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# *Special Section: Negotiation Lessons from 12 Angry Men*

## Introduction

*Nancy J. Waters*

Nearly twenty years ago, I was called to serve as a juror on a long and difficult murder trial. I was not very happy — about the disruption this caused in my life nor about having to listen to hours of often gruesome and scary testimony. (To this day, people think I am joking when I tell them that the case involved allegations of Satanic human sacrifice, but I am not, and it did.)

I was whining a bit to an old friend on the telephone one night near the beginning of the trial (without, of course, actually discussing the case, as per the judge's instructions) when she said four words to me that stick in my head after all these years: "Remember," she intoned, "twelve angry men."

And with that little bit of pop-culture shorthand, my friend sought to remind me of my civic duty and to make me feel a little bit better about having to fulfill it. She really did not need to say more than that, and I knew immediately what she meant, because *12 Angry Men* is iconic, one of those films (or books or plays) that lives both on the screen and in the culture, that is referenced over and over again.

This year marks the fiftieth anniversary of the release of *12 Angry Men's* most well-known incarnation, the movie that was directed by Sidney Lumet and starred Henry Fonda and Lee J. Cobb. Written by highly regarded television writer Reginald Rose, *12 Angry Men* was first produced for the

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small screen in 1955, with Robert Cummings as Juror 8, the role made famous two years later by Fonda.

It was remade as a television movie in 1997 starring Jack Lemmon as Juror 8 and has appeared at least once on both London and Broadway stages. It has been produced countless times by repertory theaters, community theaters, and schools — I still vividly remember seeing my classmates perform it in junior high school. (When the cast features women, the adapted version is typically retitled *12 Angry People* or *12 Angry Jurors*.)

The plot of *12 Angry Men* is straightforward: twelve white male New Yorkers are sent to a small, hot, airless room to deliberate over the testimony they have just heard in a murder trial. A young Puerto Rican man from the “slums” has been accused of fatally stabbing his father with a switchblade. If he is found guilty, he will receive the death penalty. The prosecution’s case seems strong, and eleven of the twelve jurors are inclined to convict.

But one man, Juror 8, dissents. He is unwilling to convict the young man and send him to his death without at least discussing the evidence first. Over the course of the next one-and-one-half hours, Juror 8 skillfully and dramatically deconstructs the evidence, the testimony, and his fellow jurors’ arguments until even the last hold-out is reluctantly persuaded that reasonable doubt exists.

In this special section of *Negotiation Journal*, we look at *12 Angry Men* through a negotiation lens. Cass Sunstein begins with a discussion of group polarization. A jury leaning heavily toward a guilty verdict, the literature tells us, is unlikely to be swayed by one juror with a minority viewpoint, no matter how insistent that lone dissenter. When it comes to juries and political ideologies, Sunstein writes, group members find it preferable to go with the flow rather than swim against the tide — even if that flow takes them further downstream than they ever intended.

In their article, Eirini Flouri and Yiannis Fitsakis meticulously analyze Juror 8’s moves and turns during the deliberations, which they see as one long multiparty negotiation. How does he manage, they ask, to negotiate successfully “against the odds”?

Susan Hackley covers similar territory, but through the eyes of a teacher. A proponent of using film in negotiation education, Hackley describes how this movie illustrates key concepts that play prominent roles in typical negotiation curricula.

Finally, Michael Wheeler turns the whole thing on its ear. In a satire written from the perspective of the fictional defendant in the story, he underscores the importance of framing and context by reframing the arguments that Juror 8 uses to argue for acquittal, showing how each one had an equally plausible explanation indicating guilt.

The film’s relevance for the study of negotiation is, of course, just one way of looking at this particular text. An economic analysis would consider

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the transactions among the jurors, what each gains and loses in the course of the drama, while a historian would note how the film, arriving as it did at the dawn of the Civil Rights era, attempts to tackle issues of racial and ethnic bigotry. An ethicist might consider individual and group responsibility, while philosophers might weigh the nature of proof. (All such viewpoints could also inform negotiation analysis.)

The film's relevance to legal scholars is obvious and was acknowledged earlier this year when its fiftieth anniversary was commemorated in a symposium at the annual meeting of the Association of American Law Schools. Topics included the ways in which the film functions as a drama, and how it can even be seen as a religious allegory (twelve jurors represent twelve apostles, the knife is shaped like a cross, etc.).

While countless movies, books, and television shows have been set in the courtroom, *12 Angry Men* is one of the only major fictional works to depict the inner workings of the jury system, one of American democracy's most important institutions, and, as it turns out, an institution that has negotiation at its core.