
One Reasonable and Inquiring Man: *12 Angry Men* as a Negotiation- Teaching Tool

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The film 12 Angry Men is often shown in law school and business school to teach lessons about negotiation, group process, communication, decision making, team building, leadership, and critical thinking. It effectively and powerfully depicts the ways in which a successful negotiator can make critical moves and capitalize on turning points in a negotiation. It also illustrates vividly such key negotiation concepts as the difference between positions and interests and the role of such skills as coalition building, framing, and active listening. For these reasons, 12 Angry Men can be a powerful negotiation teaching tool.

Key words: negotiation, pedagogy, film, juries.

Introduction

“One man is dead. The life of another is at stake,” cautions the judge, as he dispatches the members of a jury to determine a verdict in a murder case. That jury’s deliberations are the subject of the riveting drama, *12 Angry Men*, which was written in 1954 by Reginald Rose as a play for television and in 1957 became a celebrated movie directed by Sidney Lumet and starring Henry Fonda.

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The film is often shown in classes at law schools, business schools, and elsewhere to teach lessons about negotiation, group process, communication, decision making, team building, leadership, and critical thinking. It is a taut, real-time psychological drama that vividly illustrates a complex, high-stakes situation. It can also function as a Rorschach test that resonates in markedly different ways to different people, but typically audiences feel a strong identification with Henry Fonda's character, Juror 8, who stands up to intense pressure and "groupthink" to suggest another way.

The film has also been shown as part of the Program on Negotiation at Harvard Law School's Film Series, which over the past several years has presented more than forty films as a context for prompting discussion on various aspects of negotiation and conflict resolution.

12 Angry Men is, in fact, one long and sustained multiparty negotiation in which one person masterfully negotiates with eleven others so successfully that each shifts his strongly held belief, that a defendant is clearly guilty and deserves the death penalty, to accept the opposite viewpoint, ultimately agreeing unanimously on a verdict of not guilty.

Negotiation Lessons from the Film

As the deliberation begins, some of the jurors argue that the case is "open and shut," that they should "take a quick vote and get out of here." The foreman calls for a voice vote, and eleven jurors say guilty.

Only Juror 8 votes not guilty. When asked if he really thinks the defendant is not guilty, he replies, "I don't know," and adds by way of explanation, "It's not easy for me to raise my hand and send a boy off to die without talking about it first." If we take Juror 8 at his word, he is not committed to the idea that the defendant was not guilty. He is not even certain in his own mind that the defendant told the truth on the stand. He is, however, committed to the idea that every defendant in a murder trial deserves justice, and that requires a careful and thoughtful jury. Is he one of the "twelve angry men"? Not in an obvious way. If he is angry, he mostly keeps it to himself.

Whether he's truly uncertain or claims that to avoid a more contentious confrontation, Juror 8 skillfully uses a variety of negotiation methods to forestall a hasty verdict. Many of those same techniques are taught in negotiation courses, and close examination reveals them in action, making the film an excellent teaching tool.

Positions versus Interests

For example, a core concept in negotiation teaching is to urge students to get beyond stated positions and focus on underlying interests. The *position* of most of the jurors at the outset of their deliberations is that they should strive to reach a quick and seemingly easy verdict and go home, but their *interests* are more complex. One juror, for example, reveals his interest in punishing racial minorities, claiming "these people are born to lie."

Juror 8, in contrast, is careful not to state a position but to focus on his *interest* — in theory an interest each of the jurors should share — to uphold the law and deliberate carefully and objectively. He claims that he is not trying to change their minds; rather, he asks them to respect the process by discussing the facts of the case, to just “take an hour,” reminding them artfully in the process that, as citizens, they all share an interest in a fair and functioning judicial system. He is measured and nonthreatening. The boy has had a tough life, and “maybe we owe him a few words.” What could be more reasonable?

Choosing a Frame

Students of negotiation are also taught to look closely at the *frame* being used to present a problem, and to be prepared to introduce their own frames. In *12 Angry Men*, the jurors reveal the frames they use to look at the world. In one telling exchange, Juror 4 claims that “Children from slum backgrounds are a menace to society.” To which Juror 5 counters, “I’ve lived in a slum all my life.”

Juror 8 asks his fellow jurors to use a *legal* frame for their discussions, reminding them that they do not have to believe the defendant is innocent to have reasonable doubt about his guilt. He frames the issues effectively and clearly, wondering, for example, why the defense counsel did not ask more questions and suggesting that the defense counsel “wasn’t doing his job. He let too many things go.” He also reminds the jurors of their alternative (best alternative to a negotiated agreement [BATNA]) — a hung jury — if they fail to reach agreement.

The Role of Communication

The role of communication and different communication styles are, of course, critical elements in any negotiation course. *12 Angry Men* depicts effective communication at work in a volatile and even hostile situation. Through Juror 8’s careful choice of words, he avoids making himself a target, which easily might not have been the case. First, he is succinct and does not draw attention to himself, keeping his focus on the problem, not the people. When asked if he is a salesman, he replies briefly, “I’m an architect.” When asked if he has children, he answers, “Two.”

He does not pontificate. He says relatively little, and many of his remarks are questions. “Do you think he lied?” “Isn’t that what’s supposed to happen in a jury-room?” Of a witness, “Isn’t it possible he was wrong?” “What do you think?” “What would you say?” “Do you think so?” With his simple questions, Juror 8 steers the dialogue in the direction he wants it to go.

Juror 8’s technique also exemplifies for students how to defuse tension in a “difficult conversation.” When Juror 10 reveals his racial bias by ranting, “We’re facing a danger here. Don’t you know it? These people are multiplying . . . they are — wild animals. They’re against us, they hate us, they want to destroy us,” saying in effect he does not care if this defendant is

innocent or not and it would be a good thing for society to get rid of him, Juror 8 intervenes, soberly: "It's very hard to keep personal prejudice out of a thing like this." His reply not only defuses some of the emotion, but with it he implies, perhaps even with a touch of sympathy, that everyone has prejudices, not just Juror 10. In this way, he manages to avoid blaming Juror 10 and again keeps the focus on the problem, not the people.

Juror 8 is persuasive because he uses the essential negotiation skill of active listening — listening carefully, then reflecting back what he hears so the other party feels understood — even when he disagrees. Look at this statement, which does not just pay lip service to the other's point of view but fully paints a picture before introducing his own viewpoint: "Maybe he did stab his father, didn't hear the woman's screams, did run out in a panic, did calm down three hours later and came back to try and get the knife, risking being caught by the police. Maybe all those things are so. But maybe they're not."

His quiet and steady manner of pushing gently, asking questions, listening respectfully, and raising issues encourages others in turn to reflect more openly, which allows extreme views and buried interests to surface and be dealt with.

Coalition Building

As the heat rises and the jurors' patience wears thin, Juror 8 employs a tactic that can be critical in multiparty negotiations, by identifying and winning allies and slowly building a *coalition*. The oldest juror is the first to join him, saying that he is not sure what the verdict should be but he respects the motives of Juror 8. He is followed by the juror who comes from the slums and does not like the way some of the other jurors assume disadvantaged kids are "potential menaces to society."

One by one, the jurors change their minds, losing faith in the evidence and eyewitness accounts and feeling a reasonable doubt, until the dynamic has reversed, and the majority view is that the boy is not guilty. There are now just a couple of holdouts clinging to their conviction that the boy is guilty. Juror 10, worn down, finally gives in, saying he still believes the boy is guilty, but claiming "I couldn't care less. You smart bastards do whatever you want to do."

The final holdout is Juror 3, an angry man who says that "sometimes I think we'd be better off if we took these tough kids and slapped 'em down before they make trouble, you know?" During the deliberations, he reveals his own sad story of his dysfunctional relationship with his son, who ran away and whom he has not seen in two years.

A minority of one, Juror 3 calls the other jurors a "lousy bunch of bleeding hearts," claiming nothing will budge his resolve. He keeps talking, while the others remain silent. He says they have twisted and distorted every piece of evidence. More silence. Then he says, "That whole thing

about hearing the boy yell? The phrase was 'I'm gonna kill you.' That's what he said. To his own father . . . That goddam, rotten kid. I know him. What they're like. . . . My God, don't you see? How come I'm the only one who sees? Jeez, I can feel that knife goin' in."

Juror 8 then says simply, "It's not your boy. He's somebody else."

Juror 4 adds, "Let him live." At which Juror 3 gives in, saying quietly, "All right. 'Not guilty'."

To have reached the point where an angry and deeply wounded man can turn to those who have become, in effect, his colleagues and join them is not only a high point of drama, but a conclusion to a spellbinding negotiation.

Capitalizing on Turning Points and Critical Moments

There are several turning points in *12 Angry Men*, moments when thinking shifts and new possibilities are revealed. In this way, it offers students an excellent opportunity to see negotiation *turning points* and *critical moments* played out on the screen.

Two dramatic turning points relate to the murder weapon. One occurs when Juror 8 brings out a knife he found easily at a pawn shop — identical to the murder weapon, which had been described in the trial as highly unusual. Another turning point occurs when Juror 3 demonstrates how the fatal knife wound could have occurred by grabbing the knife and pretending to plunge it into the chest of Juror 8, who does not flinch. It seems to be a test of Juror 8's courage and resolve — is he really a man of strength and principle or just one of those "bleeding hearts"?

Continuing to Provoke

The movie is powerful, in part because viewers can put themselves in Juror 8's place. What would we have done? How effective would we be at standing up for an unpopular minority view? How persuasive can we be?

It is easy to understand why this beautifully constructed play and film is a classic, and, moreover, why it is used in so many different instructional settings. If you want to show how an individual without authority or power stands up to a seemingly superior force, *12 Angry Men* provides a compelling example. It can show business students how assembling coalitions helps to acquire leverage, and students in leadership classes the skills needed to persuade others to follow. Communication students can witness how personal skill and style can make a difference, and law students are immersed in the drama of jury deliberations.

Fifty years after *12 Angry Men* was produced, it continues to inspire reactions. In a recent seminar, Harvard Law School Professor Bruce Hay provocatively described it as "one massive religious allegory, an elaborate retelling of some of the best-known stories from the Hebrew Bible and the New Testament." (See Hay 2007.) The judge, Pontius Pilate-like, washes his

hands of the dilemma and turns it over to the multitude, who are ignorant and easily manipulated. In steps a savior, Juror 8, to champion the defendant's cause. In fact, he breaks the law by bringing his knife into the jury room and nearly provokes a physical attack from Juror 3. Through his personal power, he helps the twelve angry men transform into twelve apostles. Looking at the text through the lens of religion, Hay argues that the film demonstrates to "viewers that they can watch a crucifixion in the making without having the foggiest idea."

Whether teachers choose to show the whole film or just segments of it, *12 Angry Men* is a wonderful resource for provoking discussion on a wide range of topics, and Juror 8 is an unforgettable character, a man who, by claiming he does not want to influence others is, in fact, hugely influential.

REFERENCE

Hay, B. L. 2007. Fiftieth anniversary *12 Angry Men*. *Chicago-Kent Law Review* 82(3).