

Negotiation

and the Concept of *Evil*

While attending a conference of the Academy of Family Mediators a number of years back, I participated in a class that addressed the general problem of a perceived need for mediation and a lack of popular demand. This class was a fascinating look at how our cultural backgrounds impact how we feel about the idea of negotiation. Though professionals working with conflict, judges, lawyers, therapists, and certainly mediators, are convinced that mediation is generally a more beneficial and creative method of meeting disputants' needs than the court process, sometimes there is a resistance to sitting down with the other party and working through the issues.



To some cultures, the idea of negotiating is insulting. For instance, someone from a German Catholic background was asked to imagine her father putting something up for sale for \$500, and what his reaction might be to being offered \$450. She believed her father, whether he took the offer or not, would be uncomfortable with bargaining. He would have negative feelings toward the buyer, thinking him cheap. After all, he put a fair price on the object and would be insulted that the buyer was implying he was overcharging. The instructor pointed to ethnic slurs in our culture, such as “being Scotch” or “jewling someone down,” as common reactions to bargaining.

In contrast, someone who came from an Eastern European Jewish background, asked about the same scenario, believed that his father had never paid retail price for anything (and wouldn't want him to!). In his culture, bargaining was expected. These examples point to religious teachings that have brought about negative feelings about negotiation. The word “negotiation” comes from the Latin *negotia* which is synonymous with “business.” In the bible, Jesus threw the moneylenders out of the Temple, giving the idea of business and negotiation a negative connotation. The word “heresy” is from the Greek meaning “to choose.” In the early church, heretics were those who wanted to choose certain aspects of their liturgy, i.e., to negotiate with the church on the structure of their religion. **Satan** is the archetype of evil in our religious teachings and his primary modus operandi is negotiation; he seeks to persuade us to compromise our moral principles for short-term gains.

The conclusion is that many in our culture may be opposed to the idea of negotiation. Those who negotiate may be seen as weak, even deceitful. Consider our culture's view of the ultimate negotiators -- car dealers. Negotiating with our opponents is seen as an undesirable act. Indeed, even the words “collaborate” and “compromise” often have negative connotations to many people. Traitors during the war were those who met their needs by “collaborating with the enemy.”

How can we, as professionals, help people overcome their resistance to negotiation? One way is to look at their fears about the process.

Fear of Losing Their Rights. An important fear of those considering mediation is that they will give up their rights. They are afraid they will be forced to agree to something in mediation. They should understand that they won't be forced to agree to anything and if they are not able to settle in mediation, they will still have all option open to them that they would have otherwise had prior to mediation.

Fear of Having to Take Responsibility. Some are not used to making their own decisions and have relied on authority figures to tell them what to do. They should be assured that they will have an opportunity to get information with which to make decisions, by consulting with experts.

Fear of Compromising Their Values. These people are focused on the "truth." They believe they are right and other person is wrong, and any fair and impartial authority figure will determine the rightness of their position. The idea of negotiating means compromising the truth, which is at best a sign of weakness and at worst immoral and evil. Mediation gives them the opportunity for enlightening the other and finding a solution that doesn't compromise either person's integrity.

Fear of Being Taken Advantage Of. Often, reluctance to mediate stems from a perceived inequality in negotiation or communication skill levels between the participants. This issue may arise as the result of cultural, age, or gender differences, language differences, differences in business experience, etc. Participants should know that one of the mediator's principle roles is to balance the power and create a level playing field in these areas. It is often helpful for them to understand that a mediator is not only an impartial third party, but is there to protect both participants from these types of differences.