Making things happen: the responsibility of negotiation

Mark Young

Humboldt University Berlin, Mommsenstr 26, 10629 Berlin

Correspondence: Markyoung@aol.com

Philosophical analysis can indeed have a practical impact on public policy. It is not only in the fields of ethics or decision theory that interdisciplinary approaches have proven to be fruitful, but also in the growing new discipline of conflict resolution. Using the anecdotal example of the *Ten Point Coalition* in Boston, this paper proposes a new 'philosophical' approach to conflict resolution. It starts with the realization that negotiation results are created jointly by the parties involved, and are therefore not easily predictable by external observers. It outlines a process whereby negotiators can work together in open conversation to establish reasons for action rather than seeking causes of results, thereby also taking on an ethical responsibility to jointly create a 'story', which can lead to hitherto unexpected solutions and, at the same time, also do justice to the ethical dimension of conflict resolution.

Keywords: negotiation, mediation
JEL classification: A13, D63, D64, D74

1. Introduction

This paper documents and examines a particular 'success story' of conflict resolution. It is one which arose almost coincidentally, as a by-product of several tangential efforts by several community leaders, and certainly without the benefit of advice from trained or experienced negotiation theorists, conflict resolution professionals or mediators. Somehow, without much guidance, analysis or structure, people in at least one American situation of urban violence found a way to help themselves and each other. What can we professionals in this field learn from their experience?

Surely any lessons to be gleaned from this situation would be timely and welcome. While the theoretical and practical literature on negotiation and conflict resolution has grown exponentially over the past 20 years, the efficacy of their results has been mixed. At least for truly intractable conflicts, such as the one that is the subject of this

paper, even the most sophisticated quantitative approaches have failed to make much headway in pointing the way to an equitable solution. Somehow, we need to find a way look at these interactions from a radically different perspective, going even beyond the discovery and articulation of interests to discover what really happens when human beings become locked in a situation of conflict.

This paper is written by a philosopher, and will argue that the failure of received approaches to resolve negotiation stalemates effectively is not due to any lack of practical experience, ingenuity or academic rigor. It is, more than anything, a philosophical problem. By viewing negotiations as a science and not an art, and by deliberately disregarding the normative and ethical dimensions of human interaction in a misguided effort at scientific objectivity, many well-meaning analysts and practitioners find that they are unable to help.[1] Much worse, this kind of objective advice-giving often perpetuates a culture of conflict and violence, closing off access to insights which might help the actors in these negotiation stories break out of their situations and jointly develop a solution to their problem.

While there are certainly any number of ways to interpret and explain what happened here, I hope to convince the reader that viewing the situation under the philosophical paradigm I want to describe is 'best'. It not only yields the greatest explanatory power into what occurred, but also provides important new insights for the lessons that can be learned for the transformation of future conflicts.[2]

This way of thinking, in short, recognizes that there is far more to most conflict stories than we have so far been able to capture. But what is it and how can it be articulated and usefully put into practice?

2. The *Ten Point Coalition*: a practical exercise in conflict resolution

Violent racial strife was particularly intense in Boston in the early 1990s, with youth street crime especially veering dangerously out of control. It was only by taking joint responsibility for the situation in which they found themselves, as well as by

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[1] It will become clear that I am thinking primarily of approaches to negotiation theory that come from the 'rational choice' school of analysis, as advanced, for instance, by Howard Raiffa. The difficulty continues, however, with virtually any game theoretic attempt to quantify and predict human behaviour, and to build on a *homo oeconomicus* approach to human rationality and motivation. For a more complete critique of these approaches, see Young (2001) or, for applications to the political sphere, Young (forthcoming).

[2] This contention rests not only on the philosophical analysis in this paper, but also on the extensive fieldwork (interviews with all parties) undertaken in 1999–2000 by a research team from Harvard Business School: the parties were asked not only what happened, but also why they did what they did. Thus the empirical basis of this research is far more than casual journalism, although perhaps not quite a thorough investigation according to the rigorous standards of modern social science. Causality is, as I argue myself, impossible to prove, but it seems clear to this writer that the *Ten Point* case is a particularly potent anecdotal illustration of this particular approach to conflict resolution in action.

the retelling of individual 'stories' that three parties—'the cops, the kids and the ministers'—were able to break through the conventional wisdom that the events on the streets were 'caused' by indeterminate forces. Instead, they found that, working together, they could generate convincing reasons for all parties to change their behaviour.

With 73 youth homicides in Boston in 1990,[3] it was clear that something had to be done.[4] The tensions engendered by busing, the alarmingly poor state of the public schools, the influx of firearms and crack-cocaine, and the growing helplessness felt especially by black teenagers in the poorer parts of the city, all found their expression in a growing cycle of violence on the streets. The City's police department, unable to cope effectively with the growing problems of youth homicide and gang violence, found itself increasingly a target of media criticism and thus on the defensive as it struggled to maintain public legitimacy.

A fundamental problem was the complete lack of connection between the predominantly white, Irish-Catholic police force and the largely black unemployed youth they were charged to control on the streets. The two groups profoundly mistrusted one another, and neither could appreciate or understand the world in which the other lived. There was, therefore, no mutual respect and certainly no common ground between them.

It is both remarkable and instructive to consider how Boston's churches, heretofore fairly ineffective bystanders at least in regard to this problem, finally mobilized themselves to help to find a solution. The catalyst, a shooting inside a church at a funeral service, jarred the community into action: this was the incident at the Morning Star Baptist Church, as a young mourner was pursued inside the church during a funeral service, chased by 14 assailants, beat savagely and stabbed nine times. The violence of this affront was so horrible that it spurred the community to action.

Out of the 1992 'kitchen table' initiative of four local ministers was born the *Ten Point Coalition*, an ecumenical effort of Christian clergy and lay leaders working to make a difference by focusing directly on the needs of the kids on the street, creating new institutions for conflict resolution and new alternatives to violence for both kids and policemen along the way.

The approach of the Coalition was fairly simple. Building on the strong African–American tradition of religious community (a shared narrative), the ministers began a concerted effort to reach out to the kids, voluntarily walking the streets themselves (at considerable personal risk) in an effort to open and maintain

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[3] A 230% increase over the past 3 years, as per the Boston police department.

[4] I am grateful to Professor Kathleen Valley and to Alexis Gendron at Harvard Business School for the time they took to share the results of this case study with me, and to discuss the possible application of the philosophical theses of this paper to this critical public policy situation.

lines of communication. After a number of weeks, the curiosity of the kids got the better of them. When they realized that this new effort was consistent and sincere, the kids began to open up, trusting the ministers not to exploit them and even engaging them in theological conversation! A true 'communicative game' had replaced older confrontational patterns, at least between these two parties.

At the same time, the Coalition began to establish links with the police force and with the courts as well. They attended sentence proceedings of kids they knew, and increasingly offered their services in offering a qualified opinion to the authorities, vouching personally for kids that were, in their judgment, capable of being saved outside of the prison system. Here, again, after some initial reservations, these overtures were welcomed by the overworked judges and defensive police, and, slowly but surely, good communication patterns were established, along with the beginnings of a foundation of trust.

Soon, the policemen began walking the streets regularly themselves, following the example of the clergy. Thus, the three parties began to communicate far more effectively with one another. The police took ownership in the community they served, black and white, and the kids began to perceive and respect this. Goals that had previously seemed to conflict now seemed to be largely congruent, and a spirit of potential cooperation was established.

The changed climate fairly quickly led to changed results. Youth homicides in Boston began to drop steadily, from the high of 73 in 1990 to only 15 in 1997, the most dramatic drop in such figures in the US. The 'Boston miracle' attracted national attention, as other communities strove to analyze the success and to emulate the patterns of communication established by the *Ten Point Coalition* in order to address their own comparable problems. While all had not been solved, it seems clear that a seemingly intractable and violent situation had been fundamentally turned around. The cycle was broken, and new behaviours established. How did this happen?

The situation in Boston was of course not a negotiation in the classical sense: no parties were anywhere near a table attempting to strike a deal. Also, it was not a disagreement between individuals, as in a classic negotiation, but rather between groups. But it was certainly a conflict, and the ways in which the actors succeeded in creatively changing the terms of that conflict are revealing and, I think, a good illustration of the philosophical points made in this paper. They also provide some valuable lessons for other business and public policy applications.

3. Three philosophical mistakes (and how to overcome them)

The problems that the parties to this conflict faced were, at their base, philosophical, and these agents were, at least intuitively, philosophers. But what was the secret of their success? How did they manage to find their way to an equitable solution, without the involvement or advice of more schooled negotiation theorists?

My argument is, of course, that such theorists would probably have been unable to help. This is so because most of these all too often fall prey to at least three philosophical 'mistakes' as they perform analysis on most such intractable situations of conflict. First, negotiation theory is all too often treated as if it were a natural rather than a social science: the issues and consequences of *causality* are thus fundamentally misunderstood. Secondly, traditional attempts at 'dispassionate' advice-giving usually shy away from and thus overlook the *normative*: the need to find and justify standards for *right* narratives or 'stories' that negotiators bring to and take away from conflict encounters. Finally, negotiators fail to take seriously the *ethical* dimension of what they are doing, and thus do not live up to an implied *responsibility* to find not only advantageous but also equitable solutions to the conflict problems in which they are enmeshed.

4. Reasons and causes

Because negotiation theorists all too often tend to treat their field of inquiry as if it were a natural rather than a social science, they run the risk of fundamentally confusing the age-old philosophical difference between theoretical and practical knowledge.[5] Fascinated with the 'scientific' precision of the former, they seek to propose 'robust descriptive' theories, which are designed to report on the state of the world: to further our knowledge, from an 'impartial observer' perspective, of what is happening, objectively, in a negotiation.

Most negotiation theorists, especially those influenced by the quantitative methods of decision and game theory,[6] are especially keen to *predict results*. Starting with generally plausible assumptions about human rationality and interdependence, they then seek to discover the laws of cause-and-effect, which will lead to a natural solution or equilibrium position. While I will certainly seek to influence my opponent's view of the world,[7] I must still always first be guided by my best guess about what s/he is likely to do, before I can generate my own best response. The system is closed, and the solution determinate.

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[5] The fundamental distinction in philosophy between practical and theoretical reason, as first described at length by Aristotle.

[6] I am thinking here especially of the 'asymmetrically prescriptive' work of Professor Howard Raiffa, with whom I have had spirited discussions on this subject, but also any other approach to conflict resolution which works with equilibrium solutions (such as Nash and Gauthier).

[7] 'Attitudinal structuring' has of late become fashionable in the negotiation community. While the recognition that I can perhaps change opponent perceptions before moves are made is certainly a step in the right direction, it does not go nearly far enough. What I am proposing is an effort to not only alter attitudes but open entire games and even change them fundamentally, consciously giving up the security of a determinate solution.

But this sort of 'asymmetric prescriptive advice' may be doomed to failure even before it is given. As the parties continue to view themselves as strategic players, each using the precepts and 'tricks of the trades' offered to them by negotiation theorists in order to more effectively advance their own interests, they are fundamentally missing the point. Conversations of this nature cannot lead to the effective resolution of stalemates. The negotiators are trapped in a pattern of their own making.

Truly helpful negotiation theory is not just about predicting behaviour and neither is it about descriptive reporting of observed natural events. Rather, it is, at its core, an effort to *change* those events, so that prescriptive negotiation theory must focus not so much on helping us to understand a situation, as on advising us on what to do to change it for the better. And this is done not from a distance but from *the point of view of agency*. Theorists must, emulating the principals, give up their cherished scientific objectivity and become involved in the process. While they dare not take sides, they must be aware that their conflict resolution methods will themselves have a material effect on the outcome.

The first step towards this is letting go of the primary assumption under game theory: that of 'strong causality'. Charles Taylor has written extensively about this notion, so prevalent in natural (and now also even social) science,[8] and the difficulties that social scientists will always face if they try to import this kind of analysis into situations involving human rather than mere physical interaction. Simply put, it is virtually impossible to prove that an action *a* by an actor *A* causes action *b* by an actor *B*. As David Hume reminded us two centuries ago, mere observance of the concurrence of two events will not suffice as evidence of a causal link between them. And this is especially true when the events are actions of free and interdependent agents.

The key insight lies, I think, in understanding the difference between reasons and causes. Far from attempting to prove that a negotiator's decisions and actions are the root cause of an (unfavourable) outcome, negotiation theorists would do well to approach the problem the other way round. Rather than striving to predict deterministically what must happen in an interaction given the assumptions we can make about the (individual) rationality of each of the actors, I would propose that they work at reconstructing the practical reasoning process *retroactively*. Looking back on the progress of a conflict situation to date, they can ask the parties to explain, or justify, just why they did what they did.

A reason for action is not a cause of that action. Whereas causes are external and contingent, reasons are internal and conceptual. They cannot be observed, but are rather offered by the actor as intentional statements in defence of what s/he has done.

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[8] I am thinking especially of his now classic, 'Human Agency and Language' (Taylor, 1985). Taylor argues passionately for a new approach to analysis in the social sciences, which recognizes the difference between strong and weak causality, and the importance of human agency.

Under my proposal, reasons are above all after-the-fact *action descriptions*. They are normative justifications, or arguments, that the action was appropriate or right. While such actions are of course, past, they need not be repeated and can often be reversed: for reasons can, through joint argumentation, be changed. There is thus no natural law that events must transpire in the way that they do. Free and interdependent agents can, if they engage in dialogue, become persuaded to act differently.

But how are reasons for action generated, be they for past or even proposed future actions? Unlike the causality we think we observe at work in blind forces of nature, human reasoning is fundamentally a process of reflection: we distance ourselves from considerations of utility and advantage, taking stock of situations to ensure that the action proposed is indeed best.[9] This kind of analysis works with a concept of the self that is far more substantive than that prevalent in most contemporary forms of utility theory. It is a *material* actor, one who does not only observe but rather stands back from and selects his desires, taking responsibility for the actions they generate.

Selves who reflect in this way will consider not only the natural desire for advantageous outcomes present in most negotiations, but also look for properly motivated reasons for action, reasons that find their foundation not only in the actor's practical identity but also in the intersubjective context in which he lives.[10] These are advanced by the thinking self, but also suggested to him by those external agents with whom he is interacting. They are generated by conversation.

Taylor has termed this kind of reason generation *strong evaluation*: the effort to test possible reasons for action for their significance, always seeking distinctions of worth and introducing considerations of value.[11] Thus, actors do not just blindly follow their preferences; far more than that, they evaluate their desires qualitatively, eliminating those from consideration that they deem base or unworthy of their chosen identity.[12] Since they are primarily social beings, they must always be 'trying

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[9] This is the 'thicker' view of practical reason as put forward by Kant and Aristotle, and, more currently, by Hampton (1998) and Korsgaard (1986). It posits that reflection is richer and far more complicated than any simple mathematics of utility calculation can allow. It suggests that we think at least at much about who we want to be as about what we want to get.

[10] Note that such reasons, because they arise from such a reflective process of self-evaluation, might sometimes be incommensurable. Numerical outcomes will fail to do justice to the agony of choice that these actors experience.

[11] See Taylor (1985, p. 3). He says that this way of looking at selves is not just a contingent theory but an essential part of the fundamental concept of agency: free and responsible action, if it is to make any sense at all, *must* be viewed in these terms.

[12] Note, however, that such distinctions of worth do not always have to be ethical considerations—they might, for example, be grounded in purely aesthetic ideals. But they go beyond and are qualitatively different from the simple weighing of utility or pleasure.

on' possible courses of action, not only for the utility they might generate, but also for the 'fit' they evidence with the norms of the practical identities or 'modes of life' that the actor is constructing in concert with his fellows.

Just as game theory has taught us that strategies in a negotiation are fundamentally interdependent, and thus difficult to predict, so also are reasons for inter-subjective action. They are not determined in advance, but rather emerge from discussion. And as they are aired retroactively, they can be evaluated jointly. And as they can be changed, so can the outcome of the negotiation be changed with them. Significance and meaning are thus jointly created and shared between the parties.

Thinking about causality in this much richer way can fundamentally alter the negotiation theorist's approach, and effectively open the way for a transformation rather than just a resolution of the conflict. Recognizing the indeterminacy of conflict means that we must also rethink the way in which intentional action in a conflict is justified. And so this path to conflict transformation is marked by rules: not the external rules of natural science, but the agent-based, constitutive rules of human interaction.

John Stuart Mill, quite simply, was fundamentally mistaken in his attempt, through the *homo oeconomicus* model, to 'discover' rules of regularity, which govern and explain human behaviour. For under the sort of thinking appropriate for the analysis of human conflict, rules are best viewed not as regulatory norms but as constitutive of the game being played. And if the rules of natural science are inappropriate for the analysis of negotiation, then we must seek different, more constitutive rules for this very particular social science, rules that arise not from laws of causality but rather from a culture of reason-sharing.[13]

Negotiators make decisions to act, and decisions, if they are truly that, cannot be predicted in the sense of the natural scientists. Rather, decisions are based on motives and reasons, and these reasons are made intelligible to the actor in terms of the self-descriptive constitutive rules governing the particular interaction in which he is involved. He makes sense of what he does in terms of the ways in which his actions express his form of social life, and specifically the relationship he has with his negotiation opponent. He *maps meaning* on to his reasons for actions as a consequence of his process of self-evaluation.

Social life is characterized largely by rule-following behaviour; rules do not cause, but rather constitute what we do. In the game of life, we follow the rules as we perceive them, and in the specific game of a negotiation, we follow the rules

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[13] This approach takes us close to Wittgenstein's famous delineation of rule-making as an integral part of games, games that we play with one another under rules that 'we make up as we go along'. We enter into the game freely, and then define it together by creating and following its rules.

of that particular game, as agreed with our co-players, if we are to participate at all.[14] Transformation of negotiation outcomes is, therefore, largely a function of our ability to reason together to change the rules of the game, an option not open to the inanimate objects and blind forces observed by the natural scientists.

Because rules are specific to games and can be changed with the mutual agreement of the players, any attempt to find deterministic solutions to the game are doomed to failure. As negotiators exchange reasons for action, they jointly wield the power to create outcomes that, perhaps, so far neither has envisaged. They can innovate as they negotiate, both in terms of the rules they establish for each other to follow and in terms of the outcome, which is the joint product of their efforts.

What this means is that both analysts and principals must personally involve themselves in the 'game' at hand, and assume a responsibility for their joint effort at a mutually satisfactory outcome. Because reasons are not causes, there is never any absolute necessity that things have to turn out the way they always did before under similar circumstances. Because human beings are free agents, there will always be an element of unpredictability in their actions. Radical, conceptual innovation[15] is, by its very nature, impossible to forecast.

And therein lies the great opportunity for negotiation theorists and practitioners. The intractable problem of interdependence, which has always plagued game theory, turns out to be the very element of human interaction which allows for a break out of the 'boxes' of systemic conflict described at the beginning of this paper. Once we cease trying to scientifically assign causes to negotiation outcomes, and instead seek to engage our opponent/partner in a process of genuine reason-giving and exchange, we jointly enter a sphere in which we can create a new game and a new outcome.

Negotiation theory, then, is not a science, or even an art, but rather a *practice*. It does not design hypotheses and then compare these to the facts. Rather, it is constituted by self-understanding, validated by meaning, which is jointly agreed by the negotiators and then tested in practice. It finds its normative force not in correspondence with truth, but rather in the way in which the norms it engenders help us cope more effectively with the world. Theory makes the self-understandings of our social life explicit, and is tested and validated by the results of continuing practice.

As Taylor has put it, the value of a map (of meaning) is not only its correspondence with reality, but also 'how well you can get around by using it'

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[14] Sometimes, as Alasdair MacIntyre has pointed out, negotiations can involve several games at once, so that, for instance, 'moving one's knight to QB 3 may well be replied to with a lob across the net'. See MacIntyre (1984, p. 94).

[15] By this I mean the genuine production of a new idea (the invention of the wheel, for instance), rather than just the additive building on existing ideas (inventing a plane after observing the way in which birds fly). Negotiations involve both, but it is the former which is the true source of conflict transformation, as we shall see.

(Taylor, 1987, p. 110). The jointly produced map of meaning also generates its own joint purpose, and is measured against the efficacy that it offers in helping both parties achieve that purpose.

Ends, in such a conversation, not only converge between individual parties to a situation of conflict but also become truly shared. The joint objectives of a negotiation, which emerge from a conversation about defensible reasons for action, thus create a public value context within which to judge the result. As we leave the atomistic perspective of natural science and see negotiators not as discrete rivals with divergent interests but as joint participants in a problem-solving process, we will have established a description that is not only more appropriate to this context but also more helpful as we attempt to solve the conflict. We will be both more accurate in our description of what transpires and more likely to change it for the better.

How was this kind of thinking applied in the *Ten Point* case? It seems to me that the first major achievement of the principals engaged there was the (unwitting) successful questioning of traditional assumptions about causality. As we have seen, most social scientists are likely to view the situation in Boston as the natural result of deterministic social forces. They might say that the actors, police and kids alike, are victims of their (external) social circumstances and thus virtually 'programmed' to behave the way they do. The only way to address the problem is to attack these larger forces of racial tension and poverty directly, certainly a daunting task.

While not denying the powerful effect that systemic forces can have on individual views of the world, the ministers at *Ten Point* rejected such a pessimistic view of things. In interviews with the researchers of the case, they continually stressed that the key assumption was always that the actors involved in the conflict had the power to change their behaviour, if they so willed—and if they were provided with realistic alternatives to the courses of action they were now so naturally following, as well as institutional frameworks within which to reinforce that behaviour.[16] And results vindicated that assumption.

The ministers, cops and kids all learned that there is no natural law which decrees that relations between them must be confrontational. They came to realize that once a process of conversation had started, each party could slowly begin to understand the reasoning process of the other, and thus also the reasons for the other's action, at least from their point of view. And by providing the other party with new, meaningful reasons to act differently, they also persuaded them to change behaviour. They jointly generated new options for meeting rethought objectives.

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[16] This was the view especially of Reverend Jeffrey Brown (interviews of September 15, 1999 and March 9, 2000), as corroborated independently by conversations with Reverends Ronnie Watson and Gene Rivers.

The kids, once they realized that they did not have to stay on the street, submitting to the self-destructive norms of the gang, began to look seriously at the options newly available to them. In after-the-fact interviews with the case researchers, they related that, at first, surprisingly to them, the churches offered a new security and identity, and began to look quite attractive, once initial trust was established. And the new personal channels of communication with the ministers offered counselling, and thus also the airing and even the potential attainment of other goals such, as a job and better housing.

In separate interviews, the cops talked of their amazement at the example of the ministers walking the streets, and related how they thus came to rethink the issue of security, choosing eventually to get out of their cars and take the risk of patrolling the streets themselves on foot. The dividends this yielded in the form of better relations with the community, as well as more complete information on the precise sources of their crime problem, reinforced their reasons to pursue this new behavioural pattern. They soon came to identify more fully with this wider local community, even as its definition transcended traditional racial and ethnic categories. Coincidentally, the fear for personal safety receded. They changed behaviour not because of new ideology but because the new behaviour proved to be effective. New practices were validated by results.

The key point in all this was that there was no help to be had from outside the system. No impartial observer had the authority, wisdom or capability to intervene. Only the actors in the conflict themselves could choose to make the changes necessary to alter fundamentally the dynamics of the cycle of violence. And they could only reasonably be expected to make those changes if provided with good reasons to do so, reasons that also did justice to the identity they sought to express. Seen philosophically, the process of mutual reason-giving and exchange, once embarked on, proved to be an excellent foundation on which to build a more constructive environment for joint problem-solving.

5. The normativity of prescriptive negotiation theory

This practice of exchanging reasons for action in a negotiation conversation of course requires a context or setting, one which informs it with meaning and which makes it intelligible to both parties. Traditionally, this has taken place, at least in Western circles, through what Fisher and Ury have famously called *positional bargaining*:[17] the laying out of negotiation positions or demands, buttressed by arguments and soon escalating to personal attack spirals when the arguments fail to convince. We talk at each other, always concerned about being right. And we

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[17] As laid out in Fisher and William (1981) and as on view in most commercial and especially labour-management negotiations, at least in my experience.

become uncomfortable and even angry when we realize that our logical arguments are not persuasive, doing nothing to change the perceptions of the opponent.

Fisher and Ury of course enjoin us to uncover the interests behind these positions, and to thus open the conversation and make it a joint problem-solving exercise. And this is very good advice. I would encourage us to go even further than that, however, and want to propose a fundamentally different paradigm for thinking about the 'stories' that are exchanged in intersubjective situations of human conflict. Only then can we go 'beyond interests' and get to the fundamental value perceptions that drive human identity and determine negotiation outcomes.

Following Aristotle,[18] I would suggest that the best way of thinking about what transpires in the context of a negotiation is to view it as narrative: the particular and then the more general life-story that each actor in a negotiation gradually constructs for himself, a story in which the negotiation opponent must necessarily play an important role.[19] Under this template, we realize that rational actors are looking for more than the attainment of maximal utility. As they deliberate about what to do, they are consciously or unconsciously building an identity. As they make decisions to act, they also, in the long run, make decisions about who to be. Much as dramatists do, they construct and tell a 'story' to those around them—the story of their character, and of their practical identity as a member of their given society. And this story constitutes their identity and generates reasons for action, as described above, which will seem to them to be true and actionable.

This is an insight that has been offered by family mediation practitioners for some time, as well as by some theorists in the peace-building field.[20] Less common, unfortunately, has been its application to the field of more 'hard-headed' public policy and business negotiations. And this is a foregone opportunity, perhaps because here the need for normative judgment of narratives seems greater. In this field, at least, we need to judge stories as well as understand them, without reverting to the traps of positional bargaining.

But how are we to judge the quality of the explanation or 'story' that emerges from a discussion between two such rational actors, especially when the stories collide with one another as interests diverge? If negotiators are free to converse openly and thus to see what results emerge from their interaction, surely the space

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[18] And, of course, a number of more modern philosophers such as Hannah Arendt and Alasdair MacIntyre.

[19] The roots of the concept of narrative as the vehicle that provides the moral foundation and unified structure of a human life of course go back to Homeric poetry, but it was Aristotle who developed the concept further in his *Poetics*, and also provided the first related coherent philosophical approach to this question, emphasizing the importance of character as a source of virtue and the *polis* as the place in which such character is best formed. See Aristotle (1976, esp. Book VI).

[20] I am thinking especially of Ken Gergen and Anthony Paul Kerby, but also Paul Lederach.

in which they operate must also be value-free? And if this is so, how can we ever speak of 'good' or 'right' or 'just' negotiation outcomes? On what authority can negotiators and those affected by their decisions judge the value of what they have jointly decided?

This is the challenge that has all too often intimidated negotiation theorists. For we dare not shy away from the normative. Not every joint story, to put it simply, is acceptable. Efforts to make negotiation analysis value-free are as misguided as was the notion of strong causality (in this context). In order to make any progress in prescriptive negotiation analysis, practitioners must make a judgement as to which stories should be allowed to stand in the course of a negotiation. They must evaluate as well as describe the process.

Aristotle has given us some valuable insights into the practice of evaluating narrative, even if it is offered from a different perspective than that of negotiation theory. In the *Poetics* (Aristotle, 1996), he gave considerable thought to the question of what makes a 'good' story, at least from an aesthetic point of view. Many factors figure in his ruminations: recognition, reversal, sequencing and surprise. But, crucially, a 'good' narrative, says Aristotle, is one that 'hangs together'. It is characterized by a unified plot, which may offer surprises and 'changes in fortune', but which is always, at its core, utterly consistent.[21]

Poetry, for Aristotle, is generally better if it has a structured plot; thus it becomes a 'connected narrative'. And what gives the narrative dramatic appeal is its unity: despite twists and turns, recognitions and reversals, it offers a self-contained series of connected events which will, when viewed retrospectively, clearly reveal a universal pattern and thus also the character of the storyteller and of the protagonists. Only then will the ultimate 'purifying' resolution of *katharsis* be convincing and only then will the audience be moved by 'pity and fear' to action.

Choices made over time constitute the moral disposition of the character making them. The story he tells may contain unexpected developments, but it will, over time, also define who he is. But, while this may be true of characters in a play, how and why is it relevant to the context of modern negotiation or conflict resolution theory? How can it help negotiators to examine and rewrite the stories they tell to each other?

From my perspective, every conversation is a dramatic work, one in which participants are not only actors but also joint authors: we act out our stories even as we speak. Negotiators, and those giving them advice, can look critically at the narratives they are constructing in agreement or disagreement with their

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[21] Aristotle says specifically that 'things come about contrary to expectation but because of one another . . . the events turn out to be necessary or at least probable . . . there is nothing irrational about them'. The audience, once over the surprise, agrees that the end of the play simply 'had to be' (Aristotle, 1996, sections 6.1 and 8.1).

opponent, choosing to alter them as they become more self-aware and learn from those around them. They can judge them to be right or good or appropriate to the situation in question, and approve or disapprove of the consequences they engender. And thus identity stories can be tested, not just listened to, and sometimes found wanting.

The primary criterion to be applied in this analysis builds on, but goes beyond, the aesthetic considerations of the *Poetics*. It is the same one that rational actors, I would argue, already employ when they engage in their own private process of reflection. It is the standard of *authenticity*. In a more stringent application of the simple tests of coherence, which the game theorists have codified in the axioms of decision and game theory, such actors are always looking to see whether their actions make sense to them in the light of what has gone before. They compare reasons for action not only to ensure that they are not inconsistent with each other but also to check for their 'fit' with the constructed narrative of their life.

Does a proposed action properly express who I think I am? Will it be a worthy addition to the life-story I am constructing? Or will it change the narrative to the point that I can no longer identify with it, expressing values I do not hold and a practical identity I cannot share? Does it reflect the norms imposed by that practical identity and the commitments that define the 'big picture' of my life?

While such a narrative, built on actions, norms and commitments that add up to a life story, may at first seem to be necessarily subjective, bound up in the unique self of the deliberator, negotiators will also soon find that it must also be rationally defensible. In an interconnected world with scarce resources, practical reality will soon teach us that we must find a way to live together, even when our interests diverge. And because the actor must at a minimum consider the other people who are affected by the actions flowing from his deliberations, even rational actors negotiating from positions of power will invariably feel and want to fulfill some kind of obligation to tell their story and justify their narrative to others when called upon to do so.

Even Machiavelli, the ultimate 'power negotiator', allowed for this. For, in the end, we are driven not only to advance our interests but also to be approved of by our fellow human beings. We want them not only to do as we say but also to agree that we are right. And that is a powerful reason to keep retelling our stories until we get them right.

Thus, in a negotiation conversation, the process of reflection is not dissimilar to the experience of generating reasons that each one of us has had individually. Because identities are by their very nature deeply social and since such reflection is already intersubjective, it should not be difficult, in a truly open conversation, for even negotiation opponents with sharply divergent interests to jointly air and test the narratives they bring to the discussion, measuring them against the standard of authenticity and thus successfully explaining their reasons for action to one another.

This kind of conversation will not necessarily result in agreement. But rather than leading to the dead-end that usually results from positional bargaining and argumentation, it will at least ensure that reasons for action, and the narratives in which they are embedded, are properly understood by the parties involved. And it will aid each of them to assess critically his own narratives, as the authenticity of each is subjected to the harsher light of intersubjective and public evaluation. And, since narratives are open and unpredictable, written as the author goes along, there will always be room for new elements and new endings.

In such an open conversation, skilled negotiators may find themselves not only arguing for their individual stories but also searching for and constructing new narratives, new common stories that will fit the facts of their environment and also do justice to the separate identities they must maintain. They will identify common ground and shared goals, and then need to explore what those shared goals require of each party. They will go beyond description to generate new normative standards to which they freely bind themselves. They will map meaning on to the content of their discussion, a meaning with which both can identify. And they will thus be able to take joint responsibility for the results.

In the reason-exchanging process that evolved on the streets of Boston, narratives were effectively rewritten. Gradually, through open conversation, the 'old stories' of racially based blame and victimization that had defined the identity of both the cops and the kids, gave way to a new joint narrative, one built first on the religious story offered by the ministers, but then quickly augmented by other facets of community living in these neighbourhoods of Boston. The new shared narratives then served as the source for new reasons and new actions, as well as for a new spirit of cooperation.

As they tell it, the cops learned to define their identity not only by their profession and ethnic heritage, but also by the crucial role that they played in the neighbourhoods they served, and the value they added to the people in those neighbourhoods. They began to take pride in that role, and to see themselves not just as an instrument of control, but also as protectors of the kids. As they came to know some of them personally, individual bonds developed with particular kids. The cops found that they had a personal stake in the success of these their constituents.

The kids, in turn, responded powerfully not just to the outreach of the cops but also to the invitation to participate in religious community, and freely accepted the new norms that that unexpected community necessarily imposed. Their need to find a receptive audience for their stories was met here, and they thrived on the new sense of belonging that this new form of community offered, as well as on the security from physical harm. They were proud to be part of something bigger than themselves.

The key point in all of this was that not just any narrative would do. Normativity was key to this success. Potential new stories had to be judged by each of the parties, validated by the results they engendered. Only narratives that clearly helped

each party to improve its situation visibly were worth the effort of change. Mere 'reframing' of the problem was not enough: in order to succeed, the three parties had to create new realities, realities that offered tangible results to each which were better than that provided by the old.

According to the cops, the most important (and surprising) normative dimension of the *Ten Point* effort was the ministers' open judging of the kids *vis-à-vis* the courts and the police. It was precisely this aspect of their intervention that gained them credibility with the latter, without at the same time costing them the trust of the former. It was a calculated risk, but a risk, which paid off handsomely. By not shying away from the normative, the ministers' participated in the process not just with conciliatory words, but also through actions with bite.

By daring to make a judgement call on which kids were 'bad', the ministers helped to reduce the number of criminals in the overburdened judicial system,[22] while at the same time significantly improving the prospects for rehabilitation of the rest. This judgmental role was not uncontroversial, and certainly resented by those kids who ended up in jail. But the ministers' judgements proved, over time, to be accurate and thus they were also accepted by the gang members who were themselves afraid of the true troublemakers.

This normative dimension was a crucial part of the creation of new realities. Because of it, the situation of the three parties was changed materially, allowing for the creation of new alternatives and courses of action. New narratives were tried, tested and validated by success.

6. Negotiating responsibility

Finally, the creation of new narratives allows each of the parties to share in joint responsibility for the results of the negotiation process. This is important primarily because of the ethical dimension of the practice, a dimension much discussed by philosophers but all too seldom addressed by negotiation theorists, at least in the business context.

Because responsibility is notoriously difficult to justify, at least descriptively, negotiation theorists often bracket it from 'objective' analysis of a negotiation. And yet neglect of this dimension, I would argue, will severely limit any attempt at prescriptive analysis. Without it, negotiators are unlikely to see their way through to equitable and mutually beneficial negotiation outcomes. And thus, advice given without regard to the ethical imperative to negotiate responsibly constitutes the third philosophical mistake.

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[22] This was the judgement of both the cops and the ministers (as expressed in the interviews), an assessment that is virtually impossible to prove objectively, but which is certainly plausible to anyone who has worked firsthand in the overburdened juvenile criminal system of Boston!

In the spirit of Immanuell Kant, I would propose that the right way to look at this difficult issue is to posit that, while we cannot prove that negotiators and conflict parties *are* responsible for the agreements they conclude, they must act *as if* they were. Their moral obligation is thus not derived from any description of their situation, but rather is a perspective one justified, as above, by the practices it engenders.

To whom do negotiators owe this debt of responsibility? First of all, I propose that negotiators at least consider that they owe it to themselves. As the discussion on normativity has shown, these individuals are building the narrative of their life story in all the decisions they make, including the decisions that arise from a negotiation process with another. And as they value themselves, they must also value the identity and the character that they are creating for themselves in this process. They have an obligation to themselves to create the identity which will best help them to flourish as human beings.[23]

But because negotiations are open conversations, with results that are not caused externally, but which come about as a result of (joint) intentional action, the responsibility of negotiation cannot remain limited to the domain of the self. We are, in a very real sense, also responsible for each other. We will become increasingly aware, through conversation, that each of our narratives will exert constraints on the other, making the whole different from the parts. As our reasoned decisions to act will have real and immediate consequences on the interlocking life story of our negotiation opponent, we must not only rationally but also ethically defend these actions.

If humanity is an intrinsic value that I find in myself, so it also must be for my opponent. At the very least, despite all (legitimate) disagreement between our positions and interests, I owe to him the practice of reason-giving when he challenges my arguments and decisions, and I must also own up to my responsibility for the consequences that the narrative I put forward will have on his own life story. We are both free to construct whatever negotiation story we jointly choose, but are also both responsible to each other for both the means chosen and the outcomes of the implementation of that story.

And we are not only responsible to each other. For there are at least two further groups of human beings likely to be directly affected by our negotiation results. First, we have been sent to the negotiation discussion by respective *constituencies*, groups whose interests we have been charged to further. And those individuals, while not present at the table, have the same rights to be heard and

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[23] This emphasis on valuing oneself, i.e. humanity as a source of normativity, comes from the Kantian perspective—but the focus on flourishing as a human being is of course, as we have seen, Aristotelian. The argument is simply that if we value ourselves at all, we must also do all we can, through our decisions and actions, to build an identity and a character which will further that sense of self-worth.

respected as do those that are. If we make decisions that will change their lives, we must do so in full awareness of the responsibility we are exercising in the process, and be prepared, when called upon, to offer the reasons for those decisions to those on whose behalf we have negotiated. Any seasoned negotiator who has returned home to sell the (altered) results of his efforts is all too aware of the importance of this dimension of the negotiation conversation.

And finally, negotiation results rarely affect only the negotiating parties and their constituencies. Especially in the public policy arena, many further parties have a stake in what is discussed, even if they are often powerless to intervene: employees, customers, voters, the public interest.[24] And so reflective negotiators will invariably find that they also bear the responsibility for whatever consequences their intentional action can engender for these silent participants in the joint narrative. They act jointly with their negotiation opponents to tell a story, which can well change the course of many lives.

The contention is that negotiation stories can only be properly understood within a context, and that context is usually provided by the community from which each party draws their values, norms and commitments. Our stories are embedded in the stories of the communities from which we come. As we each inhabit and value roles defined by our relationships to each other, we also come to accept an ethical responsibility to ensure that the acting out of those roles does justice to the norms agreed on with each other.

Negotiation stories are not just narratives exchanged between parties in the confined context of a private discussion. For, if they are jointly agreed upon, they will become the normative foundation for new sets of rules, rules that will govern new practices and create new realities, which go far beyond the immediate context of the negotiation. And the intentional creation of such new realities carries with it a very great responsibility indeed.

And this was a further key ingredient of the success of the participants in *Ten Point*. This process worked because all the parties increasingly chose to take a stake in the joint outcome. They recognized that, since they were jointly responsible for the suffering that the cycle of violence had caused, they also had an ethical obligation to act together to break that cycle. They were all three not only victims but also perpetrators, and each had the potential—and the responsibility—to change the situation.

In this situation, each community assumed responsibility for its own destiny, and also took on the joint responsibility (and moral obligation) for each other's destiny, on the basis of the commitments they chose to make to each other. The kids

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[24] Ury (1909) has explored the dimensions of this 'Third Side' of any negotiation and especially the significant further problem-solving potential, which can be unlocked when these additional parties become empowered to contribute to the discussion.

owed it to each other to create a better reality than the one offered on the streets. The cops, if they were to continue to take pride in their profession, needed to respond to public criticism and re-establish legitimacy. And the ministers, if they were indeed to be taken seriously in what they perceived to be a God-given role, knew that they must offer something substantive, both spiritually and physically, to help those in need.

But this was not all. For the three parties found that they also had a responsibility to each other for what had happened and for what could happen if the conflict were redefined. Within the context of the larger community in which they all were participants, all the parties came to realize that their actions had direct effects on many other people: younger kinds now growing up, ordinary citizens afraid to walk the streets, members of the church parishes and congregations. And so they each assumed new roles and responsibilities for themselves, and took pride in the joint creation of the new set of institutions, which would guarantee their new stability.

That stability is, however, still far from permanent. At the time of writing, the four ministers who founded *Ten Point* have reorganized the initiative into new and different structures, with varying degrees of personal involvement from each. Although the project soon gained national attention, the success of the effort has also proved difficult to replicate: other communities have found that, despite some notable successes, the formula could not be repeated exactly in other contexts. Putting more cops on the streets is not enough, if old thinking is not fundamentally addressed.

All of this only points clearly to the challenge of sustainability of conflict resolution. Solutions to conflict are never static, but must be constantly reinvented. The dynamic process of forming and maintaining stable joint narratives is risky, complex and difficult. But negotiators and conflict actors, if they are to meet their freely assumed responsibility, have no choice but to engage in that process.

Negotiation results are not determinable from outside the context of the participants in the negotiation. Rather, they are created together as a result of open conversation. They are the willed result of joint intentional action. Conflict is not predetermined; it can be resolved. But only through the active involvement of all parties can solutions be found that are mutually accepted as both good, just and ethically responsible. Together, they can make things happen.

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