

Conflict Resolution and Healing when the Non-Negotiable is at stake

An interview with Daniel L. Shapiro

By Henneke Brink

Daniel L. Shapiro is one of the world's renowned thinkers on dispute resolution. He consults for governments, works with businesses, advised hostage negotiators and families in dispute, and launched successful conflict resolution initiatives in the Middle East, Europe, and East Asia. He is a professor at Harvard University and founder and director of the Harvard International Negotiation Program. Many professionals concerned with conflict resolution will be familiar with the 'five core concerns in conflict situations' which he expounded in the book that he wrote with Roger Fisher, *'Beyond Reason: Using Emotions as You Negotiate'*. In his last book, *'Negotiating the Nonnegotiable'*, Shapiro takes on an even harder challenge, looking at the most intractable, emotionally charged conflicts. He formulates practical tools to help resolve such conflicts, and perhaps even work towards healing the relationship.

We talked, using Zoom, from the comfort of our homes. Our conversation was delightfully interrupted by Shapiro's eight-year-old son, who briefly joined the conversation to share his excitement about a new magic trick, and at times frustratingly interrupted by an unstable internet connection.

Brink: Can you tell me what sparked your interest in emotionally charge conflicts?

Shapiro: My work started out in Eastern and Central Europe, during the post-communist era. I watched people deal with their differences as they were moving from a closed to an open society. International communities were coming in, offering advise on how to deal with the economic situation, the political and the military. But the question I had was: how do you deal with the *human* dimension of the transition? How do you deal with the emotional and identity-based dimensions of conflict; with that which seems nonnegotiable?

My work initially focused on emotions. In the early 2000's, Roger Fisher and I started writing our book 'Beyond Reason.' In that book we asked ourselves: how can we develop a practical set of instruments for mediators and negotiators to navigate the complicated world of emotions? We came up with five basic tools and called them 'core concerns.' But as I continued to do work in Eastern Europe, in the Middle East and many other places, it struck me more and more that while the emotional dimension is important to deal with, that did not feel like it was getting to the heart of these conflict situations, to the real obstacles to peace.

'Negotiating the Non-negotiable' was really the result of my struggle with this question: how do you deal with this deeper dimension of conflict --'identity'-- when everyone's identity seems so fixed? That's when I started to conceive of the theory in this book: separating the concept of 'core identity' from 'relational identity'. My core identity is pretty fixed – I'm Dan Shapiro, professor, parent, bike rider. But I also have a relational identity. Who am I in my conversation with you? Who are we when we are in conflict with each other? It was exciting to come to that theoretical reformulation, because it meant that there's a part of my identity that is actually really fluid and dynamic. Then my curiosity became: what does that emotional space between the disputants look like? What are the forces that bring them closer or drive them further apart?

Brink: How would you describe 'the nonnegotiable'?

Shapiro: Firstly: I think that there is often more opportunity for conflicts to be resolved than people see, and we see issues as being nonnegotiable more often than they probably are. The title of the book is in a sense a provocative way of suggesting that we have a variety of blinders that prevent us from seeing possibilities of resolution, when actually there *are* ways to move forward in the face of a conflict.

The question is: how do you deal with conflict when identity is involved? I start with the assumption that identity is *always* involved, in any human interaction. Identity is who we are. It's the characteristics that define us as an individual, as a part of a group. And when identity becomes a substantial factor in a conflict situation, we often throw our hands in the air and feel some degree of helplessness or hopelessness. The goal of my research and this book is to try to more deeply understand why such contexts feel nonnegotiable. Where's the truth behind that, and where's the opportunity?

I should also say that I initially wanted the book to be called 'The Tribes Effect', because to me that is the underlying problem that prevents us from negotiating the nonnegotiable. The 'Tribes Effect' is the polarizing mindset that we're driven to, by emotional forces within us, the moment our identity feels threatened. This 'tribal' mindset has three basic characteristics. First, it's adversarial - it's 'me versus you', 'us versus them'. Second, it's judgmental and self-righteous - 'I know I am right and

legitimate, and you are wrong and illegitimate'. And third; it's a closed system. 'I will argue and defend my perspectives to no end, but I'm going to close my ears to your perspective.' It's also a protective, and therefore very understandable mindset when we feel deeply threatened. But it does not really help us to negotiate that which feels nonnegotiable.

Brink: What can a professional concerned with conflict resolution focus on when he or she is confronted with a 'nonnegotiable' issue?

Shapiro: The idea is to be aware of three levels to the conflict situation. At the top level is the rational - the content, the substance of the negotiation. What are these two business executives arguing over? Is it terms of the deal? Is it money? A little bit deeper lies the emotional dimension to mediation. How is each person feeling? Do they feel hurt in their autonomy or pride? And then you go even deeper, to the third dimension, which relates to their identity. How might each person's basic values beliefs, rituals, and sense of self feel threatened?

Furthermore, I think it is important to recognize the patterned way in which identity is being implicated in the conflict. In a divisive or polarizing context, the parties each walk to the mediation table and start by declaring their identity. 'This is what's important me.' They then feel the other side attacking that identity, denying it on some level, so they defend it. And so they both descend in a mutual attack and denial of the other's identity. I call that pattern: Declare - Defend - Descend.

A useful alternative model for thinking about this is: how can I help the parties affirm each other's identity, so they feel respected and can move towards a transcendent sense of collaboration? The pattern then becomes: Connect- Respect- Transcend.

You could imagine two magnets. Each magnet has its own core attributes, its own identity in a way. And yet there's also this energy between the magnets that can pull them together or repel them from one another. Core identity is like each magnet unto itself. The person with his or her own beliefs and values, all that's important to him or her. Relational identity is the characteristic of the space between the magnets. That is what I'm concerned about. How does one define that space, and can the parties move toward attraction rather than repulsion?

Brink: What instruments can a lawyer or mediator use to help achieve that shift toward collaboration?

Shapiro: I think the most important thing that he or she can do is recognize and label some of the more complex psychological dynamics that affect the nature of the relationship between the disputants. Because once these are labeled, the parties can decide what to do with them. It is a tool for action and can be a source of real empowerment.

In my book I describe the emotional forces that pull us toward the tribes effect. I call these 'the lures of the tribal mind'. One such important emotional experience, that we've all been through, is what I call 'vertigo'. We experience it when a conflict pushes our most meaningful buttons. We can become so emotionally consumed by the conflict that we develop a warped sense of time and space. We forget everything in the world beyond this particular conflict, with this particular person, who has just committed this egregious act against us. This conflict is all we know. But once we recognize and 'label' this dynamic, we can decide if want to let it overtake us.

The same is true for the other four lures of the tribal mind that I describe in the book, which affect how we interact with others. One is 'taboos': 'Can I be myself with you and share who I am, or do I feel afraid because there's a taboo?' Another is 'repetition compulsion', when disputants get stuck in a dysfunctional pattern of behavior. Furthermore, there's the risk of either side feeling an 'assault on the sacred'. And 'identity politics' muddies the water even more. The book ultimately originated from my attempts to put language to these dynamics in the space between us, which can be so toxic.

Brink: What determines the nature of that space?

I believe two concepts are fundamentally important. These are 'autonomy' and 'affiliation'. 'Affiliation' relates to the extent to which people feel an emotional connection with one another. It's much more complex than just 'I love you' or 'I hate you'; there are so many threads of connection. I might feel very distant from you on 53 levels and yet feel very close still, because ten years ago we confided some secret in each other. The other key dimension of the human relationship, autonomy, relates to the freedom each of us has to be who we want to be, to do what we want to do and to feel what we want to feel, within our relationship. I think two of the greatest triggers of negative emotion in human relationships are when people feel a cut to that sense of that affiliation - betrayal or alienation, emotional loneliness or emptiness in the relationship - or when their autonomy feels imposed upon.

These two concepts are essential when it comes to the issue of the will to negotiate and to commit. I am much more likely to engage with another side in a collaborative conversation if I sense some sort of affiliation between us, and if I feel I have a choice to do so. Take the Israeli and Palestinian situation as an example. Two negotiators who have no affiliation, no emotional connection, will not negotiate as well as two who know each other personally. These two may not fully trust each other's institutions, but if they, as human beings, have some sense of connection and goodwill towards each other, they will negotiate more effectively. And just as true: two negotiators who feel as though the other side is always imposing their will on them are going to walk into any negotiation much more tentatively than those who feel they have a shared ability to contribute to the negotiation process and outcome.

Brink: What you said about vertigo reminded me of Friedrich Glasl's model for conflict escalation. Glasl sees no role for the mediator if a conflict is in the final stages of escalation, when there's hostility and animosity between the parties. What are your thoughts about that idea?

Shapiro: I'm a possibilitarian. I look for the possibilities for conflict resolution at any stage of escalation. Even if parties are expressing great animosity, even if they refuse to acknowledge the existence of the other's identity, I still think you have possibilities for constructive communication, and possibly constructive conversation. In these conversations you try to move the parties towards a different understanding of their self-identity – how they define themselves and their relation to the other.

It's also important to realize that in highly contentious, seemingly nonnegotiable situations, what happens *before* the participants go to the negotiating table is often much more important than what happens *at* the table. In our international work, the amount of time that my colleagues and I spend thinking through the design of a one- or two-hour session is just striking. It is days and weeks and months of preparation. What's the outcome we hope for? What theory are we going to use as a conceptual framework for the design of this particular meeting? How can we increase the likelihood that when people come to the table, the substance and the emotional dynamic moves people toward a communal mindset and away from a tribal one?

Brink: I can imagine that in the context of a protracted conflict, it can be taboo to even imagine the experience of the other side. How can parties be helped if a relationship is so damaged?

Shapiro: In the second part of *Negotiating the Nonnegotiable* I describe an approach to healing that I call 'integrative dynamics.' The basic idea is that in typical conflict situations the parties are stuck in divisive dynamics - with vertigo, assault on the sacred, taboos, repetition compulsion. And it's one thing to try to help the parties move away from those forces, but how do you help them build a better relationship? How do you help them heal?

I suggest there are at the very least four basic relational principles to healing. The first step is for each side to really recognize what I call the other's 'mythos of identity'. This concept refers to the core narrative that the parties have about their own identity, within this conflict situation, in relation to the other - not just the substantive concerns, but the deeper, fuller experience. This narrative needs to be seen, heard and really understood by the other in order for real healing to have a chance.

The second principle of integrative dynamics is working through the emotional pain. Every conflict, from a business dispute to the Israeli-Palestinian conflict, has some degree of emotional pain to it. Just as the parties have a choice about whether they want to share their story and appreciate the other's, they also have a choice to walk down that difficult road of working through the emotional pain.

The last phases of the process are to strengthen the relation by building new, crosscutting connections and, finally, to reshape the relationship so it best serves each parties' own and the other's identity. In the book I describe different scenarios and tools that may be useful to reach this goal. It may be possible for the parties to adjust their relational identity to the way they want to co-exist, while keeping their core identities intact.

Brink: Do you have final advise for lawyers or mediators trying to effectively handle emotionally charged conflicts?

Shapiro: Don't ignore the third dimension of conflict resolution - the part that is driven by identity. Watch out for the five lures of the tribal mind and label them when you see them - at the least in your own mind.

If you want to move toward healing, or the parties want to move in that direction: walk them through a process of integrative dynamics. Help them understand each other's story. Help them work through emotional pain, through forgiveness, through apology, through labeling their feelings. Help them build some sort of connection and help them figure out how they want to shape their relationship. 'Are we going to stay married? Are we going to live in the same house and act only as partners? What's the shape, structurally of our relationship?'

And my final thought: somehow this Zoom-experience is a metaphor for a conflict situation, because there are moments when everybody is frozen, and then the question is: how do you unfreeze the situation?

Brink: By changing your position and trying to find a place with a better connection!

Shapiro: Exactly!

Henneke Brink is a mediator and a lawyer. She has studied and worked in various foreign countries and has published extensively in various professional literature. She can be reached at hbrink@hofstadmediation.nl.