is pivotal, according to Bohman (2000), for deliberation being minimally effective.

Theoretically, this study begins with Scudder’s assertion that fostering a cultural commitment to deliberation is crucial to achieving what John Dryzek calls ‘deliberative capacity’, defined as, ‘the extent to which a political system possesses structures to host deliberation that is

authentic, inclusive, and consequential' (2009: 1382). In her book *Beyond Empathy and Inclusion*, Scudder devotes a chapter to explaining listening toward democracy. She states, 'listening becomes "listening toward democracy" when citizens understand the act of listening to be, itself, an expectation of democratic citizenship and thereby accept the relevant normative framing of the listening encounter' (2020: 106). Scudder explains that this can be achieved under the right conditions, which involve cultivating listening characterized by seriousness, attentiveness and humility. Scudder warns, however, that 'rather than assuming listening will resolve conflict between citizens, we are better off trying to encourage citizens to accept and become more comfortable with political conflict' (2020:124). Thus, while listening toward democracy may not necessarily produce agreement or understanding, intrinsic to the act is recognition of the humanity of others with whom participants may disagree.

What Scudder compellingly adds to the debate is a consideration of the *performance* of deliberation – that in addition to voices being heard, understood, and potentially producing outcomes such as policy, other important outcomes are the relationships and culture built in the process of deliberating. Scudder's ilauditory and perauditory listening acknowledges as separate the relational consequences of the moral and ethical performance of listening (ilauditory) and policy (perauditory) outcomes of listening. The events of Elgin's mural controversy support Scudder's supposition, demonstrating that ongoing practices of deliberation fostered a context conducive to listening, albeit a context that necessitated protest to elevate the matter to one of serious discussion. Prior to the controversy, Elgin's government and its communities of color had been engaging in regular dialogue. Consequently, once the matter erupted, habits conducive to engagement and listening already existed among key stakeholders, and so deliberations about the mural were perceived as worth the effort.

The Controversy

This essay recounts basic facts about Elgin's mural controversy prior to demands for the mural's removal, focusing on two particular elements that aggravated matters: the racial context of the controversy and the artist's deception about the mural's meaning. On May 17, 2016 (timeline is in appendix) two men walking through a small downtown park recognized the subjects of Powers' mural as the crowd at the infamous 1930 lynching in Marion, Indiana during which Thomas Shipp and Abram Smith were murdered (Carr 2007). Farr quickly snapped a picture of the mural, coupled it with the lynching photo culled from the internet, and posted it to a Facebook group titled *What's Happening in Elgin?* Farr's accompanying comment read, 'So I never paid attention to this mural but I'm wondering why it's in downtown Elgin? The actual photo it's from isn't a good one' (Farr 2016). Archived Facebook threads reveal immediate and heated response. Gabe Alvarado wrote, 'Damn. No shit. I haven't seen it yet. That's fucked up' (Solis 2016). Amelia

Kristen reacted, 'Only a matter of time before someone destroys this mural.' Arturo Frame Solis responded, 'That'll be me if it isn't done' (Solis 2016). Christina Alfaro added, 'I can't believe that we have that painted downtown!!! Why would anyone paint that as a mural?' (Solis 2016). Another wrote, 'Pure Evil a mockery of what was done. That is why they left out the two victims. It was meant to show whites out enjoy (sic) themselves.' This triggered more organized demands for the mural's removal that were met by an invitation from the city's mayor to have a public discussion about it.

Elgin's storied racial history is notable because it reasonably sets the stage for distrust between Black citizens of Elgin and its government. Elmer Alft (1992) documents the introduction of Black residents to Elgin: newly-freed former slaves arriving by train from Corinth, MS in 1862. They were made to live in a swampy part of town and were subjected to Jim Crow treatment. One participant interviewed for this project recollected a moment in the 1940s when as a boy he asked his dad to call the police when the Klan paraded on horseback through the city. Recognizing their saddle-work as his own, the dad told his son the Klansmen *were* the police. Conditions for Elgin's Black citizens have demonstrably improved following reforms of the 1960s, though there continue to be race-related difficulties with the police. In 2011 Elgin police lieutenant Sean Rafferty was suspended for a controversial social media post of a photograph including himself and a fellow officer. In it Rafferty is shown making the letter 'K' with both of his hands while standing in front of a historical marker recognizing the *Indianapolis Times* for its work exposing the KKK. Rafferty was also penalized for making race-based jokes to and about Elgin police officer Phillipp Brown, who is Black (Adkins 2011). More friction followed in 2014 when Elgin police officer Jason Lentz posted racist jokes and comments on Facebook, including a post stating Missouri police officer Darren Wilson 'did society a favor' by shooting and killing Michael Brown. Wilson was subsequently fired (Farrarin 2014) then reinstated by arbitrators (Danahey 2015). The events resulting from Brown's shooting became a central element of the mural's context, as it triggered Elgin's mayor and a pastor to begin hosting discussions. Meanwhile, by the summer of 2016 *USA Today* described other cities as 'roiled' by police protests, including Los Angeles, Baton Rouge, Baltimore, Memphis, Cincinnati, and St. Paul (Rallies 2016). It is in this setting that Elgin's citizens learned that their city was displaying this mural.

Though Elgin's mural was clearly a painted depiction of a lynch mob, its title *American Nocturne, 1932* encouraged the public to think it was about the Great Depression or some other proximate historical event. Powers, who provided no official artist statement, deceptively said during the mural's dedication on August 11, 2007, 'It is an allegory of the American Depression' (BTE Video 2007). He later admitted his intent to mislead the public in an interview for this study, explaining that after discussing the image's origin with the city manager, the city threatened to not display the mural. To have the mural displayed, the artist decided to retitle it (Powers 2016).

Method: Studying the Path to Resolution

The shift in this project's original focus on the mural was enabled by a field approach termed 'participatory critical rhetoric'. Michael Middleton, Aaron Hess, Danielle Endres, and Samantha Senda-Cook explain that this approach puts 'the critic in direct contact with audiences and rhetors, inviting new perspectives on these complex rhetorical processes' (2015; xiv). Employing a combination of ethnographic and critical textual analysis, I focused on the consequences of public talk. This project does not get into the constitutive elements of rhetoric, choosing to discuss rhetoric instead as the instrumental use of language and talk for the purposes of persuading others. Relying on Aristotle's definition of rhetoric as, 'the ability in each [particular] case, to see the available means of persuasion' (1991: 14), it includes what he and others since have identified as elements of persuasion's art. This, I believe, is consistent with how scholars of deliberation, such as John Dryzek (2009) and Iris Young (2000), write of rhetoric in relation to deliberation. Similarly, Soumia Bardhan (2018) describes deliberation as 'a dialectical process wherein varied perspectives/arguments and contrasting positions engage each other rationally'. (p. 8).

Ethnographic interviewing provided an ideal data-gathering method because the initial goal was to understand how people constructed their meanings of the mural in their talk, yet it uncovered considerably more than intended. Ethnographic interviewing, according to Barbara Sherman Heyl (2007), includes:

those projects in which researchers have established respectful, on-going relationships with their interviewees, including enough rapport for there to be a genuine exchange of views and enough time and openness in the interviews for the interviewees to explore purposefully with the researcher the meanings they place on events in their own worlds. (p. 369)

Interviews were open-ended and semi-structured, allowing subjects latitude enough to influence the direction of interviews. Interview protocol was approved by Hofstra University's Institutional Review Board. All interview participants signed informed consent forms. While nearly all consented to have their names included in the analysis, only those of public figures are included in this essay.

Study participants were approached based on their proximity to key aspects of the controversy. This included the production of the mural, government decision-making, and protesters. Interviews were arranged by way of both the snowball method and by cold-calling prospective participants. Regarding the former, an intermediary facilitated contact with the artist, David Powers, who granted an interview. Subsequently, the treasurer of Powers' organization, the Outside Exhibition Group, also granted an interview. Various public officials made themselves available when asked. Protesters were primarily contacted through Facebook Messenger. A total of twenty-one interviews, nearly all *in situ*, were conducted that also included a student artist who helped

paint the mural, an Illinois general assembly-member, Elgin's mayor, three members of the city council, a future Elgin mayor, a former city spokesperson, the person who discovered the mural, several protesters, and people who spoke at one or both public hearings about the mural. Both hearings, running roughly 120 minutes each, were attended, recorded, and transcribed. These transcriptions were combined with field notes, multiple ethnographic interviews, a focus group, and various texts including flyers, meeting minutes, an informal poll taken by the city of Elgin after the June 7 conversation and multiple news reports. The focus group ran 120 minutes and included two previously-interviewed protesters and four protesters interviewed for the first time. Field notes were written and reviewed following interviews both to construct a detailed narrative and to identify themes. Collection and analysis of data were finished when depth of knowledge and repetition indicated that saturation had been reached.

Analysis

Elgin's deliberative history just prior to events surrounding the mural reveal indicators of a culture of deliberative listening that withstood the anger generated by the mural. Why did Elgin not experience protests akin to what other cities experienced around this time? The history of engagement and listening by Elgin's elected officials and police following the Ferguson, Missouri police killing of Michael Brown is noteworthy. As Elgin's representative in the Illinois General Assembly Anna Moeller explained in 2016:

There's been a lot of effort spent over the last few years in trying to cultivate a community or atmosphere of tolerance...programs, organizations mobilized to build a more tolerant community.

These efforts, spearheaded by Elgin's mayor David Kaptain, are what helped foster Elgin's culture of deliberative listening. While describing the contours of the controversy, this analysis identifies the elements of deliberative listening deemed necessary by Scudder: seriousness, attentiveness, and humility.

A Culture of Deliberative Listening

On May 21, five days after Farr's Facebook post, the mural was removed from outdoor display and temporarily placed in public view inside Elgin's Hemmen's Cultural Art Center. Soon after, Elgin announced two public discussions about the mural. The first meeting ran two hours and was held during the regularly scheduled Human Relations Commission meeting on June 7th, though it was rebilled as a Courageous Community Conversation focused specifically on the controversy titled *It's Not About the Art; It's About the History*. That the city was engaging in 'courageous conversations' is important because such conversations are typically indicative of a commitment to discussions that foreground race. Introduced by Glenn Singleton (2014), this method of community conversation was developed to 'deinstitutionalize racism' in educational settings, and to move conversations beyond the existence

of racial patterns to focus on why such patterns exist. Defining aspects of this approach include that it centers personal experiences with race and that participants shouldn't expect closure.

More than one hundred people attended, and fifteen comments were made, each of about two-minutes in length. Elgin residents convened again on June 13 for a two-hour Cultural Arts Commission meeting at which the commission expressed its wish to improve its public art acquisition, display, and maintenance, addressing many of the concerns raised during the controversy. Following the presentation, a commissioner opened the floor for public comments. Nearly all of the speakers expressed a desire to remove the mural from public display. Following the comments, the commission agreed, voting 9–0 to recommend its removal.

Subjecting deliberations prior to the final vote to analysis there is convincing evidence of attentiveness, seriousness, and humility exhibited by all participating parties. Considering attentiveness first in this controversy, Scudder describes it as giving 'time and energy to the listening act' trying 'to hear what the other person is saying and to understand what he means by what he says'. The attentive listener also recognizes that they can 'only access a particular person's perspective by listening to him express it' (2020: 15). Next, Scudder describes seriousness as a dispositional quality that 'ensures that the listener is sufficiently critical and discerning when listening to others' inputs,' adding:

The serious listener recognizes the stakes of the listening act—that they could disagree with their fellow citizens and thus not get their way—and listens nonetheless. (2020: 115).

The humble listener, Scudder explains, adopts 'the principle of hermeneutical charity when listening', and in so doing recognizes, 'others as our democratic peers and therefore as being equally entitled to having and voicing their beliefs' (2020: 116).

Achieving deliberative listening during Elgin's mural controversy was rendered more difficult by its two sides holding incommensurable positions. One side treated the images as harmless symbols that, as art, had the potential to agitate and provoke, but not to harm. The other side experienced the mural as intrinsically harmful. Regarding the art itself, Councilmember Prigge (2016) feared 'punishing the art by caging it'. Councilmember Rauschenberger (2016) warned against 'censors' removing the mural in the 'dark of night'. Despite the dispositional challenges, Elgin's city representatives demonstrated attentiveness and humility. The government invited testimony from all parties, though even the most emphatic testimony of opponents hardly amounted to the kind of evidence that would impute objective, material harm.

If seriousness is a dispositional quality that ensures that listeners are sufficiently critical it is fair to reason, based on the evidence, that government participants were critical of the mural's opponents. With the obvious exception of the city manager who simply wanted the matter

to go away, many started in strong positions favoring the mural's display and maintained those positions, until they changed their minds. Statements made by members of the Cultural Arts Commission are suggestive of uptake – arguments made by the mural's opponents were integrated into the talk of those who had reported changing their positions and who now favored the mural's removal. In that time between the mural's discovery and the first community discussion there was a protest. Elgin City Councilwoman Tish Powell intervened between those demanding a delayed discussion and immediate action. Black and white residents held varying positions on the mural, sentiments that were reflected in the exit survey following the first community discussion. By the time of the second discussion on June 13, arguments opposing the mural were more narrowly focused on the point that not all images should be publicly displayed in the interest of art due to the harm they may cause. As it was said on June 7 by one speaker, 'if that was a Nazi painting in 24 hours it would have been gone' (Human Relations Commission, 2016). By June 13 a Cultural Arts Commission member remarked:

I saw it and I said wow okay we don't want to be those people [in the mural] and I was in favor of keeping it up with an explanation, with subtitled context. But as I listen to more people in the community that were still upset even after hearing what the meaning was or what the artist's intention was, I've since had really changed my mind. (Cultural Arts Commission, 2016)

Another added:

People paid for this and it offends them and it hurts them and it doesn't just hurt the victims in the painting or the portrait actually. It also hurts the perpetrators. The painting is not only hurt people of color, it actually hurt America as a nation. (Cultural Arts Commission, 2016)

Deliberation, unfolding over time and several episodes, shows traces of seriousness that reflect a culture of deliberative listening. What follows is a description of what cultivated this deliberative context.

A) POC Representation in City Government

Civic engagement within any community, but especially among people of color in Elgin, cannot be taken for granted. Like many cities, Elgin's history was marked by segregationist systems and attitudes. Lifetime Elgin resident Ernie Broadnax recounted that as late as 1967 a march and firebombing attack on the city led by Black militants left businesses burned and major arteries to the city closed for fear that Black Panthers in Chicago might come and reinforce militant efforts. For this reason, Robert Gilliam's election as Elgin's first Black city councilmember in 1973 was an important milestone (Gathman 2015). By 2016, with a city council of eight, its inclusion of two women of color (i.e., Tish Powell and Rose Martinez)

effectively integrated it while still leaving it racially and ethnically non-representative; Elgin is roughly 7% Black and nearly 50% ethnically Hispanic or Latino (U.S. Census Bureau 2022).

Evident in the comments from mural protesters was the ability of some to communicate directly with their representatives of color on the city council. According to Corey Dixon, Elgin City Councilmembers Tish Powell and Rose Martinez provided trusted communication channels between mural opponents and the city.

...if there wasn't Rose at the time, if there wasn't Tish at the time, it is possible it [the mural] would still be there to this day. (Dixon 2017)

At the first public hearing held by Elgin's Human Relations Commission, one local resident and activist noted that he spoke both with Powell and Martinez. He also mentioned communicating with Elgin's Deputy Police Chief Colin Fleury:

We been part of the group [of protesters] that was down there for three whole days straight going back and forward with the city council and everybody else and thanks to Commander Fleury, he was down there a majority of the time as well. (Human Relations Commission 2016)

This activist further explained his familiarity with Deputy Chief Colin Fleury and many of the people involved in Elgin's government at the time:

Yes, and that's why I maintained the crowd—the fact is, even though I know [Mayor] Kaptain, and I know [Elgin City Council Members] Tish and Rose, Richard Dunn, and semi-know Carol [Rauschenberger], but I know all of them, and I knew it was going to be an embarrassment on their behalf of how the painting came down, if it didn't come down the right way. (Human Relations Commission 2016)

He went on, in fact, to explain that moments before he was scheduled to do a television interview with Chicago's CBS News during the protest, he was called by Powell who told him the city had agreed to remove the mural from the park. This activist was in contact with Councilmember Tish Powell. He recounted,

I'm telling Tish then, that they all out of time because people was all, you know, ready to move then. Like I say, the only reason why I made sure nobody touched that painting is because it was gonna be a backlash on everybody sitting on the council. (Human Relations Commission 2016)

The activist remembers Powell assuring him, 'It's gonna come down, but just give it time.' Once word reached Powell that people were considering defacing or destroying the mural, she recalled the following:

I definitely stepped in and said, "I don't know who is threatening to do this but you need to get the word out that this is not acceptable because then you bring in a whole different element in terms of the police dealing with criminal action." (Powell 2016)

The activist explained, 'That entire three days we sat down there, it was more like me having to pull teeth to get everybody to stay calm, because I trusted one lady, and that was Tish'.

B) Steering Committee

Following the murder of Michael Brown, Elgin's Mayor David Kaptain recounted,

I was on vacation in Colorado when it happened – the shooting in Ferguson. I received an email from one of the pastors and we talked. He said there were concerns. "What's going to happen? How are police going to respond?" I said when I get back in town in three or four days let's sit down and talk about how we want to move forward with this. (2016)

Pastor Whitt explained in an interview that he placed that phone call out of concern for the lack of community connections he felt were necessary to prevent a large disruption should Elgin experience a similar injustice. Whitt recalled the two concluding that more communication was necessary between Elgin's police and its communities of color, and the result was the creation of an informal institution known as the steering committee (2017). Whitt explained that the steering committee was not an official committee with regularly scheduled meetings or appointees. Instead, it was an informal gathering of police leadership, clergy, and people who Whitt described as the 'old Black guard' who took turns meeting at churches and the police department. One other community leader and mural opponent regularly participated in steering committee meetings. Explaining during an interview his inclusion, he identified himself as 'more engaged in the community, especially the African American community' (2022).

This steering committee member and Whitt both explained that the committee meetings were necessary for building relationships in Elgin, particularly between the Black community and the police, specifically during what he called 'quiet time', before something bad occurred. Whitt stated, 'During quiet time we've already positioned ourselves. We've established relationships honoring and respecting each other'. Referring to future tense situations, he said of the meetings, 'The hope is that it becomes, "How do we work together with the situation that occurred?"' (2022). The other steering committee member stated that the meetings were necessary to make everyone familiar with different perspectives. So that when something happens everyone 'isn't walking on tippy toes at first'. Whether in the form of proactive efforts to foster connections with a steering committee, or the outright integration of people of color into the city's government, Elgin sought to listen to different perspectives. He

added, 'Elgin is always open to communication. They'll communicate all day long. It's what they do afterwards – that's the point'. Here, this participant is pointing to a limitation to deliberation that is discussed in the conclusion.

C) Courageous Community Conversations

Kaptain explained that leading up to the mural controversy the community conversations had been ongoing for about 18 months. Police community conversations began in 2015, opening with a discussion of body worn cameras. That first event brought about 75 people, primarily bringing members of Elgin's African American community into a conversation with police officers. Elgin's Human Relations Commission held a two-hour discussion in February of 2016 titled 'Black Lives Matter? Or All Lives Matter?' Kaptain pointed out two important characteristics of these meetings. First, these conversations helped prepare the community to convene to discuss the mural during a meeting that had been scheduled prior to its discovery; Farr discovered the mural on May 17, 2016, and the city held a Courageous Community Conversation about it 22 days later. Second, these events familiarized members of Elgin's Black community and its police leadership with each other. That familiarity is credited with facilitating communication that helped deescalate tensions during the protest that broke out.

That the mural would remain on public display until these conversations played out was deemed unacceptable. Consequently, shortly after the mural's discovery, a protest broke out at the site of the mural on May 19 that lasted three days. One protester explained she learned of the protest on Facebook and joined it because she wanted to make sure the group's objections remained focused and clearly articulated. *The Elgin Courier-News* reported that six people showed up at the mural chanting 'Take it down' (McCoppin, Walker, and Danahey 2017). Elgin Human Relations Commission Chair Danise Habun estimated participants at about twenty-five (2017). The *Daily Herald* put the number at around thirty (Ferrarin 2016). Someone taped signs to the mural demanding its removal (McCoppin, Walker, and Danahey 2016). One protester had 'Take It Down!' t-shirts printed. Another protester described someone with an open can of paint, poised to deface the mural, and that as many as twenty police officers were lined up in front of the mural, adding that if someone had ripped the mural down, 'they would've been made a legend'. Comments made by one leader among the protesters, who is Black, reflect the value of the familiarity established between police leadership and the community.

Commander Fleury came to me like, "Um, well why you guys down like that being disrespectful?" I told him, "What are you guys doing down here and like moving like a gang like y'all protecting that mural?" I said, "Are you, do you agree with that mural?" He said, "No." And I said, "Then why are all these damn, all these cops down here in a group hanging out like they trying to protect that

mural?" He said, "Well that's not the intention." ... We're letting y'all know that ain't nobody going to be intimidated. So, what he did was make all the cops leave and they had like 2–3 cops just circle the block repeatedly and he sat out there with us because everybody respected Fleury because, you know, again, he is a civilized person.

For a community of over 100,000 residents, there is evidence here a willingness to engage and an expectation of reciprocity. It's difficult to say that past community conversations contributed directly to this exchange; it is safer to say that it is indicative of the ethos of a community shaped by a habit of deliberation between government leadership and Elgin's residents of color.

Discussion

Scudder (2020) explains that 'under the right conditions... listening across differences can bring about a dispositional transformation among citizens' (167). Contributing evidence in support of Scudder's listening act theory, I found that the consistent practice of deliberation during quiet time helped prepare a culture of listening marked by seriousness, humility, and attentiveness. First, Elgin's deliberative events fit the definition of attentiveness, which appears to be the easiest of the three elements to effect. Holding deliberative events can be relatively easy because participants can cynically go through the motions of a 'listening session' with no intention of seriously considering the opposition's positions. Deliberative events don't approach what Scudder prescribes without the other two elements. Second, evidence suggests that participants were serious; if seriousness is a commitment to democratic self-rule, then the mayor clearly approached deliberation with seriousness. If the mural was put up to condemn racism, but government agents didn't appreciate that some found it offensive, they stood to learn by listening from the perspectives of mural opponents. Seriousness wasn't automatic, however. Even after the first public hearing mural supporters didn't see the relationship between the mural's images and others considered intrinsically harmful and universally offensive (e.g., a hypothetical painting of a Nazi soldier). For the kind of fair consideration described by Scudder to take place, this case study indicates that elements of agonism were potentially necessary. Wider attention made possible by social media, later amplified by contestation, elevated the mural matter to a point of salience that warranted attention and serious consideration.

Humility, on the other hand, involves not assuming where the conversation will lead, most importantly by people in power. Scudder defines humility this way:

...a disposition of humility would entail adopting the principle of hermeneutical charity when listening to and interpreting what others have to say. (116)

This means resisting the thought that one assumes to know the full outline of the discussion, as doing so can

predispose the listener to misinterpreting or discounting the thoughts and ideas of those with whom they disagree. The impression given by elected officials during interviews held months after the mural's removal was that they were inclined to keep the mural on public display. They shared, however, that they changed their minds in light of comments made during the hearings. While it wasn't necessary for Community Arts Commissioners to change their minds to evidence humility, that they did and explained why gives reason to believe that they deliberated and listened with humble dispositions.

If observers and critics of public deliberation are also to assess listening as an illicit act based on whether participants felt listened to, as Scudder advises, it seems they were and they weren't. Based on the events in Elgin it is presupposed that participants were listened to inasmuch as the mural was removed. On the other hand, none of the mural opponents interviewed seemed especially happy that they had to work so hard to be heard. A year after completing interviews, I returned to Elgin to conduct a focus group with six of the protesters in order to check the validity of what I thought I had found. In doing so, two observations solidified that support this ambivalent conclusion. First, participants did acknowledge that the city demonstrated a proactive willingness to engage with its communities of color. It can be argued that this engagement set the stage for constructive engagement once the controversy erupted. Second, it is also proffered that listening toward democracy in Elgin necessitated protests. Because the normal channels of dialogue were known among Black residents to not always work mural opponents felt they had to engage in protest if only to generate public awareness of their grievances.

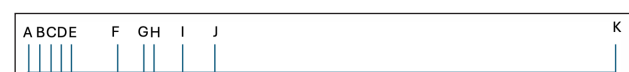
This last point is further supported by Elgin resident Corey Dixon (current mayor of Elgin) who shared during an interview that he too recognized the origin of the mural years prior to the 2016 controversy, and that he reported it to the city. The city, he continued, failed to follow up and obviously left it on display (Dixon 2017). In light of what we know about the mural's production and the cover up, it's easy to imagine why the city didn't get back to Dixon; Elgin may have had no record against which to check what Dixon observed, or it may have sought to continue covering it up. Dixon's recollection strongly suggests that it wasn't just Farr's eventual public revelation of the mural's origin that got the city listening – it was the protest. Not until the city was faced with the threat of public embarrassment did it organize a meeting to hear public response.

It is reasonable for the reader to ask, "What other outcome was even possible?" The findings have less to do with the outcome (the mural's removal) than they do with the public statements by Elgin Community Arts Council members at the second hearing explaining that they'd changed their minds. Though their statements aren't irrefutable proof that uptake occurred, combined with the deliberative elements outlined by Scudder, they help make a strong argument. Nevertheless, there is reason to believe that the mural had a fair chance of remaining in place, modified with a plaque to explain its meaning. Republicans and Democrats on the city council were

poised to support such a move. The National Coalition Against Censorship issued a public letter encouraging its continued display (Mintcheva 2016). Even prominent members of Elgin's Black community supported its display, including Ernie Broadnax of whom the city eventually proclaimed a day in honor for his 'dedication to the Elgin community as an educator and historian' (Gail Borden Library 2006). Addressing this question is important because if the mural's removal was a *fait accompli*, then the city councilmembers needed to do little more than shift with the prevailing wind. There is no evidence, however, that this was an easy calculation for anybody involved.

To conclude, the case of the mural controversy in Elgin, Illinois supports Scudder's assertion that an important condition for uptake is a context conducive to deliberation – one that, at minimum, acknowledges the humanity of others by engaging with them in talk about shared problems – talk that is characterized by listening in a manner that fosters democratic relationships. Like a team, deliberation and listening improve with practice. While difficult in this case to assess the quality of deliberative events prior to the mural controversy, their very existence and the familiarity between participants that they facilitated suggests that they helped set the stage for productive deliberations about the mural. Future research might examine deliberations within a municipality over time to consider the perceptions and effects of deliberative events on subsequent deliberations. Such research might also employ empirical measures like Scudder's Listening Quality Index (Scudder, 2022). This study further encourages research into the role of agonism in triggering deliberation among the wider public about policy concerns salient to marginalized communities.

Appendix: A Timeline of Events



- A. (May 17, 2016) Richard Farr discovers the mural and posts inquiry about it on Facebook.
- B. (May 18, 2016) 1st day of protest demanding mural's removal.
- C. (May 19, 2016) 2nd day of protest demanding mural's removal.
- D. (May 20, 2016) 3rd day of protest demanding mural's removal.
- E. (May 21, 2016) Mural is removed from outdoor display and arranged for viewing at the Hemmens Cultural Center.
- F. (June 7, 2016) Elgin's Human Relations Commission holds first public discussion titled "It's Not About the Arts, It's About the History."
- G. (June 13, 2016) Elgin's Community Arts Commission holds second public discussion. Commission votes unanimously to recommend the mural's permanent removal.
- H. (June 17, 2016) The mural is removed from the Hemmens Cultural Center and placed in storage.

- I. (July 7, 2016) The National Coalition Against Censorship sends public letter to Mayor David Kaptain recommending the mural remain on display.
- J. (July 14, 2016) Elgin City Council votes to create a new art policy.
- K. (June 5, 2017) Elgin City Council approves new art policy, allowing the return of art to artist. It fails to decide about whether to return *American Nocturne*, 1932 to artist David Powers.

Note

- ¹ Another member of the artist's group titled the Outside Exhibition Group confirmed during an interview that the group was commissioned to produce four murals on the topics of racism, immigration, a river town parade, and the environment. Two murals were still on display in Elgin as data was being gathered.

Acknowledgement

I am grateful to John Butler, Ph.D. for his help with data collection and analysis.

Competing Interests

The author has no competing interests to declare.

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How to cite this article: Dalton, P. (2025). A Case Study of Deliberation: How Illicit Acts of Listening Helped a City Resolve a Public Art Controversy. *Journal of Deliberative Democracy*, 21(1), pp. 1–10. DOI: <https://doi.org/10.16997/jdd.1597>

Submitted: 23 March 2024 **Accepted:** 02 May 2025 **Published:** 16 June 2025

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