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# *In Theory*

## Negotiation and Nonviolent Action: Interacting in the World of Conflict

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*Negotiation and nonviolent action are arguably the two best methods humanity has developed for engaging constructively with conflict. Both have played central roles in helping manage or resolve seemingly intractable conflicts, sometimes sequentially and sometimes in tandem. But experts and practitioners in both fields often underestimate the relevance and effectiveness of the other. This article explores the interface between the fields of negotiation and nonviolent action, their mutual commitment to engage constructively with conflict, and the concern both methods share for leverage, power, and strategic preparation and action. After examining the shared linkages, this article highlights how the two fields have synergistic qualities when utilized together in the same conflict. Using examples from a diverse set of conflicts, the overlap explored in this article lays an important foundation for the future convergence of the two fields.*

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**Key words:** negotiation, nonviolent action, power, strategy, framing, coalition building, communication.

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## Interface of Two Strategies

Implicit in how most negotiation experts analyze, conduct, and reflect on conflict is a preference for nonviolence and an aversion to the use of violence. Within the field of negotiation, however, there is little explicit appreciation for and understanding of the field of nonviolent action. Similarly, implicit in the field of nonviolent action are many core concepts of negotiation, but in the literature there is little recognition of negotiation's broad repertoire of skills and strategies.

This article explores the interface between the field of negotiation and the field of nonviolent action, fields that share a commitment to engaging constructively with conflict. Both have played central roles, sometimes sequentially and sometimes in tandem, in helping solve or manage seemingly intractable disputes. Nonviolent action forces the issues, and negotiation takes the space that is created and gives people a process and tools for discussing the issues in a productive — and nonviolent — way. An examination of how this occurs and where these two fields intersect and support each other illuminates important historical turning points and offers inspiration for meeting both present and future challenges.

To date, few researchers have studied the interface between the fields of negotiation and nonviolent action. Among those who have, Thomas Weber has undertaken some important exploratory work on the shared theoretical underpinnings of the philosophies of Mahatma Gandhi and conflict resolution literature (Weber 2001). In this article, we seek to build on Weber's work by examining the contemporary processes of negotiation and nonviolent action — a field with significant foundation in Gandhi's philosophy. We argue that there are theoretical linkages as well as pragmatic overlaps in the practice of negotiation and nonviolent action. Our hope is that experts in negotiation and nonviolent action will one day claim each others' tools as important parts of their own theory and practice.

Negotiation is central to the practice of diplomacy, deal making, mediation, facilitation, group problem solving, consensus building, and advocacy. Negotiation, writ large, has also been an important component of such historic movements as the fight for civil rights in the United States and India's struggle for self-determination. Defined broadly as "back-and-forth communication designed to reach an agreement when you and the other side have some interests that are shared and others that are opposed," negotiation is one of the most basic forms of human interaction (Fisher, Ury, and Patton 1991: xvii).

Nonviolent action is a term that encompasses "dozens of specific methods of protests, noncooperation, and intervention, in all of which the actionists conduct the conflict by doing — or refusing to do — certain things without using physical violence" (Sharp 1973: 64). It is a strategy for

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bringing about social or political change and is largely conducted by civilian-based groups with a sophisticated set of tactics. Peter Ackerman and Christopher Kruegler have written that people use “nonviolent methods, more or less strategically, to achieve vital objectives in conflict” (Ackerman and Kruegler 1994: xx). The methodology of nonviolent action can be used in a variety of types of conflicts and with a diversity of opponents.

In this article, we focus primarily on the use of nonviolent action by largely disenfranchised populations in conflict with oppressive state governments. In the literature and in practice, the strategy has been referred to as “nonviolent struggle,” “people power,” “civilian-based defense,” “nonviolent conflict,” and “strategic nonviolent conflict,” among other terms. For clarity, this article utilizes the term “nonviolent action” when referring to this concept.

The history of the past one hundred years includes world wars and other catastrophic examples of violent conflict, in which the protagonists were armies battling to gain supremacy and dominate their enemies. As a consequence of these wars, more than one hundred million people died and many more suffered, national boundaries were redrawn, and governments rose and fell. Those one hundred years of history, however, also reveal striking examples of successful struggles for historic change accomplished without armies and violence. In India, El Salvador, South Africa, Poland, Czechoslovakia, Chile, the Philippines, the United States, and elsewhere, people succeeded in confronting oppression and overturning dictators using strategies of nonviolent action (Ackerman and DuVall 2000).

Led in many but not all cases by courageous and innovative leaders, such as Mahatma Gandhi, Martin Luther King, Jr., Nelson Mandela, Vaclav Havel, Lech Walesa, and others, nonviolent action movements have used a variety of disruptive actions, including strikes, demonstrations, economic boycotts, marches, media campaigns, sit-ins, civil disobedience, and noncooperation as components of their strategies. What is less recognized is that these same leaders were also masterful negotiators who skillfully framed the issues, held high aspirations, articulated clear goals, built coalitions to increase their bargaining power, sought legitimacy, used leverage, and found ways to strengthen their own best alternatives while weakening the alternatives of their opponents.

After briefly outlining the theories of negotiation and nonviolent action, this article will explore the parallels, overlap, and synergies between the two disciplines and the role each can play in a given conflict. Acknowledging the linkages between the two fields creates an opportunity for experts in both negotiation and nonviolent action to expand their repertoire of strategies, broaden their understanding of conflict, find new ways of communicating their work, and discover avenues for further study.

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## Frameworks of Negotiation and Nonviolent Action

In order to address the shared features of negotiation and nonviolent action as well as their synergistic aspects, we first offer a rudimentary overview of each distinct framework.

### *Negotiation*

Negotiations take place every day and in all kinds of situations. Government officials, guerrilla fighters, labor representatives, managers, deal makers, police officers — everyone who needs to influence others is a negotiator, and everyone negotiates in their personal lives as well as in their professional ones. Negotiation experts hold that preparation and analysis are vitally important in a negotiation and that one must assess one's own interests and learn those of the other parties, be cognizant of the alternatives to a negotiated settlement, try to improve one's own best alternative to a negotiated agreement (BATNA), generate options, and consider how legitimacy and objective criteria can strengthen one's arguments (Fisher, Ury, and Patton 1991).

Negotiation experts differentiate between alternatives — what they can do away from the negotiating table *without* a negotiated agreement — and options — what they can discuss at the table *with* their negotiating counterpart (Lax and Sebenius 1986; Mnookin, Peppet, and Tulumello 2000; Patton 2005). A skilled negotiator also knows when to build lasting commitments and when to pay attention to preserving a good relationship (Lewicki and Wiethoff 2000; Allred 2005).

In a major contribution to negotiation theory, Roger Fisher, Bill Ury, and Bruce Patton, authors of the seminal negotiation book *Getting to Yes*, introduced the idea of principled negotiation. Principled negotiation is a problem-solving approach to negotiation that emphasizes separating people from the problem, focusing on interests, inventing options for mutual gains, and using objective criteria as a standard for measuring solutions (Fisher, Ury, and Patton 1991). The authors insist that “principled negotiation can be used whether there is one issue or several; two parties or many; whether there is a prescribed ritual, as in collective bargaining, or an impromptu free-for-all, as in talking with hijackers” (Fisher, Ury, and Patton 1991: xix). Negotiation theory and practice teach that power asymmetry can be dealt with through a variety of strategies, including coalition building and reframing. Negotiation also offers parties the opportunity to have a constructive influence on counterparts by using a strategic and sophisticated set of communication tools.

### *Nonviolent Action*

Nonviolent action is the technique of “conducting protest, resistance, and intervention without physical violence” and may be employed by “acts of omission, acts of commission, or a combination of both” (Sharp 2003). It

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includes disruptive acts such as boycotts and strikes, as well as symbolic protests and civil disobedience. Nonviolent action is a set of strategic techniques typically utilized in a struggle over rights or justice, which can be grouped into three main categories: protest/persuasion, noncooperation, and nonviolent intervention (Sharp 2003).

Those who advocate nonviolent action emphasize the importance of strategic thinking and planning in their struggles (Helvey 2004; Ackerman and DuVall 2006). Because acquiring political power is essential to the success of nonviolent movements, nonviolent activists pay close attention to power imbalances. They constantly make strategic calculations to gain leverage over their opponents and maintain resilience throughout the struggle, which may endure for years (Ackerman and DuVall 2000; Schock 2005). Nonviolent action theory states that those who operationalize nonviolent action are not abstaining from conflict but are rather actively fighting an oppressor, using a set of nonconventional and nonviolent weapons.

## **Considerable Commonalities**

An examination of the frameworks of negotiation and nonviolent action reveals numerous commonalities between the two activities, although scholars and advocates from both fields rarely profess it. Both are action-oriented strategies for persuading others to act in a way that meets one's needs and interests. At a seminar in 2006 entitled "Negotiation: The Hidden Dimension of the Nonviolent Struggles of Our Era," Maria Stephan, a scholar of nonviolent action, stated "that both nonviolent conflict scholars and negotiation experts recognize that both of these processes are skills-based. And that . . . these skills can be learned" (Stephan 2006). Moreover, both negotiation and nonviolent action offer specific frameworks and tools that can be used in a wide range of conflicts. Emanating from this beginning, we highlight three key underlying principles that negotiation and nonviolent action share: the desire to engage constructively with conflict, the need to consider issues of leverage and power, and attention to preparation, process, and strategic action.

### ***Engaging with Conflict***

The most significant underlying foundation of both negotiation and nonviolent action is the principle that conflict is not to be avoided. Both fields point to the transformative aspects of conflict, highlighting the potential for meaningful change for all parties when conflict is handled constructively. Negotiation scholar William Ury said, "We need more conflict, not less, to really uncover and address a lot of issues that are still not being addressed properly in this world . . . it's about transforming conflict from its often destructive forms of violence and war to more constructive forms such as nonviolent action and negotiation" (Sharp and Ury 2005). Advocates of nonviolent action also share this understanding of conflict; in fact, in their

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language, they speak of “waging conflict” and “prosecuting conflict” (Ackerman and DuVall 2000; Schock 2003).

Interestingly, while many practitioners of both negotiation and nonviolent action are averse to using violence under any circumstances, others believe that violence or a threat of violence is sometimes necessary. They have argued, on both sides, whether Adolf Hitler could have been stopped without at least the threat of a military response. Regarding the use of violence, Gene Sharp, a scholar of nonviolent action, explained,

There is a whole set of beliefs that ethically and religiously exclude the use of violence. And those are all fine to think about and talk about and to believe. But that’s not what I am talking about. . . . This is a technique that has been used by people who believed in violence, but for this particular case they decided some other way of acting is going to be more effective (Sharp and Ury 2005).

Neither nonviolent action nor negotiation requires an ethical commitment to pacifism.

### ***The Role of Power***

A second commonality is the importance placed on power analysis in both negotiation and nonviolent action. Negotiation theorists and practitioners have noted the need to address power imbalances between parties, to take into account rights and power alongside interests (Ury, Brett, and Goldberg 1988).

Power is central to the concept of BATNA: one party may need to improve its alternatives to negotiation and try to diminish those of the other party in order to encourage the opponent to enter into discussion, equalizing a power imbalance in the process. “Developing your BATNA is perhaps the most effective course of action you can take in dealing with a seemingly more powerful negotiator” (Fisher, Ury, and Patton 1991: 106).

If significant power inequality persists, parties may not take one another seriously, perhaps not entering into negotiations at all. Nelson Mandela reflected on the concept that increased legitimacy and was a source of power after secret talks were held with apartheid officials. He wrote, “The very fact of the talks themselves was a significant milestone in the history of our country. . . . We had not come to the meeting as supplicants or petitioners, but as fellow South Africans who merited an equal place at the table” (Mandela 1995: 579).

Theorists of nonviolent action have also focused on power analysis. Ackerman and DuVall write, “At the heart of developing a campaign strategy is analysis of the opponent’s sources of support, including the country’s business leadership, its religious establishment, and its security apparatus —

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and then the application of tactics to weaken and splinter these regime pillars” (Ackerman and Duvall 2005: 45). In Poland during the 1970s, shipyard workers used general strikes to improve their own BATNA and built a strong public coalition with foreign support to diminish the BATNA of the Polish government officials. These actions created leverage for the workers and forced the officials to the negotiation table.

Acquiring power can help negotiators achieve their goals, and “leverage is your power not just to reach agreement, but to obtain an agreement on your own terms” (Shell 1999: 90). Leverage may be increased during a negotiation by using information strategically, using one’s power to make the other side worse off, and attending to “norms and values the other side respects” (Shell 1999: 93). Richard Shell also emphasizes that “leverage is a *dynamic* rather than a static factor in bargaining. It can change moment by moment, and shrewd negotiators take advantage of those opportunities” (Shell 1999: 93).

Gandhi established a fundamental principle of power and leverage by emphasizing this point: “Even the most despotic government cannot stand except for the consent of the governed, which consent is often forcibly procured by the despot. When the subject ceases to fear the despotic force, his power is gone” (Gandhi 1945/1967: 313). Gandhi, in fact, developed a method and philosophy for responding to injustice and oppression, which came to be called Satyagraha. Gandhi explained that “in Satyagraha, there is not the remotest idea of injuring the opponent. Satyagraha postulates the conquest of the adversary by suffering in one’s own person” (Fischer 1954: 78). Building on Gandhi’s principles of nonviolence, Sharp has developed a theory of consent-based power, arguing that the power of a ruler is not monolithic or self-generating and can in fact be removed when the ruled refuse to comply with various demands (Sharp 1973).

Psychologists Jeffrey Rubin, Dean Pruitt, and Sung Hee Kim analyzed how “irrevocable commitments” implicit in nonviolent action “shift the locus of responsibility for what happens squarely onto Other’s shoulders” (Rubin, Pruitt, and Kim 1994: 63). When executed effectively — for example, Gandhi’s fast in protest of British policies in India — this strategy does not actually require one to hold power equal to or greater than that of the opposition.

In this case, the basis for imposition of cost on Other is not Party’s greater pool of resources but its ability to commit itself in ways that appear irreversible. Gandhi’s power to compel the British to modify their policies in India stemmed not from superior physical resources but from his very weakness. Commitment of his frail body to a fast that it could not endure for very long was a powerful lever to force the mighty British to yield (Rubin, Pruitt, and Kim 1994: 64).

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This threat worked because Gandhi was in a position “of doling out costs that matter to Other” (Rubin, Pruitt, and Kim 1994: 64). His power emanated from his integrity, his irrevocable commitment, and his iconic status in India. If he were to die as a result of British actions, the consequences could have been catastrophic for Britain’s legitimacy. By highlighting this particular Gandhian example, these negotiation scholars illuminated a key strategy for attaining power from the field of nonviolent action and made it relevant to their negotiation audiences.

### ***Strategic Action***

A third important overlap between the two fields is an attention to strategic action. Both negotiation and nonviolent action emphasize the importance of process — of *how* a party reaches a goal — as much as what the goal is (Deutsch 2000; Freedom House 2005). Both negotiation and nonviolent action also incorporate an additional tenet of strategy: the capacity to take the anticipated actions of the other party into account. Paying attention to process and anticipating the moves of one’s opponent can also reap dividends in terms of preserving the relationship and building more sustainable agreements. Preparation, framing, coalition building, and listening are all specific elements of strategy that both fields deem essential and that we will discuss in greater detail.

*Strategic Preparation.* Negotiation literature and practice have highlighted the necessity of conducting extensive research on one’s opponent(s) while thoroughly developing and articulating a coherent argument prior to entering a negotiation (Saunders 1991). Prenegotiation phases are seen as a strategic component to the entire negotiation process (Salacuse 2003). Within the negotiation field, the concept of “ripeness” also highlights the importance of strategic planning. As Rubin wrote, “There is a right time to negotiate, and the wise negotiator will attempt to seek out this point” (Rubin 1991: 10).

Scholars of nonviolent action similarly place a premium on strategic planning and preparation. Five of the twelve principles of strategic nonviolent action that Ackerman and Kruegler articulate in their work focus upon the need for high-quality preparation and planning (Ackerman and Kruegler 1994). The experience of James Lawson in the civil rights movement in the United States is testimony to this notion. Lawson, an African-American Methodist minister and graduate student, traveled to India to study Gandhian teachings in the 1950s before he began leading workshops in nonviolent action in preparation for the lunch counter sit-ins in Nashville in 1960 (Ackerman and DuVall 2000). Much of Lawson’s trainings included preparing students to anticipate how segregationists might respond to their nonviolent actions.



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Negotiation scholars David Lax and James Sebenius have described the importance of having a “systematic approach to deal design: when a proposed deal does not offer enough value to all sides, or when its structure won’t achieve its purpose, deal designers must go back to work on the drawing board, sometimes on your own, sometimes with your team, and sometimes in concert with the other party” (Lax and Sebenius 2006: 10). While practitioners of nonviolent action may not share the precise negotiation imperative to design agreements that are mutually beneficial to both parties, this notion of preparing well in advance and systematically designing a deal is common. Gandhi and other masterful negotiators acted in this way, shaping a problem to their best advantage, creatively introducing new options, and seeking opportunities to change the game before it begins.

*Framing.* How one chooses to engage with a given conflict or problem is critically important in both negotiation and nonviolent action. When negotiators or bargainers engage,

each is sending implicit and explicit messages about their assessment of their counterpart and interpreting the messages they receive. The bargainers are also framing — to themselves and to each other — the task they are about to undertake. A frame is a story or narrative each bargainer tells herself about the negotiation. If . . . asked “What is this negotiation about?” your answer would reveal how you understand — or frame — what it is you and the other bargainer are negotiating and what you think the task ahead is (Mnookin, Peppet, and Tulumello 2000: 207).

Framing is critical to nonviolent action as well, particularly in building a broad base for support and participation in protest actions. Nonviolent activists must also utilize framing techniques when engaging the media; it is important that their concerns are framed in a way that maintains their legitimacy and that appeals to the broader public. Retired Army Colonel Robert Helvey, a nonviolent action trainer, has explained the significance of influencing external audiences through the strategic use of media: “widespread public knowledge and support about a democratic struggle will provide momentum and assistance to other efforts in gaining international support” (Helvey 2004: 128).

Gandhi was skilled at examining a problem and finding an advantageous way to frame it. Indeed, this skill was essential to “coax an aggrieved yet disarmed, heterogeneous and divided populace to wage an assault on a powerful empire” (Gandhi 2006: 324). While many viewed the magnitude of the problems in India with a sense of overwhelming distress, Gandhi sought small and symbolic acts to create a wedge of an opening

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into the larger, seemingly insurmountable problem of British colonization. He reframed one seemingly overpowering issue into multiple smaller, solvable parts. For example, he sought a simple and practical way for Indians to express their desire for independence by encouraging them to boycott foreign cloth. The old, the infirm, the poor, as well as intellectuals — everyone could participate in this boycott by “taking up the handloom” (Gandhi 2006: 226) and spinning their own cloth.

Symbolism is an important component of framing in both realms, providing a tool for reframing issues of conflict. Symbolism has often been a critical component to public expressions of nonviolent action and has been particularly important for building a broad base for support and participation in protest actions. Indeed, Gandhi’s salt march in India was heavily symbolic because of the importance of salt in everyday life in India at the time. Moreover, Gandhi knew that such a symbolic act would garner the attention of the media, who could then become *de facto* allies in multiplying the effect.

For marginalized groups, it is critical to frame concerns in ways that maintain the group’s legitimacy and credibility. In 1912 in Lawrence, Massachusetts, immigrant textile workers held a 23,000-person-strong strike for better wages and more dignified working conditions (Neeley 1998). This expression of nonviolent action became known as the “bread and roses” strike, for they carried signs reading, “We want bread and roses too!” The symbolism of the juxtaposition of bread and roses came to represent fair wages *and* dignified conditions.

Negotiators, too, use symbols to their advantage. In negotiating with the parties in conflict in Northern Ireland, George Mitchell, the former United States senator, became frustrated and impatient with the lack of progress after nearly seven hundred days of mediating. He announced that he would be returning to his home in Maine in time to spend Easter with his family, and he would not be coming back to Ireland. This symbolism of Easter, a sacred holiday to Christians, was an important driver for the parties and the media. The peace agreement that was forged soon thereafter is known as the Good Friday Agreement (Mitchell 1999).

*Coalition Building.* Finding allies and building coalitions are essential in most multiparty negotiations and in most nonviolent action efforts. Without buy-in from a wide range of stakeholders and without the skills, networks, and resources of many constituents, success can be elusive. A skilled negotiator not only needs to secure allies on his own side but must also try to “prevent unhelpful coalitions from forming within his side” (Lax and Sebenius 1986: 346) or from forming on the other side.

Building an internal coalition is part of the “behind-the-table” work undertaken by both negotiators and nonviolent activists. Negotiation

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scholar Robert Mnookin has studied similar “behind-the-table” work with Israelis who have settled in disputed territories. He has written that “behind-the-table conflicts affect any negotiations ‘across the table’” (Mnookin 2005: 168), creating the need for a “two-level game” with “interactions between the internal conflicts *behind* the table and the external conflicts *across* the table (Mnookin 2005: 259).

Internal coalition building is also paramount to nonviolent activists. Gandhi continuously worked to manage expectations and mediate among those in his coalition who did not always agree about tactics, timetables, or courses of action. In Poland in the 1970s, Solidarity brought together workers, intellectuals, the Catholic Church, trade unions, and international journalists in order to make its campaign effective. Forming alliances with initially unfriendly parties such as the military and the police can be essential and was instrumental in both the nonviolent overthrow of Slobodan Milosevic in Serbia in 2000, as well as the Orange Revolution in Ukraine in 2004 (Binnendijk and Marovic 2006).

*Listening.* Skilled negotiators employ an array of important communication skills, one of which is active listening. A fundamental listening skill of all great negotiators is managing the tension between empathy and assertiveness. One must be able to empathize with the other party, to truly understand and be able to reflect back to the other party their core “needs, interests, and perspectives” (Mnookin, Peppet, and Tulumello 2000: 47), while not necessarily agreeing or losing the ability to assert and advocate for one’s own concerns. Throughout the struggle to achieve independence in India, Gandhi manifested these qualities by his expression of appreciation for, and empathy with, his opponent, the British government. As someone who had studied in England, he had a great appreciation for British values and sense of justice. He explained, “The British Empire had certain ideals with which I have fallen in love, and one of those ideals is that every subject has the freest scope possible for his energy and honor” (Fischer 1954: 27). Gandhi was masterful at navigating the tension between empathy and assertiveness.

This quality of being willing to hear the other, much as you might revile or fear his or her views, is central to nonviolent action. Martin Luther King, Jr., stated:

Here is the true meaning and value of compassion and nonviolence, when it helps us to see the enemy’s point of view, to hear his questions, to know his assessment of ourselves. For from his view we may indeed see the basic weaknesses of our own condition, and if we are mature, we may learn and grow and profit from the wisdom of the brothers who are called the opposition (King 1967).

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Skilled negotiators also find that listening is imperative, even when they are in disagreement about core issues with their opponents. The empathy–assertiveness tension was navigated effectively in one of the most crucial negotiations of all time: the Cuban Missile Crisis, which brought the United States and the Soviet Union perilously close to war in 1962 at the height of the Cold War. Deepak Malhotra and Max H. Bazerman write that “according to Robert Kennedy, it was the negotiation genius of his brother, President John F. Kennedy, that saved the world from nuclear war: President Kennedy made it his top priority to understand as well as possible the interests, needs, constraints, and perspective of the other side” (Malhotra and Bazerman 2007: 259).

Listening can be expanded more broadly to include other forms of interest identification. Parties in conflict often engage in a process of decoding and interpreting each other’s messages to determine true interests and zones of possible agreement (ZOPA), as well as make determinations of timing and ripeness. Bernard LaFayette, a civil rights activist and peace studies scholar, underscored this point when he described how important it is to “get people talking” even when they were seemingly reluctant. He suggested saying to one’s opponent, “I know you don’t want to negotiate or communicate, but if you were, what would you want to discuss?” (LaFayette 2007). Attempting to identify interests before formal talks begin can be extremely helpful.

## **Synergistic Qualities**

When utilized jointly in the same conflict, negotiation and nonviolent action not only share commonalities but can have synergistic qualities as well. Often the two together are more powerful than either one alone; “the processes are mutually reinforceable rather than mutually exclusive” (Babbitt 2006). The two strategies work together in what Sharp has identified as the external mechanisms of change: conversion, accommodation, nonviolent coercion, or disintegration (Sharp 1973). This synergy is apparent within the labor movement where a combination of nonviolent actions such as strikes have been juxtaposed with strategic negotiations. Labor scholars Richard Walton and Robert McKersie have elucidated this synergy and how it is founded on a value of relationship:

Attitudes, feelings, and indeed the tone of the relationship represent an extremely important dimension of labor negotiations. Several characteristics of labor negotiations heighten the attitudinal dimension: the issues themselves often involve human values, and how they are handled affects the overall relationship; the weapons chosen involve sanctions which can exert a strong influence on the tone of the relationship; negotiation of the agreement represents only the beginning of the transaction; and whether the terms of the agreement are fulfilled depends upon

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the character of the relationship. Moreover, the relationship between the parties to labor negotiations is usually unique, continuing, and long term — the attitudinal dimension providing one mechanism by which the successive negotiations are linked together (Walton and McKersie 1991: 3).

Negotiation supports broader nonviolent action campaigns. In the campaign led by the youth movement Otpor against Serbian leader Milosevic in 2000 (“otpor” means “resistance” in Serbian), the students’ negotiation with security forces was critical to the disintegration of the state apparatus. In the antiapartheid struggle in South Africa, successive secret negotiations between Nelson Mandela and white government officials eventually led to his freedom and the end of apartheid. Additionally, negotiation is a crucial communication mechanism for nonviolent activists to use internally among constituents. In the U.S. civil rights movement, the various movement organizations — the Student Non-violent Coordinating Committee (SNCC), the Congress of Racial Equality (CORE), and the Southern Christian Leadership Conference (SCLC), among others — had to negotiate with one another to maintain a cohesive front against oppressive segregationist officials.

Conversely, nonviolent actions can further negotiations. Nonviolent action can be an important mechanism for creating leverage within a negotiation, as it presents one way to improve one’s own BATNA and lower the BATNA of the other party. As a negotiator in the struggle for Indian independence from Britain, Gandhi successfully altered his opponents’ alternatives by conceiving of and leading a salt march 240 miles to the sea, where Indians could make their own salt. This was an act of defiance against a British law that prohibited Indians from manufacturing salt and levied a tax on its purchase. The march was symbolic and practical, and everyone understood its implicit meaning. Making poor people pay for salt they could produce on their own was a tough policy for the British to justify. By this act of defiance, Gandhi worsened the BATNA of the British. Imprisoning the marchers would create martyrs, while ignoring them would embolden them to commit greater acts of defiance. This strategic diminishing of the alternatives available to the British, through nonviolent action, helped to shift power and accelerate the British responsiveness to the independence movement’s demands.

When exploring the synergistic qualities of negotiation and nonviolent action, sequencing is also a critical consideration. Ackerman and DuVall stress how nonviolent action “requires the strategic sequencing of varied tactics in order to probe, confuse, and even overwhelm the opponent” (Ackerman and DuVall 2005: 45). Determining when and how to use particular strategies is as pivotal as deciding whether to use them at all. Nonviolent action often precedes a negotiation, and the opposite can also occur, or the strategies could sandwich one another. When to stop

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demonstrating and when to start negotiating with the opponent are critical tactical decisions.

Certainly, as was the case in South Africa, activists may disagree over when is the optimal time. Many felt that Nelson Mandela initiated negotiations too early in the struggle against apartheid, before the antiapartheid struggle had achieved significant gains. Others supported him and understood why he seized the opportunity when he did, for he had already been imprisoned for more than two decades when he began negotiations with members of the South African government. Indeed, there is no single prescription for how to sequence a series of strategic moves; rather, it depends on the particular situation and the style of the party engaged in the negotiation (Weiss 2003).

### **Misconceptions of Both Fields**

Experts in the field of negotiation, as well as those in nonviolent action, too often see these fields as separate entities, with little connection to the other discipline. Moreover, many in both fields have misconstrued or limiting ideas of the other. Negotiation has been viewed by nonviolent activists as compromise, splitting the difference, and a practical solution that does not factor in justice. Gene Sharp has written that when struggling against a dictatorship, a “call to negotiate can sound appealing, but grave dangers can be lurking within the negotiating room” (Sharp 2002: 11). These dangers are said to include capitulation, appeasement, and a willingness to get a resolution prematurely. Many human rights activists involved in social movements perceive negotiation as an interaction that involves making concessions to an opponent. For others, it is primarily a ceremonial function that occurs at the end of a nonviolent struggle. Few recognize how negotiation involves a strategic set of interactions that occur throughout a struggle, even between individuals and groups that are part of the same larger party.

Another widely held misconception about negotiation is that it must always involve hard bargaining (Rubin 1991). While bargaining does describe one particular type of negotiation, many specialists in the field of conflict management have for many years now advocated more of a problem-solving approach (Fisher, Ury, and Patton 1991). In any event, both hard bargaining and problem-solving approaches can be viewed as effective ways to negotiate, depending on the situation.

Nonviolent action, largely because of its association with the term “nonviolence,” is also commonly mischaracterized by those unfamiliar with the field (Schock 2003). It is often regarded dismissively, and it has been frequently “idealized, scorned, made into a panacea or mystified, or it has been completely overlooked” (Ackerman and Kruegler 1994: xx). In popular culture, the work of nonviolent action is frequently tagged as passivity or pacifism. To those living amid the constraints of intense oppression, nonviolent action can seem essentially like inaction. Many

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also believe that nonviolent action is only useful with more benign opponents, not those who are truly repressive and violent.

Historical experience and rich scholarly literature, however, have demonstrated that nonviolent action can be an option against even the most violent of opponents (Ackerman and DuVall 2000; Schock 2005). And like negotiation, it involves a complex and strategic set of actions. Sharp has recorded 198 distinct methods of nonviolent action, revealing an immense variety and depth (Sharp 1973). Finally, many believe that proponents or practitioners of nonviolent action must subscribe to a particular moral or ideological framework, when, in fact, nonviolent action has been utilized by both individuals and groups from extremely diverse racial, religious, and political affiliations, either on its own or as a negotiation tool.

At the core of these misconceptions is a central myth that both negotiation and nonviolent action are strategies of, by, and for the weak. Rarely is the inherent strength and power of these robust approaches fully conveyed or understood by the other field or by outsiders.

## Looking Ahead

We see that there is a need to develop a rich set of materials that will enable negotiation teachers to incorporate knowledge about nonviolent action into their curricula. Whether through case studies, simulations, or by tackling an ongoing global problem, broadening negotiation courses to include nonviolent action strategies can help connect students to world events and make them feel empowered. Moreover, rigorous negotiation modules ought to be incorporated into nonviolent action courses and trainings to improve activists' capacity to negotiate effectively during a nonviolent action campaign.

Integrating the two concepts into one pedagogy reveals another key research need: identifying with greater precision some of the theoretical differences between the two fields. Understanding fundamental differences would help ensure that limiting assumptions are recognized in the practice of either strategy. For example, those who practice nonviolent action usually perceive the adversary as an opponent, while negotiation takes a less adversarial and more partnership-building approach to relating to an opponent. This difference is observed when negotiation experts strive to create an agreement to which all parties can say "yes." Meanwhile, practitioners of nonviolent action strive to create a situation so untenable for the other party(ies) that they are compelled to respond to some of the demands of those practicing nonviolent action.

Another key avenue for future research and collaboration linking these two domains relates to communication. How can we linguistically and symbolically reframe negotiation and nonviolent action in a way that communicates their potential power? Maria Stephan has explained how

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nonviolent action had symbolized passivity, normalization, and capitulation to her Palestinian colleagues. It was only when she began referring to nonviolent action as “political defiance” that they were eager to learn more (Stephan 2006).

In a conversation with Gene Sharp in October 2005, Bill Ury described the relationship between negotiation and nonviolent action:

Both are extremely important to each other. One of the keywords that the field of negotiation revolves around is “yes” — a kind of “getting to yes” agreement. Perhaps the keyword in nonviolent action is “no.” No to injustice. And we need both yes and no in this world. Yes without no is appeasement, and no without yes is war. And those are the twin problems we have to address in the world, particularly in the world of conflict. We need both yes and no together (Sharp and Ury 2005).

Negotiation, which is about “getting to yes,” and nonviolent action, which is about “asserting no,” can interact in ways that help us to get to the “yes” we really seek, rather than an agreement just for agreement’s sake. Gandhi himself elaborated on this importance: “A ‘No’ uttered from the deepest conviction is better and greater than a ‘Yes’ merely uttered to please, or what is worse, to avoid trouble” (Ury 2007: 7). Indeed, nonviolent action and the “no” it helps us communicate is instrumental to facilitating the “yes” negotiators seek. Interestingly, as highlighted in Bill Ury’s newest book, *The Power of a Positive No*, the use of “no” is instrumental to expressing and protecting one’s interests (Ury 2007). [Editor’s note: *The Power of a Positive No* is reviewed on p. 89 in this issue.]

This echoes what Martin Luther King, Jr., said in his famous “Letter from a Birmingham Jail”:

You may well ask why direct action, why sit-ins, marches and so forth? Isn’t negotiation a better path? . . . You’re quite right in calling for negotiation. Indeed, this is the very purpose of direct action. Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue . . . (King 1963: 2).

Negotiation and nonviolent action are arguably the two best methods humanity has developed for engaging with conflict. Both are remarkably effective alternatives to war and can be viewed as distinct activities within the same larger process. Experts in each field can play a role in helping to dispel stereotypes and simplistic thinking about the other. Indeed, if the fields of negotiation and nonviolent action were each to embrace the strengths of the other, their capacity to deal with destructive conflict would only grow.



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## REFERENCES

- Ackerman, P. and J. DuVall. 2000. *A force more powerful: A century of nonviolent conflict*. New York: Palgrave.
- — — and — — — . 2005. People power primed: Civilian resistance and democratization. *Harvard International Review* Summer: 42-47.
- — — and — — — . 2006. The right to rise up: People power and the virtues of civic disruption. *The Fletcher Forum of World Affairs* 30(2): 33-42.
- Ackerman, P. and C. Krugler. 1994. *Strategic nonviolent conflict: The dynamics of people power in the Twentieth century*. Westport, CT: Praeger.
- Allred, K. 2005. Relationship dynamics in disputes: Replacing contention with cooperation. In *The handbook of dispute resolution*, edited by M. Moffitt and R. Bordone. San Francisco: Jossey Bass.
- Babbitt, E. 2006. Negotiation and bargaining in non-violent struggle. Presentation at the Fletcher Summer Institute for the Advanced Study of Nonviolent Conflict. Medford, MA: July 27.
- Binnendijk, A. and I. Marovic. 2006. Power and persuasion: Nonviolent strategies to influence state security forces in Serbia (2000) and Ukraine (2004). *Communist and Post-Communist Studies* 39(3): 411-429.
- Deutsch, M. 2000. Justice and conflict. In *The handbook of conflict resolution: Theory and practice*, edited by M. Deutsch and P. Coleman. San Francisco: Jossey-Bass.
- Fischer, S. 1954. *Gandhi: His life and message for the world*. New York: The New American Library, Inc.
- Fisher, R., W. Ury, and B. Patton. 1991. *Getting to yes: Negotiating agreement without giving in*. New York: Penguin Books.
- Freedom House. 2005. *How freedom is won: From civic resistance to durable democracy*. New York: Freedom House.
- Gandhi, M. 1945/1967. *The mind of Mahatma Gandhi*, edited by R. K. Prabhu and U. R. Rao. Ahmedabad, India: Nabajivan.
- Gandhi, R. 2006. *Mobandas: A true story of a man, his people and an empire*. New Delhi, India: Viking.
- Helvey, R. 2004. *On strategic nonviolent conflict: Thinking about the fundamentals*. Boston: Albert Einstein Institution.
- King, M. L. 1963. Letter from a Birmingham jail. Available from [http://www.stanford.edu/group/King/popular\\_requests/frequentdocs/birmingham.pdf](http://www.stanford.edu/group/King/popular_requests/frequentdocs/birmingham.pdf).
- King, M. L. 1967. April 4 speech called "Beyond Vietnam" at a meeting of clergy and laity concerned at Riverside Church, New York City.
- LaFayette, B. 2007. Reflecting on the life of Dr. Martin Luther King, Jr. and the nonviolent action movement. Presentation at Harvard Law School, Cambridge MA, January 25.
- Lax, D. and J. Sebenius. 1986. *The manager as negotiator*. New York: Free Press.
- — — and — — — . 2006. *3-D negotiation: Powerful tools to change the game in your most important deals*. Boston: Harvard Business School Press.
- Lewicki, R. and C. Wiethoff. 2000. Trust, trust development, and trust repair. In *The handbook of conflict resolution: Theory and practice*, edited by M. Deutsch and P. Coleman. San Francisco: Jossey-Bass.
- Malhotra, D. and M. Bazerman. 2007. *Negotiation genius*. New York: Bantam Dell.
- Mandela, N. 1995. *Long walk to freedom*. New York: Back Bay Books.
- Mitchell, G. 1999. *Making peace*. Berkeley, CA: University of California Press.
- Mnookin, R. 2005. Afterword to the conference report: Resolving the behind-the-table conflict. *Negotiation Journal* 21(2): 259-262.
- Mnookin, R., S. Peppet, and A. Tulumello. 2000. *Beyond winning: Negotiating to create value in deals and disputes*. Cambridge, MA: The Belknap Press of Harvard University Press.
- Neeley, L. 1998. Bread and roses: The strike led and won by women. *Workers World* (January 29). Available from <http://www.hartford-hwp.com/archives/45b/073.html>.
- Patton, B. 2005. Negotiation. In *The handbook of dispute resolution*, edited by M. Moffitt and R. Bordone. San Francisco: Jossey-Bass.
- Rubin, J. 1991. Some wise and mistaken assumptions about conflict and negotiation. In *Negotiation theory and practice*, edited by J. W. Breslin and J. Z. Rubin. Cambridge, MA: PON Books.
- Rubin, J., D. Pruitt, and S. H. Kim. 1994. *Social conflict: Escalation, stalemate, and settlement*, 2nd edn. New York: McGraw-Hill.

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- Salacuse, J. 2003. *The global negotiator*. New York: Palgrave MacMillan.
- Saunders, H. 1991. We need a larger theory of negotiation: The importance of pre-negotiating phases. *Negotiation Journal* 2: 249-262.
- Schock, K. 2003. Nonviolent action and its misconceptions: Insights for social scientists. PS. *Political Science and Politics* (36)4: 705-712.
- — — . 2005. *Unarmed insurrections: People power movements in nondemocracies*. Minneapolis, MN: University of Minnesota Press.
- Sharp, G. 1973. *The politics of nonviolent action, part I: Power and struggle*. Boston: Porter Sargent.
- — — . 2002. *From dictatorship to democracy: A conceptual framework for liberation*. Boston: Albert Einstein Institution.
- — — . 2003. *There are realistic alternatives*. Boston: Albert Einstein Institution.
- Sharp, G. and W. Ury. 2005. Seminar entitled the Intersection of Negotiation and Nonviolent Action: A Conversation with Dr. Gene Sharp and Dr. William Ury. Program on Negotiation at Harvard Law School, October 25.
- Shell, R. 1999. *Bargaining for advantage*. New York: Penguin Books.
- Stephan, M. 2006. Remarks made at a seminar entitled Negotiation: The Hidden Dimension of Nonviolent Struggles of Our Era. Program on Negotiation at Harvard Law School, December 4.
- Ury, W. 2007. *The power of a positive no: How to say no and still get to yes*. New York: Bantam Dell.
- Ury, W., J. Brett, and S. Goldberg. 1988. *Getting disputes resolved: Designing systems to cut the costs of conflict*. Cambridge, MA: PON Books.
- Walton, R. and R. McKersie. 1991. *A behavioral theory of labor negotiations: An analysis of a social interaction system*. Ithaca, NY: IRL Press.
- Weber, T. 2001. Gandhian philosophy, conflict resolution theory and practical approaches to negotiation. *Journal of Peace Research* 38(4): 493-513.
- Weiss, J. 2003. Trajectories towards peace: Mediator sequencing strategies in intractable communal conflicts. *Negotiation Journal* 19(2): 109-115.