PART III

THEOLOGICAL ANALYSIS
CHAPTER 5

FOUNDATIONS OF A THEOLOGY OF CONCILIATION

Any attempt to build a model for a creative intervention role requires a theoretical rationale which makes sense from within the perspective of the intervening party. Since the purpose of this study is to evaluate the applicability of principled negotiation as a model for use by the church, the rationale must be a theological one. Therefore, before assessing the specific tenets of principled negotiation, I will examine the organizing principles upon which such a theology can be built.

Some modern theologians identify reconciliation as the organizing principle of the Christian gospel. For example, Biblical scholar, Ralph Martin, centers his exegesis of St. Paul around the concept of reconciliation, which he calls the modus operandi of the gospel. Reconciliation is also one of the organizing categories in Karl Barth’s theology, even as mediation is for Emil Brunner. Such a conception of the Christian gospel enjoys a long history, as noted by Sergio Rostagno who labels it the "interclass ethical perspective," where rich and poor, masters and slaves are to be reconciled under any and all circumstances. According to this viewpoint, all barriers which divide relationships
(human/divine and human/human) have been deprived of their power through Christ's atonement. This promise of deliverance from alienation is personal, social, and cosmic in scope. However, this does not imply that all is accomplished. The power to overcome is now offered to any who will accept a call to the ministry of reconciliation. A contemporary rationale for this understanding of Christian call is aptly presented by Pope John Paul II, who sums up the whole mission of the church, from individual penance to international relations, as a task of reconciliation. He specifically calls the church to conduct a dialogue with leaders of nations and heads of international bodies, "encouraging them to dialogue with one another, for the sake of reconciliation in the midst of many conflicts."

However, other theologians challenge a theology focused around reconciliation, accusing it of providing hidden support for the dominant party through maintenance of the status quo. Liberation theology, with its bias for the poor and oppressed, clearly calls the church to an adversarial stance. Various Biblical exegetes, such as George Pixley, Fernando Belo, and Rostagno, argue for a class based understanding of Scripture. Dorothee Soelle states the practical implications of this perspective with an uncompromising call for the church to break with neutrality and adopt a non-middle class value system based on one-sided partisanship with the victimised. According to her, the great temptation is simply to play into the hands
of those who would ameliorate structural injustice without altering the system. Instead, the church must follow the extremist Christ who brings, not peace, but a sword (Matt. 10:30). For, "No peace is possible between people who are hungry and others who have overeaten themselves."

The task of this chapter is to examine this tension between reconciliation and justice as focal points around which the church understands its ministry in the context of inter-societal conflict. It will be important to evaluate the perspective of liberation theology. However, I am not writing a theology for use by the oppressed. Rather, I will attempt to lay the foundation for a theology of conciliation which could be of use to potential, nonofficial, religious third parties. Within such a role one will be faced with the responsibility of making sound ethical decisions regarding the needs and demands presented by numerous parties representing various degrees of power and influence. In this process, I will frequently use liberation theology as a dialogue partner, contrasting this perspective with others, such as Christian realism, Catholic spirituality, and Anabaptist pacifism. However, the aim will be to propose my own theological ethics regarding the place of both reconciliation and justice within third party conciliation efforts, especially as they apply to international conflict. At the same time, in agreement with liberation theology, I would affirm the
importance of praxis in the development of any theology. Therefore, theological reflection on this matter must be heavily influenced by the praxis of international conciliation efforts, especially those engaged in by religious bodies. In light of this, I will rely especially on the Quaker case study from the previous chapter, and to some extent the Harvard case study from chapter 3, to both illustrate and inform the conclusions.

Three theological issues form the framework for my investigation of the ethics of conciliation. First, I will examine the concept of peace, as the end toward which reconciliation aims. Second, I will look at hospitality toward the "other," in order to investigate the means by which reconciliation is to be pursued. Third, I will analyze the principle obstacle to be overcome if reconciliation is to be realized -- the existence of evil and its relationship to human responsibility.

The Concept of Peace

Principled negotiation defines peace in terms of security. According to Fisher, preserving the structure of the international game is of value to the majority of nation states. No statesman can completely ignore the vast web of rules that are the building blocks of the international system -- norms governing such matters as sovereignty, treaty obligations, boundaries, freedom or the seas, diplomacy, war, trade, and financial obligations. -
Still, Fisher does recognize that rules do not remain static. Consequently, he speaks of the need to consider alterations in the rules, structure, procedures, context, and situation in the search for alternative frameworks that shift the fulcrum in a given conflict. Yet, it is quite clear that he is not envisioning any major changes in the international system. His primary concern is to minimize disruption and preserve something close to the status quo. Preserving the basic structure of the game is deemed necessary for predictability and essential for security and peace.

The Harvard case illustrates principled negotiation’s tendency in this direction. Negotiation of international risk reduction centers hardly involves major change in the international system. The substantive issue NNP chose to address was low risk, likely to involve minimal disruption, and preserve the essential status quo.

On the other hand, it is interesting to note that the Quaker case clearly addressed much more threatening issues. The QIARs initiated a process which profoundly challenged the status quo, eventually resulting in treaties between the FRG and its eastern neighbors which significantly altered the international system. It is highly probable that Quaker religious beliefs, which undergird their peace testimony, influenced both the kind of conflict they chose to address and how they approached it. For example, Sandra Cronk, in her study of the spiritual basis for Quaker peace
testimony, presents a vision of shalom (peace) which includes a blend of justice and reconciliation. Other recent Quaker writings reflect the same combination of purposes, though with varying degrees of emphasis on either justice or harmony. Furthermore, such sentiments are merely modern renditions of William Penn’s conviction that true peace is the fruit of justice.

Therefore, at least in the case of the one Quaker conciliation effort I have examined, we can observe the probable interface between praxis and traditional Quaker beliefs and presume the influence this has on the development of general aims for Quaker conciliation efforts. Furthermore, it is noteworthy that the resulting formulation of purpose is significantly more radical than that of principled negotiation, both in theory and as illustrated by the Harvard case. The promotion of justice concerns to equal, if not greater, importance (in comparison with concern for harmony and reconciliation) must now be checked against the theology and experience of the wider Christian community.

Liberation theology would agree with many Quakers, such as Adam Curle, as to the centrality of justice concerns. Jose Miguez Bonino states his gratitude to Juergen Moltmann for showing that the concept of justice is basic to the Christian concept of peace. Yet, Miguez Bonino goes considerably beyond the Quaker position by
warning of a sentimentality which hides reactionary attitudes behind theological concepts like reconciliation, forgiveness, and peace. He admits that tranquility is preferable to hostility, but claims that the realities of structural violence frequently are responsible for making the latter condition predominant. Therefore, Miguez Bonino insists that concern for order and harmony, which he perceives as usually representing the status quo, be subordinated to concern for justice and liberation. In fact, he emphasizes that often conflict, sometimes even violence, is essential in order to transform an unjust order and participate in the creation of a new one. The elevation of justice concerns over those of harmony is not unique to those, such as liberation theologians, who wish to stand against the predominant power structures. Ever since Augustine, just war theory has been based on the assumption that the use of force performed a necessary role. There were times when this was required in order that justice, as defined by the present order, might be maintained. We can observe such an argument in the recent comments by the former Archbishop of Canterbury, Robert Runcie, regarding the Gulf war. According to him, it is justice on behalf of the Kuwaitis that "compels us to use force" rather than fall prey to an "easy peace."

However, other Christian writers disagree with this emphasis on the pre-eminence of justice. For example, Jacques Ellul, though concerned for social justice, is
still very critical of a perspective which claims that new structures, often created by revolutionary means, are the prerequisite for true reconciliation. Instead he insists on the pre-eminence of reconciliation as the foundation upon which true justice can be built. In fact, he charges that the unreconciled revolutionary is more than likely to act in a way which actually results in injustice. When justice gains pre-eminence over harmony, those of Ellul’s persuasion fear that it too easily legitimizes violence and becomes a cover for vengeance and retribution.

While Miguez Bonino fears pacification and Ellul fears the injustice of a crusade mentality, others strike more of a balance between harmony and justice. John MacQuarrie is one of those whose argument is particularly persuasive. He acknowledges the necessity of a tension between harmony and justice in developing his concept of peace. According to him, justice is fundamental to an Old Testament understanding of shalom. The prophets clearly condemn, as false, any peace which is built on oppression (Isa. 48:22). In the New Testament, warnings of conflict accompany Christ’s gift of eirene. In fact, Christ claims to bring conflict when the pervading "peace" is based on injustice (Matt. 10:34). Yet, conflict is made to subserve the "primordial" definition of peace as "wholeness" (or completeness, unity, fulfillment, well-being). In fact, conflict is to be included within wholeness in the sense that the latter, though primary,
must still embrace the former when it is creative (creative conflict being defined as that which includes reciprocity and communication). Wholeness, for MacQuarrie is defined in communal, as well as individual terms. Therefore, in order to be genuine, it must be operative for all people. When this is not the case, conflict is required to usher in wholeness. A wholeness which does not include any conflict, MacQuarrie calls a "frozen condition." On the other hand, conflict which has broken away from wholeness is destructive. Both are problems, the first arising from the de-emphasis of justice, the second from the de-emphasis of harmony. In conclusion, he insists that the goal can never be disorder, but must be a just and harmonious interdependence. Yet, the necessary means of attainment may well include conflict in order to overcome injustice. The circumstances and the kind of conflict are the key. The result is a concept of peace which is neither static nor totally disruptive, but thoroughly dynamic.

This conclusion is shared by Rowan Williams who carefully defines the concept of "order" so as to indicate the proper place of conflict in the pursuit of reconciliation. His definition differs considerably from the traditional Augustinian perspective of "tranquillitas ordinis," where order is conceived as a pre-ordained good which restrains anarchy and, therefore, must be preserved despite any limitations. For Williams, the dynamic order of shalom is to be compared with the orderliness of a living organ-
ism. In one sense it is indestructible. It may be damaged, broken, or covered up, but it still exists. In another sense it is vulnerable because it requires constant attention from humans who are attempting to live in accord with it. It is an order which God is continually disclosing. Rightly understood, the promised order refers to a stability of relationships in which the people as a whole flourish in the context of God's universal order of justice and equity. When this breaks down, there is no proper shalom. It is in this context that the prophets decry superficial stability and consensus in order to refocus attention on true shalom which disrupts the comfortable peace of calm resignation. Therefore, Williams agrees with Miguez Bonino and Curle that structural violence cannot be overlooked if the shalom tradition is to be taken seriously. In fact, frequently, the latter can only be found on the far side of conflict with the former. The call of the church, then, is to be participants in the restoration and perfection of a just order which is real shalom. However, Williams recognizes that justice, in the language of the Old Testament, is not a hard, legalistic concept, but one which, in some contexts, can even mean compassion and forgiveness. Furthermore, he observes, in the New Testament epistles, that eirene is used, on occasion, to refer specifically to the breaking of boundaries and the effecting of reconciliation across divisions of nation, culture, and
class. Therefore, he concludes that true peace is concerned to promote a new order which is both just and harmonious. This perspective is not totally in consistent with principled negotiation’s emphasis on harmonious joint problem solving. But, there is greater emphasis placed on the positive value of conflict in the pursuit of justice and a distinctive lack of concern for the status quo.

In light of this, I return to an evaluation of principled negotiation’s definition of peace in terms of security. Can one can find a place for security within shalom? The answer will need to be a qualified yes. Any understanding of security, which can coexist with shalom, must be disassociated from the preservation of institutional structures. Instead, it will need to be closely connected with identity. Israel’s exilic period provides a good illustration of Israel’s identity, as God’s chosen people, altering her understanding of security. During the exile, Israelites in captivity discovered that they did not have to be an independent nation in order to be God’s people and the bearers of God’s promise. Integrity of relationships (with God, self, and others) became more important than protection of territory or possessions. This transition away from theocracy, and reliance on the external trappings of security, is taken even further in the New Testament, which has no special relation to territory as well as political institutions. Christianity has substituted holiness of Person (Christ) for holiness
of place (the land of Israel). Jesus’ refusal to support
the cause of the Zealots, in their attempt to define secu-

rity in terms of territorial sovereignty, is one example of

this change. Paul’s proclamation that "our citizenship is

in heaven" is another illustration of the degree to which

security is disassociated from anything temporal.

Likewise, today, security must mean more than pre-
servation, or even restoration, of institutional arrange-

ments, as Rowan Williams observes. To focus on protecting
institutions may well destroy the values which are
essential to a given society’s way of life. Maintaining
community integrity offers the best prospect for ensuring
ultimate survival, or even realization, of these values.

In short, security is a legitimate issue. But the all
important question asks what it is that one wishes to pro-
tect, and at what cost to self or others? Therefore, among
the basic needs/interests acknowledged by principled nego-
tiation, I must affirm the primacy of identity and belong-
ing, with recognition and self-determination second, and
territory and economic prowess last.

For the mediator, as well, there must be a willingness
to risk the status quo, with respect to more external
interests, for the sake of the internal integrity and
identity of one or more of the parties. Building awareness
of an inner sense of well-being and belonging, essential to
redress many of the dehumanizing circumstances of weaker
parties, sometimes necessitates outside empowerment through confrontation. Only with a willingness to confront, and replace, false securities can the third party intervener really facilitate the justice and harmony of shalom.

Hospitality Toward the "Other"

If there is one word which sums up Quaker identity, it is the word, "Friends." A spirit of friendship, reaching out to others, was certainly demonstrated throughout the QIAR efforts in the two Germanies, as has been amply documented in chapter 4. Upon his return from Germany, Robert Reuman interpreted the mission as one of overcoming an exclusive "wall" mentality and building a community, across the divide, which seeks the satisfaction of all parties. This very typical Quaker stance has its roots in another central theme of Christian ethics, hospitality toward the "other." Thomas Ogletree, in fact, locates the commencement of moral consciousness in the readiness to welcome the stranger. For him, it is response to the needs of the other, rather than identification of one’s own, that is the starting point for responsible action. In fact, he asserts that careful listening and clarification of perception are essential even before one can determine the ethical context of one’s actions. Yet it is important to distinguish between acceptance of the other, or legitimization of the other’s concerns, and approval of values, perceptions, and behavior. All this seems very much in
accord with principled negotiation, with its emphasis on inclusion of the other party and separation of relational from substantive issues. For example, Fisher proposes temporarily withholding judgment as a first step in a negotiation process. By this he means trying on an adversary’s views, though not necessarily agreeing with the position. However, the similarity between principled negotiation and Ogletree’s hospitality ends there.

While both Fisher and Ogletree emphasize the importance of listening, they differ over its purpose. Ogletree is very concerned that hospitality not become merely an excuse for assimilation of the other into one’s own frame of reference. It must be remembered that true shalom involves the flourishing of all people in a context of equity and mutual respect, not domination. Such cultural imperialism is especially likely within relationships of asymmetrical power. Ogletree’s distance from principled negotiation is best expressed in his conviction that the destitute one is "in no position to bargain or negotiate a fair exchange, as one who has no power to coerce me to give him his due." To really meet and hear the disadvantaged "other," frequently calls one’s egoism into question and is, therefore, not easy. Rather than being an experience of self-affirmation for all parties, he reminds us that it may be an unsettling consciousness-raising encounter. Ogletree is not describing a joint problem solving strategy, as much as he is advocating a
process of education where the disadvantaged need to teach
the advantaged.

Yet, re-education of the powerful by the powerless is
not necessarily inconsistent with principled negotiation,
since correction of misperception on either side is seen as
requisite to productive negotiation/mediation. The dif-
ference between these approaches becomes even more appar-
ent, however, when examining underlying assumptions of
liberation theology. This perspective assumes there is an
inherent dominance/subordination dynamic, within any
asymmetrical power relationship, one which distorts percep-
tions to the benefit of the powerful party. Therefore the
first task is to liberate the subordinate class from the
self-perception imposed by the dominant class, a process
called conscientization. The second task is to re-educate
those of the dominant class to see things from the "bottom
up" perspective. In this case, the purpose of any listen-
ing is to unmask the adversarial character of the affilia-
tion.

This is not at all the kind of mutual learning process
envisioned by principled negotiation. Fisher and Ury place
responsibility more equally on both sides and emphasize the
goal of eliminating the adversarial nature of the
relationship. They maintain that asymmetry of traditional
type is no longer of significant importance to the
negotiating process. Negotiating power or influence, based
on obtainable expertise and knowledge, has replaced coercive power. Physically superior countries often cannot use their full force and seemingly less powerful ones have often prevailed in recent conflicts.

Other theological perspectives, such as the mystical and Anabaptist traditions, have included those who present a more balanced concern for both unmasking and eliminating the adversarial nature of relationships. Historically, the mystical tradition has focused its attention on unmasking the sinfulness of the human heart, while emphasizing the need to eliminate any adversarial nature within relationships. Recently, many within this tradition have begun to apply both of these aspects of their tradition to the social dimension. Henri Nouwen writes about a needed movement from hostility to hospitality. He describes the wall of fear and hostile feelings, with which we tend to greet the dispossessed, as a latent, or "back-stage," hostility of which we are often unaware. His call is to break down the barriers by inviting the stranger to be a guest. This involves opening oneself to, and learning from, the "other." He shares Ogletree's concern about assimilation, emphasizing that "Hospitality is not a subtle invitation to accept the lifestyle of the host, but the gift of a chance for the guest to find his own." The ultimate test for this creation of "free and friendly space" for the stranger is the extension of this hospitality to one's enemy. Clearly, Nouwen envisages that
even the most latent hostility on the part of the host will be unmasked and profoundly touched by any such encounter. Yet, he also insists that the aim must be the elimination of all adversarial relations.

Stanley Hauerwas, who acknowledges significant Anabaptist influence on his theological ethics, shares Nouwen's basic approach, emphasizing its societal implications. He describes hospitality in terms of both the "unsettling peace" and the "caring peace." One has a responsibility to reveal the illusion and self-deception on which the current social order is based. However, one must also give support to people whose lives are disrupted as a result of the revelation. The point of difference with Nouwen is Hauerwas' strong conviction that, though one does not attempt to increase the adversarial nature of relations, this result may, in fact, be an unavoidable consequence of the unmasking. The disturbing of the cherished societal pretensions, on which the current order is based, increases, in Hauerwas' mind, the likelihood of a heightened struggle.

It is my contention that a third party intervener, whenever possible, should be concerned to both unmask, and eliminate, the adversarial nature of the relationship. In fact, it is frequently possible to pursue both these tasks if one rightly understands the meaning of hospitality. New Testament scholar John Koenig argues that nearly all the
features of hospitality in the New Testament can accurately be designated as partnership, where each party performs the roles of both host and guest. Since each party is called to welcome the other, the act of mutual hospitality clearly necessitates elimination of the adversarial relationship. Yet, the goal of true partnership also assumes the unmasking of any dominance in the relationship and, therefore, may necessitate precipitation of constructive conflict. At the same time, Koenig’s exegesis of a number of texts involving conflict situations demonstrates that frequently the intention behind a call for hospitality, in both the gospels and the Pauline corpus, was to create the very conditions in which dominance within the given relationships could be unmasked and reduced. His study shows that calls for partnership/hospitality, in response to many situations of ethnic, cultural, class, sexual, and family conflict, were intended to contribute to enhanced status and increased responsibility for all parties involved. Sometimes, the strengthening of status and responsibility appeared to curtail dominance; occasionally, the desired result did not occur. More frequently, the results were never recorded.

One apparently successful example, examined by Koenig, is the case of Philemon and Onesimus. In this slave/master conflict, the call to exercise hospitality was a summons to responsible action on the part of both parties, each of whom had been partners with Paul. Onesimus was told to
return; Philemon was urged to accept him as a brother. The mutual call to responsible hospitality was clearly intended to help each party to come to terms with its own misperceptions, of both ideal and reality in the relationship, and to encourage each to reach out in acceptance of the other. In addition, this hospitality demanded recognition, on the part of both parties, of the "weaker party’s" potential contribution. Philemon was confronted with Onesimus’ value to Paul’s mission and thereby to himself as well. Enhanced status as Paul’s emissary and "son" must have been intended to empower Onesimus to view himself as a person of equal importance and value. Such self-esteem would have been critical as he came face to face with any latent dominance in the relationship with his master. Furthermore, Paul, as intermediary, exemplified the same hospitality he demanded of others. He affirmed Onesimus’ contribution and status within the Christian community and took on himself some of the responsibility and cost for initiating and enabling a reconciliation. In his concern for reciprocal partnership, he offered to redress Philemon’s financial loss in return for the gain of Onesimus’ freedom. He risked jeopardizing his relationship with both men through this confrontation, yet he did it in a way which can truly be labeled partnership/hospitality. At the end of the conflict, all his efforts seem to be rewarded, as intention appears to have become reality if the Onesimus mentioned in Col. 4:7-9, a
traveling missionary, is the same person as the one in the epistle.

The above picture of hospitality certainly allows for conflict and confrontation. But, due to its nature as partnership, it cannot countenance total opposition. However, it is important to note that all of Koenig’s illustrations represent conflicts which occur within the community of believers, where hospitality is expected, if not always practiced. There seems to be another dynamic within relationships where the other party rejects hospitality and makes partnership impossible. For example, Jesus sends out both the twelve and the seventy with directions to extend and receive hospitality. But where "shalom" is not returned, they are to let their own peace greeting return to them. They are to leave, shaking off the dust of their feet -- as a sign that they have not been extended the hospitality of having their feet washed (Matt. 10: 11-15 and Luke 10: 5-12). The Matthean Jesus even compares such an occurrence to one of the paradigmatic Old Testament stories of hospitality and inhospitality. In Genesis 19, Lot’s hospitality toward the two strangers/angels is contrasted with the inhospitality and rejection by the citizens of Sodom. In the first case there is partnership, whereby the visitors protect Lot, in response to his protection of them. In the second case, the rejection of partnership leads to a judgment in which there is no second chance, a finality of verdict which is
also reflected in the New Testament parable of the rich man and Lazarus (Luke 16). Yet, the chance to respond with hospitality still must be extended to both Sodom and the "lost sheep of Israel." Indeed, it must be noted that, in the Pentateuch, a relationship of hospitality must be attempted, even with a stranger from a hostile tribe. Likewise, in the gospels, Jesus favors the expression of hospitality between Samaritans and Jews (Luke 10) and even toward the hated tax collectors (Matt. 11:19).

Consequently, I conclude that partnership/hospitality must always be attempted, even toward traditional enemies, in the hope that it might be reciprocated. Where it is reciprocated, there is the potential for both unmasking and eliminating adversarial relations, the opportunity for achieving both justice and reconciliation. When partnership/hospitality is reciprocal, then it is likely to enhance status and cultivate responsibility, both of which help to empower the weaker party and correct the misperceptions of both dominant and subordinate parties -- two goals of the unmasking process. This may well necessitate the precipitation of conflict, as it is essential to confront the existence of illusion -- a problem common to both stronger and weaker parties, as illustrated by both sides in the Quaker case. However, where hospitality is rejected, there exists only the option of unmasking the adversarial relationship (as in shaking the dust off one's feet).
Unless the rejecting party subsequently changes its perspective, the conflict takes on a more intransigent character, making adversarial relations inevitable and limiting the role of the party which might wish to practice hospitality. Since it is not possible to control when hospitality will be rejected, it is impossible to determine whether the unmasking process will increase or decrease the adversarial character of the relationship. Nonetheless, every attempt should be made to avoid destructive conflict by offering the kind of partnership/hospitality which can potentially minimize this threat.

The German case again provides an apt illustration of steps taken to avoid unnecessary conflict in the face of a necessary unmasking process. When the Quakers decided, in 1969 for the first time, to invite official GDR delegates to a Conference for Diplomats, they knew it might provoke conflict in the form of a NATO boycott. Yet, they deemed it was critically important to take this step of hospitality in order to enhance the status of the GDR and unmask the stereotypical thinking on both sides. They did take great care by proposing such a step only after seven years of relationship building between themselves and each of the parties. Furthermore, they selected a time after they had been successful in facilitating nonofficial contacts between U.S. and GDR officials. Nevertheless, conflict did ensue in the form of the boycott. Yet, the QIAR was able to maintain friendly personal contacts with FRG officials,
through whom he was able to make the case for successful resumption of NATO participation the following year. This was hospitality without assimilation, where the third party insisted on both enhanced status and increased responsibility in order to empower and to confront misperception.

Relation of Evil to Human Responsibility

Underlying the difference between eliminating and unmasking the adversarial nature of relationships are two quite separate understandings of the relation of evil to human responsibility. Fisher and Ury, as indicated in chapter 2, state that they are not concerned to assess moral blame between parties, for this merely "entangles people with the problem" by creating resistance and defensiveness. Since people's egos become identified with their positions, one should avoid judgment of any party. In short, joint problem solving is not facilitated by judgmental attitudes. Principled negotiation does not deny the existence of evil in individuals. However, evil is primarily located in external factors and structures, which are identified as "the problem." The Harvard case serves as an excellent example of this careful avoidance of moral blame or judgment in the interest of facilitating joint problem solving.

The Quakers are just as concerned to avoid judgmental accusations. As demonstrated by the case in chapter 4, they take great care to demonstrate to all parties openness
and acceptance. However, their reasons for this behavior diverge from the secular rationale given by Fisher. They are more willing to recognize blame, without succumbing to judgmentalism. Roland Warren, one of the conciliators in the Quaker case, admits, not only the existence of evil, but sees its presence in individual’s actions, intentions, and even viewpoints. Furthermore, he apportions blame and responsibility by recognizing the status of "victim" and that of "victim’s adversary." At the same time, he calls for a spirit of reconciliation and respect for both. He can speak of opponents, but not enemies, since there is "that of God" in every person.

In Warren’s challenge to face the realities of evil, and responsibility for it, he represents a long tradition of Quaker witness. The Quaker peace testimony, itself, arose in the midst of full awareness of the conflict between good and evil. For the early Quakers, this conflict, referred to as the Lamb’s War, took on both personal and cosmic proportions. It became a conflict between Christ and the forces of evil, the object of which was transformation of all evil in the individual heart and in the world. The follower of Christ was to participate in this conflict by challenging anything in oneself or others which deviated from God’s way. Yet, one was also to avoid judgmentalism by "speaking the truth in love." This meant utilizing the weapons of the Lamb, as detailed in the
Sermon on the Mount -- namely, to resist not one who is evil, to turn the other cheek, to go the second mile, to pray for enemies, to love like God who showers sunshine on the good and evil alike ... (Matt. 5). Furthermore, such peacemaking activity was not limited to extending oneself exclusively to those who would reciprocate. Quakers expanded the concept of oneness to include all the human race, not just believers. The reality of human sin did not put anyone in the status of impermeability to the divine spark in every person. Therefore, unlike the above conclusions regarding hospitality, Quaker peacemaking was to continue even if it initially failed to bring about a transformation of the hostile party. This tradition, however, has not been without diversity. When it comes to choosing a proper response to evil, contemporary Quakers hold various interpretations of their peace testimony. The spectrum ranges from those who emphasize nonparticipation in all conflict, or nonresistance -- through those, like Warren, who challenge evil through noncoercive resistance and the power of moral suasion -- to those who, in certain limited situations, attempt to combat evil through coercive, though nonviolent, resistance.

This spectrum becomes wider still when one considers the whole of Christian theology. Most theologians, like the Quakers, recognize the universal existence of evil in all human individuals and structures. Therefore, personal moral responsibility cannot be avoided and no party is com-
pletely faultless. However, the Christian response to evil varies from that of total nonresistance to condoning the use of violence. One of the basic divides within Christian theology is the tension between judgment and mercy, between "resist the evildoer" and "resist not the evildoer." The need for discernment, and therefore some degree of judgment, is set against the human propensity for judgmentalism. These emphases each have influence over the degree to which adversarial relations are acceptable. Liberation theology, the mystical tradition, Anabaptist theology, and Christian realism, again provide good illustrations of these variants.

Liberation theology represents the opposite end of the spectrum from most Quaker thought on this subject. For example, Juan Luis Segundo argues that the centrality of the struggle against oppression demands the utilization of whatever means is necessary, including violence. He claims that Jesus' commandment of love does not necessitate an ethic of nonviolence. On the contrary, violence can lead to love as easily as egotism. In fact, according to him, "violence is an intrinsic dimension of any and all concrete love." Segundo goes to great lengths to discount any of Jesus' teaching on nonresistance. He dismisses Jesus' admonitions to "turn the other cheek" and "love your enemy" by stating that they were relevant only to Christ's historical context. He writes, "When Jesus talked about freely
proffered love and nonresistance to evil,... we are dealing here with another ideology (defined by Segundo as a concrete system, conditioned by history), not with the content of faith itself." Leonardo Boff develops a similar argument in relation to Jesus' behavior. He admits that the record portrays Jesus, in contrast with the Zealots, as one who did not try to impose the kingdom of God by force. Yet, he argues that the church might well need to utilize the Zealot strategy since the end, not the means, is all important. He states this position with clarity when he writes:

...we can and should relativize this (apocalyptic) attitude of the historical Jesus and attribute it to the limitations imposed on him by his cultural milieu and its verbal categories. That frees theology to view a takeover of political power as a proper and legitimate way of offering more justice to the alienated and oppressed.  

However, there are some voices, within liberation theology, which present a different attitude toward the evildoer. It is not surprising that these calls to extend love and forgiveness to the adversary, and even enemy, are to be found in the literature of liberation spirituality. Jon Sobrino, in *Spirituality of Liberation*, warns that "love does not mean that I do not face up to my adversary or enemy." However, he concludes that it does "preclude the absolutization of my neighbor as my enemy. I may not close off from my adversary all prospect of a future."

Theologians within the mainstream of mystical theology, like Nouwen, and Thomas Merton, make even more
clear the distinction between resistance to evil and resistance to evildoer. Nouwen shares the conviction about solidarity with the poor and calls for confrontation of the powerful. However, he is more concerned to avoid judgmentalism, which he sees as a form of violence. Hostility must be turned to hospitality in any and all relationships. He warns against those who arrogantly pretend they can play God and divide the world up into "the good" and "the evil." He rejects any categorization of people which puts them "in fixed places where they can become targets of rejection." He warns the peacemaker of the danger of becoming the victim of the very evil forces which one opposes, thus revealing, by one’s actions, the very demons of hatred. He writes, "The same fear of the enemy that leads warmakers to war can begin to affect the peacemaker, who sees the warmaker as the enemy." He advises against "a class struggle in which the poor claim their rights and try to break the power of the oppressors." In fact he instructs the oppressed to pray for the unprincipled dictator and vicious torturer in order that they may "no longer appear [in one’s own mind] as the object of fear, hatred, and revenge," no longer remaining "enemy," but becoming "friend." Yet, despite this strong emphasis on purity of one’s own heart, Nouwen is not blind to the power of evil which has become "blatantly visible in individuals and structures." He claims that all who participate in this oppression must be
confronted in the name of compassion. Nouwen gives this confrontation the label of resistance, which he defines as fighting the forces of death and supporting the forces of life. Such resistance is not just an option; it is a necessity for any who wish to avoid being accomplices of evil. Such a perspective is very similar to that of many Quaker expressions of the peace testimony, with its own combination of spirituality and social witness. It is also close to principled negotiation in its acceptance of all parties and its refusal to rely on any coercive means. But it differs in its profound understanding of the presence of evil in people and structures, coupled with the resulting need for confrontation and resistance.

Most Christian traditions struggle with the call for both compassion and confrontation, though they may resolve the tension between the two in different ways. Liberation theology is not alone in challenging the balance formed in noncoercive resistance. Another tradition which emphasizes the confrontation part of the equation is Christian realism. Reinhold Niebuhr, like Segundo and other liberation theologians, speaks of the necessity of coercive action. He presents coercion as one of the primary instruments required in the real world where competing interests need to be balanced in order to foster social change and justice. Yet Niebuhr does not dismiss, as irrelevant, Jesus' teaching about nonresistance in the Sermon on the
Mount (as does Segundo). Instead he describes this ethic of love as an "impossible possibility," an ideal which should influence, but not dictate, behavior. Though an attempt to practice it literally is irresponsible, according to Niebuhr, it serves to motivate and illuminate action by providing a pattern or norm for shaping Christian attitudes. For this reason, Niebuhr can raise a distinction between enmity and constructive prophetic anger, although he draws different conclusions than either Nouwen or Merton. The legitimacy of making judgment is, again, the question at the heart of the matter. Does the possibility of judgmentalism risk bringing a form of violence and self-righteousness, as Nouwen asserts, or is it a necessary risk in order to avoid what Niebuhr calls "immoral detachment?" Is our legitimate duty only to insist on compliance with God's justice, or are we called to be executors of divine judgment? Niebuhr emphasizes the need to exercise judgment, but does balance it with what he calls the test of tolerance. Love for enemies is still an honored mandate. There is no place for hatred, enmity or vengeance despite the need for righteous anger. While one must act with judgment, one should always be aware of the painful reality that one's opponent might be correct and oneself misguided. Niebuhr's sense of the universality of human sin, and the resulting need for tolerance, must inform any judgment or confrontation made by a third party, as well as any made by the principal parties. Yet, Niebuhr's call to
"resist with tolerance" still places primacy on confrontation, including coercion when necessary, with a caveat about allowing the ethic of compassion to shape and illumine one's attitude and response. It shares the concern for tolerance with both principled negotiation and Quaker conciliation, but the implications drawn would be considerably more confrontational. Quaker Carl Heath states well the distinction when he writes, "There is a wide difference between Quaker method (consensus), which includes but transcends compromise, and the method of a party deal and a political coercion."

While liberation theology and Christian realism represent theologies which emphasize confrontation, there are others which limit its role even more than proponents of noncoercive resistance, like Nouwen, Merton, and many Quakers (including Warren). This tradition on the other end of the spectrum -- which is represented by some Quakers (eg. David Lansdale, see footnote #36), but even more by some Anabaptist theologians -- questions resistance in any form. The Mennonite scholar, Guy Hershberger, calls for complete nonresistance as the only honestly Biblical approach to evil. He distinguishes nonresistance from noncoercive resistance by indicating that the latter demands justice, while the former only appeals for it. According to him, the Christian is called to do justice and to request it, but never to put pressure on another party.
in order to achieve it. Unlike Segundo, Boff, or Niebuhr, nonresistance in the Sermon on the Mount is to be taken literally and applied to all situations. Turning the cheek and going the second mile are given as examples of willing submission in the face of injustice. Fellow Mennonite, John Howard Yoder, calls this "revolutionary subordination." This stance is based on the conviction that the evil powers of this world have already been broken in Christ. Therefore the Christian need not impose a new social order. Yet, there is less promise of an immanent new world regime, and more talk of a new ability to live in the present one. The hope is that one’s example of willing subordination will have an impact on the structures of society. However, one’s faithful witness is a vital act of faith, even if societal change does not result.

The question of coercion versus persuasion, as raised by all of the above theologies, is of central importance to any evaluation of principled negotiation. Can coercive means ever legitimately be used by a third party? Should the nonresistance ethic of the Sermon on the Mount be taken literally in all situations, despite the reservations of most theologians? Or is it impractical, as suggested by Niebuhr? Or worse, does it play into the hands of those who would enshrine the status quo, as feared by Segundo? Or can the noncoercive resistance of many Quakers and mystical theologians provide a responsible alternative? In response, I shall look closely at Biblical exegesis of
Matthew 5:38-48, examine the rationale of those who reject the ethic based on this and similar passages, and evaluate this material in the light of conciliation praxis.

An accurate rendering of Jesus' call not to resist the evildoer in the Sermon on the Mount gives support to a conclusion which allows the exerting of significant pressure and confrontation, but excludes coercion or enmity. Biblical scholar, Walter Wink, informs us that "antistenai", the Greek word which is translated "resist not," (also the term used in Romans 13) literally means "Do not rebel violently" or "Do not engage in sharp dissension." In other words, Jesus is admonishing people not to use coercive means by which they can hope to prevail against an adversary. They are not to revolt; but this does not mean submission. Wink goes on to interpret turning the other cheek, giving one's cloak, and walking the second mile as actions which rob the oppressor of the power to humiliate by taking the decision into one's own hands and publicly unmasking the oppression. He presents Jesus' teaching as a strategic measure for empowering the oppressed by pushing the unjust laws of the day to the point of absurdity in order to reveal them for what they are. At the same time he portrays Jesus as preserving respect for the rule of law and lovingly challenging the powers to change.

One must also examine the behavior of Jesus in any assessment of the meaning of this passage. During his
trial, it is recorded (John 18:22-23) that Jesus was hit on the cheek. His response is not to turn the other one, but to verbally challenge his attacker. Consequently, it appears that "turning the other cheek" is but one possible expression of the "noncoercion" ethic. The examples in Matthew 5 will vary in their literal application; whereas the general ethical admonition is to be applied universally. Therefore, I would argue that, when "resist not" is properly understood as "do not set yourself against (NEB)," and when the specific examples are allowed to illustrate it rather than take on a universal application, this passage becomes less vulnerable to Niebuhr’s charge of utopianism. When Jesus’ ethic is presented as a flexible form of noncoercion, rather than inflexible and comprehensive nonresistance, it becomes potentially an acceptable alternative to coercive resistance as a means for pursuing justice.

A second argument, posed by liberation theologians Segundo, Boff, and Pixley, is the necessity of historical particularity in the interpretation and application of Biblical texts. Even if "resist not" should be rendered "coerce not," they would argue that some situations call for a different response than that appropriate for Jesus’ sitz im leben. Segundo presents the most comprehensive argument against the applicability of noncoercive methodology. However, the legitimacy of his sweeping dismissal of Matthew 5, as historically determined ideology,
has been effectively challenged by Dennis McCann’s critique of Segundo’s methodology. McCann claims that Segundo substitutes conscientization for the person of Jesus as the object of Christian faith and identity. In so doing, the charge is that he abandons the Christian tradition. Consequently, I would argue that it is unacceptable to eclipse Jesus’ teaching on noncoercion in the comprehensive manner proposed by Segundo. As a variation of Segundo’s rebuttal, Boff points to the original eschatological dimension of Jesus’ ethic as a problematic ideology. He argues that the delay of the parousia altered the applicability of an ethic of noncoercion, formed in a cultural milieu dominated by this expectation. However, in response, I must ask why we do not see later New Testament writers advocating more coercive responses at a time when the delay of the parousia was beginning to be recognized. In fact, as already noted in footnote #5, many liberation theologians claim that there is even less support for resistance of any kind the further one gets from the seminal event of Jesus’ ministry. Pixley, on the other hand, allows a place for non-coercive resistance, but will not universalize it. He argues that Jesus does not speak categorically against coercion, but only against it as a tactic for opposing priestly oppression, which he sees as more important than Roman occupation. In other words, for Pixley, Jesus’ noncoercive ethic is strategic rather than universal. Jesus wanted to neu-
tralize the Romans while he attacked the domestic Jewish religious and economic establishment. While I would agree with Pixley's identification of the priests, rather than the Romans, as Jesus' primary adversaries, it is a big step to conclude that, had he decided to oppose the Romans, he would have resorted to coercion. Furthermore, his choice of the priests went counter to the major resistance effort of his day and must have appeared, to the Zealots, to be off the mark. This must at least raise questions about coercive opposition to the locus of evil as defined even by an oppressed society.

Another rebuttal of noncoercive resistance, based on a selective use of Scripture, is grounded in the class based hermeneutic of Belo and Rostagno (see footnote #5), which dismisses the import of non-seminal texts. However, this argument also fails to convince me that Jesus' teaching on noncoercion can be totally eclipsed. Is Matthew 5 an example of the application of an interclass perspective, by the later church, in an attempt to compromise Jesus' original radical ethic? The weight of scholarly analysis refutes the accusation in this case. Instead, the noncoercive ethic of Jesus in verses 38-48 is deemed likely to be part of an original, authentic sermon by Jesus and, therefore, must be treated as seminal. It might also be noted that Boff's assertion, above, that later, rather than earlier, New Testament writings are a more reliable guide for ethical behavior regarding use of coercion, inadver-
ently questions the class-based hermeneutic. Both Boff and the class-based proponents cannot be correct. In short, this demonstrates that there is nothing to prove that a hermeneutic based on selection of the seminal moments is better than one based even on the opposite assumption, namely a progressive revelation which treats later works as the culmination of wisdom.

From the above analysis, it becomes clear that it is impossible to dismiss Matt. 5:38-48 in an attempt to justify the use of coercive, instead of persuasive, measures whenever one confronts evil and oppression. In fact, the noncoercive ethic of this passage must have a firm place of influence on the discussion. However, this is by no means an exhaustive assessment of the vast amount of Biblical material relevant to the issue of resistance. This exegesis only points out some of the parameters of the discussion. Many questions surrounding an ethic of resistance, and supporting hermeneutic, remain unresolved. The questions of selectivity and interpretation can only be addressed by turning to praxis. In the same way that a theology of liberation informs its selection and interpretation of Scripture on the basis of the plight of the poor and oppressed, a theology of conciliation must choose its criteria for emphasis and selectivity on the basis of the praxis of conciliation. But what precisely is the ethic, and underlining hermeneutic, to which the presented
case material points? First, it is important to reassert that coercive resistance is conspicuously absent from both the Harvard and Quaker cases. The only real question is whether we see here examples of nonresistance, as an alternative to noncoercive resistance. However, close examination will show that nonresistance is also incapable of explaining the success of either of the two case studies examined here.

In the Harvard case, as already noted, the third party attempted, for the most part successfully, not to allocate blame. NNP did frequently challenge attitudes and value systems. But in these cases, NNP’s primary response was one of persuasion, not coercion. NNP asked a multitude of questions, appealing to opponents’ reason. This tactic could hardly be called coercive resistance, but also does not fit the definition of nonresistance given by Hershberger and Yoder. In none of NNP’s interchanges was anyone called to "revolutionary subordination" or acceptance of any other form of inferior status. Given the circumstances of this case, namely the high degree of power symmetry and common interest, the actors did not have to face the question of major, entrenched resistance, except in pockets of subgroups within each party. Therefore, this case is of limited value in defining a theology of resistance, though it may well enlighten other points.

In the Quaker case, the QIARs were continually confronting negative attitudes which they felt were the
major hindrance to change. Therefore, there was a greater awareness of evil. But, again, there was no call to subordination of any kind. This was true despite a significant degree of asymmetry between the two Germanies, (though there was overall symmetry within East-West relations). Blame was attributed to attitudes on both sides. Responsibility for resisting evil was directed as much toward that found in oneself, as toward that of the other party. Yet, there was a commitment to "speak the truth (to others) in love," a traditional tenet of the Quaker peace testimony. This involved a great deal of persuasion, together with a significant degree of confrontation -- enough to occasionally put pressure on a particular party to conform to the Quaker's sense of justice. But it did not involve coercion. Again, I point to the 1969 invitation of official GDR delegates to a Quaker Conference for Diplomats, as a case in point. Pressure was brought to bear on the FRG and its allies, but it stopped short of coercive measures designed to force them to comply. In fact the opposite occurred. Instead of Quaker use of coercion, they were the target of it. It was the NATO governments which attempted to coerce Quaker policy through their boycott of the conference. The contrast between Quaker and NATO approaches, in this instance, demonstrates the difference between coercion and significant pressure (or noncoercive resistance), as defined above by Hersh-
berger. The Quaker attempt was a strong appeal to the FRG to accept Quaker inclusion of the GDR. It required a change in FRG policy if they were to continue to take part in this Quaker activity. But it did not force the FRG to change its policy. On the other hand, the FRG countermove was an attempt to enforce conformity with its own exclusivity by making it impossible for the Quakers to carry out their program as designed. Consequently, the successful conduct of this Quaker case demonstrates the validity of noncoercive resistance as an approach to third party conciliation efforts, even when coercive means are used by the dominant party in the relationship. As such, this case challenges some of the traditional wisdom in the field of conflict resolution which assumes that a non-coercive approach can only work within relationships of symmetrical power.

In addition, liberation theology, and its class-based hermeneutic, simply cannot explain the success of either of the case studies presented here. These cases challenge its applicability to conciliation efforts in either symmetrical or asymmetrical power relationships. Therefore, I must conclude that a different theological base is needed to provide the rationale for a constructive conciliation role for the church in most types of conflict situations. Both cases testify to the possibilities for discovering a theological rationale for conciliation within the Biblical motif of reconciliation. This does not mean that there is
never a situation where liberation theology, or another perspective such as the ethic of nonresistance, has something significant to offer. Nor does it mean that every instance of third party mediation will require the same theological rationale and action. Situations with less symmetry of power, and less reciprocal hospitality, than in the cases included here, may well require a theology which is closer to liberation theology in order to empower the weaker party. Certainly, Biblical warrant can be found for a great variety of approaches. In other words, a theology of conciliation will have limitations, like any other, but its existence is essential.

In light of the insights gained from this case material, then, how should a theology of conciliation deal with the reality of evil in most circumstances? In agreement with most theologies, it should recognize evil as existing throughout human individuals and institutions. However, following the lead of the Quaker and mystical traditions, it must refrain from identifying anyone as the incarnation of evil, thereby placing them beyond redemption. Therefore, it must maintain a necessary distinction between evil and evildoer. It must require joint responsibility for evil, instead of categorizing the "good" and the "bad." In accordance with the approach of both case studies, persuasion should be the initial and primary means of facilitating needed change. Sometimes, confrontation will be neces-
sary; but judgmentalism should have no place. Jesus' non-
coercion ethic in the Sermon on the Mount ought to inform
any necessary resistance, so as to reduce the potential of
a lapse into enmity. Enmity may be inevitable on the part
of another party, and one may need to denounce a particular
action in the name of justice. Yet one's aim must be to
promote joint responsibility and cooperation through per-
suasion and noncoercive resistance instead of judgmentalism
and coercion. As a Marxist convert to Christianity, Milan
Mavhovec put it succinctly, saying "the power of darkness
should be resisted rather than the enemy." This is very
much the perspective of St. Paul who affirms that, "our
struggle is not against flesh and blood, but against ...
the powers ...."(Eph. 6:12).

Summary and Conclusion

From the above analysis, I conclude that the Biblical
motif of reconciliation is appropriate as an organizing
principle for the functioning of a nonofficial, religious,
third party in most situations of societal conflict. Only
in extreme cases of power asymmetry or intransigence might
other models need to become predominant. However, I am far
from concluding that conflict, confrontation and justice
have no place. Shalom, as the end toward which reconcilia-
tion aims, must be perceived as an affirmation of both
harmony and justice. Hospitality, as the means by which
reconciliation is to be pursued, must be perceived as a
partnership, the purpose of which is to unmask as well as eliminate adversarial relations. Evil, the principle obstacle to be overcome, must be resisted, but with flexible, noncoercive strategies which avoid enmity and rely on persuasion whenever possible. As a third party intermediary, the initial aim must always be to facilitate a kind of partnership which can enhance status, cultivate responsibility, correct misperception and empower all parties. Only when this approach fails might one contemplate coercive means. Yet, even then, some theologies (for example, many within the Quaker, Anabaptist, and mystical traditions) would favor persevering with conciliation efforts, based on an eschatological hope of victory over evil or on the hope of personal response to the movement of the Spirit within each individual, even the enemy.

At this stage, I will turn even more directly to the task of assessing the implications of this theology for principled negotiation as a method of third party intervention. I will begin, in the next chapter, with those tenets of principled negotiation which have received substantial critique from secular theorists. In the final chapter, I will begin each section with an examination of the critique made by secular theorists of that tenet of principled negotiation. After noting these assessments and Fisher's response, I will evaluate the issues in light of the foundations of a theology of conciliation, as developed in this chapter.
NOTES


2. Karl Barth, Church Dogmatics, Vol. IV: The Doctrine of Reconciliation, Sections 2 and 3, trans. by G.W. Bromiley (Edinburgh: T. & T. Clark, 1958 and 1962); and


5. Mexican Old Testament Scholar, George Pixley, criticizes the interclass perspective, claiming that the first, and normative, understanding of the Kingdom of God — that portrayed in the "revolutionary project of the peasants of the Canaanite hills in the formation of the nation Israel" -- should take precedence over later expressions which arose within the monarchical and priestly traditions (George V. Pixley, "Biblical Embodiments of God’s Kingdom: A Study Guide for the Rebel Church," in The Bible and Liberation: Political and Social Hermeneutics, ed. by Norman K. Gottwald [Rev. ed. of A Radical Religion Reader; Maryknoll, New York: Orbis Books, 1984], pp. 115-116]. Fernando Belo argues that the struggle between these two opposed traditions (Yahwist vs. priestly) continues into the New Testament. The further one gets from the seminal event of Jesus' ministry, the more he observes the imposition of a theological discourse. Consequently, the radically subversive practice of Jesus -- most accurately portrayed in the earliest of the gospel accounts (Mark) -- is increasingly blunted and adapted (Fernando Belo, A Materialist Reading of the Gospel of Mark, trans. by
Matthew J. O’Connell [Maryknoll, New York: Orbis Books, 1981], pp. 241-295). Rostagno develops a similar assessment of the Pauline corpus, claiming that in the early letters, for example 1 Cor. 1: 26-31, there was a clear preference for the powerless over the powerful, while in later epistles the interclass tradition prevailed, for example Col. 3:22 - 4:1 with its reconciliation between masters and slaves (Rostagno, "The Bible: Is an Interclass Reading Legitimate?," pp. 66-71).


9. For example, the London Yearly Meeting of 1938 maintained that, while justice concerns could not be surrendered, the needs of both oppressed and oppressor had to be addressed in love (London Yearly Meeting of the Religious Society of Friends, Christian Faith and Practice in the Experience of the Society of Friends [London: London Yearly Meeting of the Religious Society of Friends, 1960], #537). The opposite emphasis is stated by Konrad Braun when he wrote in 1950 that, "those who want to establish the realm of peace and love must work for justice too, indeed for justice first" (Ibid., #538). Contemporary Quaker conciliator, Adam Curle, in his extensive analysis of Quaker conciliation and peacemaking, states that the peace testimony frequently requires a challenge to the structural violence of the status quo before attempting to work for harmony (Adam Curle, True Justice: Quaker Peace Makers and Peace Making [London: Quaker Home Service, 1981], pp. 37-43).


15. There is a great deal of unity among Biblical scholars over the contention that justice and harmony are both aspects of shalom and eirene. But there are still different shades of interpretation. Some scholars understand shalom to mean total harmony, an absence of all violence or conflict. Johannes Pedersen claims that shalom denotes "harmony, agreement, and psychic community." Christopher F. Evans lists "harmony" as one of the basic meanings of shalom, stressing its identification with "material prosperity, untouched by violence or misfortune." George G. Findlay and John Mauchline give security a prominent place in the definition. Madeleine S. and J. Lane Miller limit their definition almost completely to tranquility and avoidance of conflict. All of the above are cited by John I. Durham, "Shalom and the Presence of God," in Proclamation and the Presence of God: Old Testament Essays in Honour of Gwynne Henton Davies, ed. by John I. Durham and J.R. Porter (London: SCM Press Ltd., 1970), pp. 273-274. However, most scholarship maintains that, while a significant portion of Old Testament references do refer to cessation or avoidance of conflict, in many more cases, the term is used to mean wholeness, fulfillment, completion, unity, well-being, or even health, and salvation (Ibid., pp. 276-277; Ulrich Duchrow and Gerhard Liedke, Shalom: Biblical Perspectives on Creation, Justice, & Peace [Geneva: WCC Publications, 1989], p. 113; Donald E. Gowan and Ulrich W. Mauser, "Shalom and Eirene," in The Peacemaking Struggle: Militarism and Resistance, ed. by Ronald H. Stone and Dana W. Wilbanks [Lanham, Maryland: University Press of America, 1985], pp. 123-125; Douglas J. Harris, Shalom: The Biblical Concept of Peace [Grand

While recognizing that, in classical Greek, eirene refers to a conflict-free state, many scholars conclude that it takes on the meanings of shalom when used in both the Septuagint and the New Testament. Still, there are some differences. Additional meanings have accrued from both classical Greek and from the Rabbinic literature. For example, the concept of "eirene" is used more theologically than that of "shalom." "Peace with God," or inner peace is an almost exclusively New Testament usage (though Pannenberg does associate it with wholeness or well-being). However, this development does not require abandoning the communal sense of "shalom." On the contrary, peace with God is meant to result in human reconciliation. Consequently, many scholars claim eirene places more emphasis on harmony than does shalom. However, Duchrow and Liedke, while noting the emphasis on reconciliation, nonetheless make the case for justice being implicit in the use of the term, pointing to both Pauline usage in pivotal texts like Eph. 2:14-18 and the accounts of Jesus ministry in the Gospels (Duchrow and Liedke, Shalom, pp. 124-132; Durham, "Shalom and the Presence of God," pp. 274-275; Werner Foerster, "Eirene in the NT," in Theological Dictionary of the New Testament, ed. by Gerhard Kittel, trans. and ed. by Geoffrey W. Bromiley, II [Grand Rapids, Michigan: William B. Eerdmans


17. According to Augustine, even the miserable have some peace due to the "tranquility of order." He reasons that the miserable would "be more wretched if they had not that peace which arises from being in harmony with the natural order of things." (Saint Augustine, The City of God, 19. 13, trans. and ed. by Marcus Dods, The Hafner Library of Classics [2 vols.; New York: Hafner Publishing Company, 1948], II, 319-320).


19. Rowan Williams argues that, for Israel, there was never any security without integrity. He points to prophetic warnings about destruction of much of what was held to be sacred -- the Temple, the land, the monarchy -- unless Israel preserved the integrity of its calling. For example, Jeremiah's prophesy (7:9-15) denied the false belief that the presence of the Temple would protect Jerusalem, even when the integrity of the covenant community no longer existed. The whole burden of Jeremiah's final message, in the last days before the fall of Jerusalem, was that God would not protect these "sacred" institutions. After the conquest, Jeremiah continues to condemn those who seek to resist the conquest or flee to Egypt, calling instead for renewed commitment to God in these new conditions. From this, Williams concludes that Israel learned to exist under an alien political system, "without ceasing to be itself or losing the promised friendship and intimacy of God (Williams, Peacemaking Theology, pp. 5-8)." This thesis that Israel's identity was based more in integrity than territory faces a challenge from some contemporary Old Testament scholarship which insists that the land and the Temple were central to the identity of the people. However, I will argue that, even among those who rightly affirm the importance of territory,
integrity of calling still is pre-eminent. One such scholar, Sara Japhat, contrasts modern sociological thinking, "in which land is but one of several elements in the definition of a people," to the Old Testament perspective, where "land plays a considerable role in the peoples' self-understanding and relationship with their God." Japhat illustrates her point by examining the relationship between people and land in the post-exilic restoration period. As she clearly documents, the promise of restoration of land and Temple begins with the prophets (Ezekiel 11). In the Ezra-Nehemiah literature, the fulfillment of the promise becomes the central point. Chronicles, which she contends represents the theological ground through which Israelite thought progresses to the next stage, also indicates the importance of a return to the land. However, even Japhat acknowledges that Chronicles is more inclusive of foreigners, an indication of some degree of post-exilic change in the exclusiveness of Israel's relationship to the land (Sara Japhat, "People and Land in the Restoration Period," in Das Land Israel in biblischer Zeit, ed. by Georg Strecker [Goettingen: Vandenhoeck & Ruprecht, 1983], pp. 103, 107, and 117-118). Walther Zimmerli concurs with Japhat's assessment regarding the importance of land and Temple to the Israelite people before, during, and after the exile. However, he clearly asserts that the loss of these is a direct result of Israel's unfaithfulness. The consequence of loss of integrity is loss of land. The relationship between these two is a direct result of the fact that much of Israel's unfaithfulness had to do with misuse of the land through its unfair distribution. Zimmerli illustrates this in various prophetic writings. Isaiah and Micah, especially, assail the unjust dealings in property. Jeremiah even goes beyond simply condemning misuse of "the" land, referring to Israel's defilement of "God's" land and implying, therefore, that it is God's to give, or to take away, or to give back. In fact, the promise of restoration/salvation is also given in terms of land. However, as recorded in Ezekiel's vision of new land and Temple (cha. 47), the vision is inclusive of the foreigner, much like the Chronicles account. Therefore, Zimmerli concludes that, "There is no possession of the land without attention to the just arrangement of it (Walther Zimmerli, "The 'Land' in the Pre-exilic and Early Post-exilic Prophets," in Understanding the Word, ed. by J.T. Butler, et. al [1985], pp. 247-259)." Old Testament scholar Walter Brueggemann agrees with the assessment of the importance of land to the Israelite people. Yet, he puts even more emphasis, than do Japhat and Zimmerli, on the importance of its loss. According to him, "Land-loss (at the beginning of the exile period) is an act of faith;" and "Landholding (attempted by some Israelites) is an act of disobedience." Those who "cling to the land," says Brueggemann, are dispossessed.
Those who leave will receive the promise of a return (Walter Brueggemann, *The Land* [Philadelphia: Fortress Press, 1977], pp. 122-123). Furthermore, Duchrow and Liedke, in their study of shalom, argue that the exile marked a turning point in how Israel was to understand its well-being, or shalom. Instead of finding it in holy city, temple worship, and monarchy, well-being was to be possessed in a foreign place, under foreign power, and without a holy place. Thus Jeremiah tells the exiles to seek the shalom of Babylon, since its well-being will be their own and Deutero-Isaiah promises a homecoming, but not renewed power. Such a perspective is only possible if identity is defined primarily in other terms than territory, as important as the latter may be. This conclusion is reinforced by H.G.M. Williamson’s recent study of the transition of the concept of Israel. He claims that, as a result of the exile, "Israel had been transformed from a national and political to a cultic and religious concept." The continued reality of post-exilic life as a small colony in the vast Achaemenid empire could not tolerate nationalist ambition, though it could accept loyal local cults. Hence, the Temple and the law could be revived during the restoration period, while much of the trappings of state disappeared entirely (H.G.M. Williamson, "The Concept of Israel in Transition," in *The World of Ancient Israel*, ed. by R.E. Clements [1989], pp. 142 and 158). Therefore, we can rightly conclude that loss of political sovereignty was no hindrance to identity formation, but rather a step in the growth of the self-understanding of the Israelite people. In the exile, they gained a fuller appreciation of the fact that integrity, the fundamental basis of their identity, had to be the cornerstone of their security.


21. In this passage, the term citizenship is a political term which refers to the commonwealth, or the state and its constitution, "the place where people have rights and a home." Consequently, Paul is clearly making the case that even political identity, with all its territorial connotations, is to be made secondary to an identity based in the kingdom of God (Klaus Wengst, *Pax Romana and the Peace of Jesus Christ* [London: SCM Press, 1987], p. 79).


31. In the gospel accounts, Koenig points to four
types of situations in which Jesus addressed the subject of conflict by practicing or urging partnership hospitality. In many instances, stress is placed equally on both unmasking and eliminating adversarial relations; in some cases it is placed on either one or the other. First, there are the Lukan parables. The good samaritan (Luke 10) was an example of someone from the traditionally subordinate ethnic group expressing hospitality to a member of the dominant ethnic group at a powerless point in the latter's life. The prodigal son (Luke 15) was a reverse example of hospitality extended by the dominant family member to the subordinate party. In both cases, Jesus' intention was to enhance the status of the subordinate party, unmask the underlying attitudes behind the adversarial relations, and eliminate this kind of relationship. In Luke 10 it was the dominant group's attitude, whereas in Luke 15 it was the subordinate party's attitude, which was unmasked, illustrating that distortion of reality is a common human problem and correction of misperception may need to be addressed to either powerful or powerless. Second, Koenig notes Jesus' intervention at the point of tension between his disciples, or between them and other supporters. Interpersonal tensions among the twelve were reflected in the arguments over which of them was the greatest (Mark 9:33-37; 10:35-43; Luke 22:24-27). Tensions between them, as a group, and outsiders were reflected in the desire, on the part of the twelve, to practice their own brand of exclusivity -- for example, their reprimand to the unknown exorcist who ministers in Jesus' name (Mark 9:38-41, Luke 9:49-50); their attempt to keep children from seeing Jesus (Mark 10:13-16); and their wish to limit the number of times they would have to forgive their brothers (Matt. 18:21-22). In each case, Jesus prevented them from such a display of inhospitality through the use of a "comic proverb." All of these were attempts on the part of the disciples to shore up their power. But Jesus unmasked the disciple's attitudes and enhanced the status of the "outsiders" in an attempt to eliminate the adversarial relationships. Third, Koenig examines the relationship of Jesus' women disciples to Jesus and "the twelve," as well as to the rest of Palestinian society. The fact that they existed at all must have aroused a negative response from parts of the society. However, we do not see signs of tension with the male disciples. Koenig theorizes that the women maintained a distinct identity of their own by traveling together under the aegis of a well-to-do public figure like Johanna, the wife of Herod's steward (Luke 8:3; 24:10). This would have given them legitimacy and considerable freedom in that society. Yet, their presence undoubtedly encouraged other women to do the unthinkable in approaching Jesus. In this way, the dominance of patriarchal society was unmasked, yet without unduly jeopardizing the goal of eliminating adversarial relations.
Fourth, Jesus called for a generous sharing between the rich and poor who were both represented among his followers. The fact that a group who had given up possessions could frequently manifest abundance, and invite others to share in the feasting, points to the probability that Jesus often accepted the hospitality of his wealthier followers (Matt. 11:19; Mark 2:19; Luke 14:16-24). In fact, the poor among them were promised that they would be able to reclaim economic resources (presumably from the rich) in return for their ministry (Mark 10:29-30) -- a ministry from which the rich would benefit. In prescribing this relationship of partnership hospitality between "haves" and "have nots" among his followers, Jesus was forming economic alliances which crossed normal divisions within society. Thus he was enhancing the status of the poor disciples. He was also unmasking the unhealthy dominance of most rich people over most poor people by demonstrating that among his followers such adversarial relations could be, not only unmasked, but eliminated. So Koenig concludes, "Within Jesus’ sharing community those who shun one another because they feel cheated by their rich neighbors or threatened by the needs of their poor neighbors or simply offended by the moral behavior of others, both rich and poor alike, are brought toward reunion. But this requires changed hearts on all sides."

In addition to the Philemon/Onesimus relationship addressed in the text, Koenig draws upon three passages from the Pauline corpus. According to him, Paul was the chief expositor of partnership in the New Testament and the foremost dispenser of practical advice on resolution of conflicts or inequities between hosts and guests. First, Koenig examines the ethnic and cultural conflict over food and holy days in Romans 14 and 15. As the outside party, Paul let them know that he agreed with the liberal majority, though not his own ethnic group. However, he accused both parties of misperception of the issues and placed responsibility for hospitality on both sides, especially on the majority. The nature of his argument also enhanced the status of the minority as a valid expression of Christian life. While major responsibility for the process of reconciliation appears to be placed on the "stronger party," the "weaker party" was also addressed. "Let not him who abstains pass judgment on him who eats, for God has welcomed him (14:3)." Thus, despite his agreement with the majority, Paul unmasked their dominance, while at the same time attempting to eliminate the adversarial relations. Second, Koenig uses the conflict over partaking of the Lord’s Supper in 1 Corinthians 11, to address relations between rich and poor. Nowhere more than in Corinth, had the Christian church broken down the traditional hierarchical structures of dominance/submission. According to Koenig, members were
continually urged to play a more authentic role in the church than that assigned them by society. That Paul intended to set limits on the unmasking of adversarial relations and the restructuring of social relations, can be seen in his plea to the Corinthians to remain in the state in which they were called -- using marriage, circumcision, and slavery to illustrate his argument (7:17-24). (Incidentally, this casts considerable doubt on Rostagno’s assertion that Paul’s early epistles demonstrate a clear preference for the powerless over the powerful in contradiction to the interclass perspective of the later Pauline corpus -- see footnote #5.) Though unmasking had its limits, Paul showed that this was still a primary concern when it came to conflict between rich and poor. The charge in chapter 11 was that some of the membership was proceeding with their own meal, not waiting for the others. Koenig argues that this group was the wealthier segment of the congregation, the only ones who would have had "houses to eat and drink in (vs. 22)." These rich members would have donated most of the meal and apparently felt it their right to eat what they wanted before the poorer members, who did not have as much control of their daily schedules, could arrive. Paul unmasked this treatment which relegated some to second class membership. The rich could still eat and drink their fill in their own homes. They did not have to give up all their economic advantage. But in the central event of worship, status and power relationships had to be equalized. Still, Paul opted to do this by depicting the event in terms of partnership/hospitality where adversarial relations were to be eliminated. The event they were remembering was one of supreme hospitality and they were urged to "wait for one another (or receive one another as one would a guest) (vs. 33)." Third, Koenig utilizes another illustration from Corinth (2 Cor. 8 and 9) to address ethnic and class conflict once again. The call for participation in the collection for the Jerusalem Church was an excellent example of partnership/hospitality. The collection was presented as part of a reciprocal relationship of giving and receiving. Initially, the poor in Jerusalem had shared the gospel with the gentiles. Now the richer gentiles were being asked to respond to the material needs of poorer Jews. As a result, the Jews would be expected to long for the gentiles with prayer on their behalf (9:14). Both sides were to give what they had to give and were told they would receive what they needed. The resulting exchange would enable both parties to welcome one another and become a party of equals in worship (9:12-14) and in material abundance (8:13-14). This did not mean equal impoverishment (8:13), but equal abundance. However, this elimination of adversarial relations also involved the unmasking of the fears of scarcity which led the Corinthians to assume that their own needs required most of their resources. Paul addressed this rationale for
continued dominance by promising their needs would be met and by pointing out that even the poor Macedonians had been able to contribute generously (8:1-5). Therefore, it is reciprocal hospitality between poor Macedonians and poor Jews, as well as between poor Jews and rich Corinthians, that unmask hidden dominance (John Koenig, New Testament Hospitality: Partnership with Strangers as Promise and Mission [Philadelphia: Fortress Press], pp. 11, 28-38, 55-56, 60, and 65-78).

32. Ibid., pp. 78-80.


36. Representative of Quaker non-resistance are David Lonsdale (Peace in the Power and the Light, p. 7) who claims that George Fox sought cessation from all conflict; and a minute issued by the London Yearly Meeting (Christian
Faith and Practice, #636) in 1930 — at the time of widespread rioting during India's struggle for independence -- which stated there was nothing to be gained by either violence or coercion. Representative of coercive resistance in certain situations is Adam Curie (Making Peace [London: Tavistock Publications, 1971], pp. 203-206) who restricts what he calls revolutionary confrontation to circumstances with asymmetrical power where moral confrontation has not prevailed. Warren proposes his non-coercive resistance specifically for Quakers, recognizing that other groups in society may be called upon to take a different position. For him, this "special place" in the peace effort, may require that Quakers refrain from engaging in situations where "there is no constructive way in which we can maintain a loving relationship toward the perpetrator of the evil,..." (Warren, "Nonviolence and Love," pp. 1 and 7-12).


40. The views expressed in this paragraph, by Henri Nouwen, are largely consistent with those expressed by Thomas Merton. Merton warns against both generalizing about the wicked and taking up moral arms against them, an action which will only contaminate oneself. According to him the purpose of resistance is not to antagonize, or even to realize one's own ends, however ideal, but merely to seek dialogue. One must not attempt to destroy or humiliate an adversary, but try to turn him into a collaborator. It is a task of persuasion, not coercion -- winning him over, rather than winning over him. Yet, even here, one must be careful to avoid self-righteousness. Those who are only interested in proving they are right have not learned to act on what Merton calls non-violent resistance. One must be willing to take an alternative approach to avoid the "ultimatum complex," which uses force to require the unconditional acceptance of one's own oversimplified reality. According to Merton, this is at the heart of Christian humility (Thomas Merton, Faith and Violence: Christian Teaching and Christian Practice [Notre Dame, Indiana: University of Notre Dame Press, 1968], pp. 9-13, and 17-29). The similarity of both Nouwen's and Merton's approaches to that of principled negotiation should be very
clear.


42. Henri J.M. Nouwen, "Foreword" to We Drink From Our Own Wells, by Gustavo Gutierrez (London: SCM Press, 1984), p. xvii. However, in recent correspondence, Nouwen has indicated that he would now add the words "with force" to the end of this sentence, which, as it stands in my text, is a direct quote from the above source (Henri [J.M.] Nouwen, one page unpublished letter to this author, May 23, 1991).


45. The London Yearly Meeting stated in 1938 that, "We may never desert the victims of oppression, but we must endeavour to realize the conditions and needs both of the oppressor and of the oppressed. While we hate wrong, we must love our fellow wrong-doers (London Yearly Meeting, Christian Faith and Practice, #537)." Sandra Cronk also echoes Nouwen's concern when she warns against classifying as enemies those who do not agree with one's perspective (Cronk, Peace Be With You, p. 23).


53. McCann claims that Segundo develops the methodology of conscientization to its logical conclusion, the development of an educational procedure called the "deutero-learning process." It is by giving ultimate importance to this process, that McCann accuses Segundo of abandoning the figure of Jesus and forsaking continuity with the Christian tradition (Dennis P. McCann, Christian Realism and Liberation Theology: Practical Theologies in Creative Conflict [Maryknoll, New York: Orbis Books, 1981], pp. 227-231).

54. Boff, Jesus Christ liberator, p. 286.


56. S.G.F. Brandon (Jesus and the Zealots: A Study of the Political Factor in Primitive Christianity [Manchester: Manchester University Press, 1967], pp. 325-358) challenges this view of Jesus’ relationship with the Zealots. He claims that there was a bond of sympathy, plus similar values, sufferings, and concern over defence of the poor. Furthermore, he also maintains there was actual cooperation, but stops short of claiming a common identity. However, Brandon’s linkage of Jesus to the Zealot cause, and to their tactics of violence, is based on a considerable amount of conjecture. For example, he contends that the cleansing of the Temple was a violent insurrection of a pillaging crowd loyal to Jesus. This is based on the fact that Barabbas had been involved in a bloody insurrection in another part of Jerusalem at about the same time -- a very questionable linkage given the subsequent competition, between supporters of the two men, for the favor of the crowd (Mark 15:7-15 and Luke 23:19-25). Brandon’s argument is also based on the assumption that Jesus could not have managed the feat alone -- an assessment which fails to take into account the numerous times when the scriptural record states that he single-handedly challenged authority and stood up against formidable odds (see Luke 4:28-30; John 7:30 and 44-46; 8:59; 10:31-39; and 11:8). Furthermore, the tremendous public support for Jesus, at this moment, would have made the literal accounts quite feasible.
Finally, Brandon fails to put this event in the context of the purgation of Zion, a clear intent of the presentation in all four gospels. Vernard Eller claims that this understanding of the event excludes its interpretation as an act of pure political activism. According to him, the aim is purification of the religious establishment, not sociopolitical change within the world of governance, which explains the difference between Jesus’ action here and that before Pilate and Herod. Furthermore, this is portrayed as a unique action of the Messiah. There is never any suggestion that it should be used as a model for his disciple’s future behavior. The Matthew account reveals this Messianic purgation intent to a greater extent than the others, including a momentary fulfillment of a purged Zion. The Messiah’s restoration of Zion to what she was meant to be, a center of healing and wholeness, is demonstrated in Matt. 21:14 by Jesus’ immediate healing of the blind and lame (Vernard Eller, War and Peace: From Genesis to Revelation, A Christian Peace Shelf Selection (Scottdale, Pennsylvania and Kitchener, Ontario: Herald Press, 1981), pp. 130-132). See also Bernard Haering, The Healing Power of Peace and Nonviolence (New York: Paulist Press, 1986), p. 67; John Pairman Brown, "Techniques of Imperial Control: The background of the Gospel Event," in The Bible and Liberation: Political and Social Hermeneutics, ed. by Norman K. Gottwald (Rev. ed. of A Radical Religion Reader; Maryknoll, New York: Orbis Books, 1984), p. 368; and Martin Hengel, The Zealots: Investigations Into the Jewish Freedom Movement in the Period From Herod I Until 70 AD, trans. by David Smith (Edinburgh: T. & T. Clark, 1989), pp. 337-341. Hengel, in particular, argues strongly against the identification of Jesus with the Zealot movement. He claims that the cleansing of the Temple has a close connection with Jesus’ answer to the question of paying tribute money to Caesar and that the latter demonstrates Jesus’ distance from the Zealot movement. A true Zealot would have had to confess his anti-Roman convictions at this point. Likewise, Jesus’ question to those who came to arrest him, "Have you come out as against a robber (the term employed by Josephus for the Zealots) ...?" further testifies to the distinction between Jesus and the Zealots. After challenging other texts which are sometimes used to identify Jesus with the Zealots, Hengel finally appeals to the contrast in behavior between the practice of the Zealots and that proposed by Jesus in the very passages which I have examined in this section.

57. Though some of the Sermon on the Mount is commonly thought to have been edited in order to address a particular community, the part of the sermon which also appears in Luke’s Sermon on the Plain (6:27-36) is assumed to be either directly from, or based on, Q. This includes

58. A "progressive revelation" perspective is presented by Bernard Haering (The Healing Power of Peace and Nonviolence, pp. 21-22 and 41-44), with his acknowledged reliance on the scholarship of Norbert Lohfink, Ernst Haag, Vernard Eller, and Rene Girad. For example, Haering argues that deuter-Isaiah’s pursuit of justice through non-violence, is both a culmination of Old Testament revelation and a precursor to Jesus and his noncoercive ethic in the Sermon on the Mount. Haering sees the whole priestly tradition, in which there exists neither holy war nor commands to slaughter whole populations, as an advanced state of revelation over the more class-based Deuteronomic tradition. In fact, the Servant of Yahweh "will not call out or lift his voice high, or make himself heard in the open streets (a reference to the tradition of calling in the open streets to the army for the holy Yahweh war) (Isa. 42:1)." According to Haering, it is no mistake, then, that Jesus saw himself as fulfilling the prophecy of the suffering servant who "will not break a bruised reed, nor snuff out a smouldering wick... (who) will neither rebuke nor wound, (Isa. 42:3-4)" and who "submitted to be struck down and did not open his mouth... though he had done no violence and spoken no word of treachery (Isa. 53:7-9)." The Messiah was to demonstrate the final culmination of peace and non-violence as the way of God’s faithful.

59. Only once did NNP couple persuasion with a threat of coercion, namely when NNP proposed the use of "action-forcing mechanisms" to U.S. Senators Warner and Nunn. These recommendations involved a request for the U.S. administration to support the nuclear risk reduction center proposal, coupled with a threat to introduce legislation to this end, if the administration refused. The result was administration cooperation (see chapter 3, footnote #27).
See chapter 1, pages 49-50, where Johan Galtung claims that in asymmetrical conflict, resolution strategies are detrimental and likely to delay or disrupt needed structural change.

CHAPTER 6

ASSESSMENT OF PRINCIPLE NEGOTIATION

In this chapter, I will evaluate the application of principled negotiation as a method for use by the church in third party conciliation efforts. I will not use the formulation, "principled problem solving" (Fisher's terminology for application of his methodology to intervention efforts). Since I will utilize material from various secular critics of "principled negotiation," it will be less confusing if I uniformly utilize this more common terminology. In addition to this secular critique, I will draw upon the outlines of a theology of conciliation (as developed in the previous chapter) and the case material (chapters 3 and 4) to inform my own theological evaluation of the main tenets of principled negotiation. Therefore, I will organize this chapter around the major points of secular critique. As already indicated, in each section I will follow this critique with Fisher's response and conclude with my own theological assessment.

Principled negotiation has been criticized by various individuals, representing both the competitive and problem solving approaches. Certainly the most serious critique comes from those adopting the competitive, adversarial
model. The positional bargaining critics challenge Fisher’s claim that people can be separated from the problem, his unquestioned reliance on interests as the focus for negotiation/intervention in all situations, his failure to recognize any validity in distributive bargaining, and his unawareness of inherent contradictions in the concept of "objective criteria" for determining a fair solution. I also wish to indicate the perspectives of some generally sympathetic colleagues from the problem solving camp. Some of these individuals do raise the difficult problems of power asymmetry, hard bargaining, objective interests and criteria, but they tend to suggest minor alteration rather than major revision. The four sections of this assessment, then, will be as follows: relational and substantive issues -- coupled vs. decoupled, focus of the interaction -- interests vs. positions, the bargaining process -- integrative vs. distributive, and discernment of fair criteria for agreement -- objective vs. subjective.

Relational and Substantive Issues:

Coupled vs. Decoupled

Secular Critique

Fisher is criticised, even by some generally sympathetic colleagues, for his attempt to decouple relational and substantive issues. Fellow lawyer, Carrie Menkel-Meadow, claims that "... people cannot be separated
from the problem because as long as negotiators are people they will be part of the problem to be solved. Menkel-Meadow still demonstrates her adherence to the problem solving school of conflict resolution by insisting that these "people problems" can be solved in the same way as the substantive problems. She recommends treating the difficult personality as another problem to be solved, rather than as an adversary to be defeated. To apply problem solving techniques to personalities means asking why the party is behaving this way. What is his/her/their needs? How can those needs be satisfied? Why are they important? According to Menkel-Meadow, Fisher also discusses techniques for observing the other party’s personality needs and then dealing with them as part of the joint problem to be solved. However, when Fisher addresses the challenge of dealing with difficult hard bargainers, Menkel-Meadow claims that he abandons this approach. Instead, he tends to "separate the people from the problem" by ignoring them or forcing them so focus exclusively on the substantive issue at hand. Menkel-Meadow charges that this kind of separation of relational and substantive is always detrimental, even when dealing with the hardest of bargainers. These tactics inevitably escalate the conflict, in her opinion.

Fisher’s colleague at the Harvard Negotiation Project, Bruce Patton, agrees that the maxim, "separate the people
from the problem," has unfortunately tended to encourage people to ignore the human dimension of negotiation and to obscure the interrelationship between people, issues, and process. In fact, he plainly states that one should not always separate the relationships from the problem. For example, contrary to principled negotiation, Patton admits that it may be appropriate to assess a relationship in light of some negative action by another party. He even advises letting the offending party know of this assessment if that will help clarify communication. Furthermore, Patton maintains that the quality of relationship will affect the choices one makes about substantive issues. In other words, substance affects relationship and relationship affects substance. However, he maintains that Fisher's basic concern is valid, namely that both relational and substantive issues should be dealt with on their own merits. One should not try to buy a better relationship with substantive concessions, nor demand substantive concessions as the price for maintaining a negotiating relationship.

Finally, it is also significant to note that even the Harvard case in chapter 3 illustrates the difficulty in separating completely the relational from the substantive. As already indicated in the treatment of that case, NNP was not able to separate attitudes and value systems from the way various parties dealt with the issues.
Fisher’s Response

Since the publication of *Getting to YES*, Fisher has agreed that "separating the people from the problem" is a problematic formulation. For example, he now claims that it is important to relate the tone of one’s response (certainly a relational issue) to the substance. He notes that assertiveness is only appropriate if one has something about which to be assertive. In addition, Fisher now concludes that, "... in some cases, the people are the problem." In fact, recently, he has stated that negotiating a good relationship is sometimes more important than a particular substantive outcome. He contends that a good relationship can be of great assistance in future substantive negotiations. Therefore, Fisher sees it as important to work on any people problem in order to maximize the negotiating potential. Yet, like Patton, he still affirms the need to avoid either appeasement or coercion of substantive concessions. Furthermore, by implication, Fisher addresses Menkel-Meadow’s concern about his coercive tactics to hard bargainers. In his recent extensive treatment of relational factors in negotiation, *Getting Together: Building a Relationship That Gets to YES*, he calls for unconditional acceptance of any potential opponent and emphasizes the damage that any coercion, regardless how well intended, does to both working relationship and quality of any agreement.
The theological issues examined in chapter 5 provide further reason for questioning the separation of relational and substantive issues. As stated in that chapter (see pages 312-313), personal moral responsibility cannot be avoided. Therefore, we must assert that evil deeds cannot be separated totally from the people who perpetrate them. Truth and falsehood are so intricately connected with all of human life, including both people and systems, that there can be no ultimate separation of relational and substantive issues. Therefore, judgment must include people as well as deeds. Consequently, I disagree with Fisher's earlier position, when he side-steps the question of blame (see chapter 2, page 94) and agree with the critique of Menkel-Meadow and Patton.

Apportioning blame is clearly evident in the Quaker case, making it one specific example of my point. The QIARs held both German governments accountable for destructive attitudes -- the GDR over its treatment of its own citizens and the FRG regarding its non-recognition policy toward the GDR. These attitudes were repeatedly exposed in both written and oral presentations, most notably by Reuman. However, as noted in chapter 5 (see pages 310-311), the QIARs were able to recognize blame without judgmentalism. Primarily they were able to do this by apportioning relatively equal blame to both sides. In specific instances, they sometimes charged only one party with respon-
sibility -- as in the oft noted case of FRG culpability in refusing to attend a conference of Diplomats with official GDR representatives. But this is unusual. It is their normal practice of allocating equal blame, coupled with the Quaker expression of equal hope for all adversaries, that enabled them to apportion guilt without succumbing to judgmentalism. This allocation of equal blame is typical of traditions which, like the Quakers, tend to focus on the importance of the purity of interior motivation.

Yet, there are those who question the appropriateness of equal allocation of blame, especially in relationships of asymmetrical power. South African Dominican, Albert Nolan, speaks for many within liberation theology when he claims that mutual blame can only be suggested by one who has not suffered under oppression or fully appreciated the sinfullness and evil of what has happened to those who have so suffered. As indicated in chapter 5 (see pages 314-316), such a perspective is challenged, not only by Quakers, but by representatives of the mystical tradition, like Nouwen and Merton, who warn about the universality of sinful interior attitudes. According to them, the reality of oppression and the responsibility of the oppressor cannot be ignored. However, they also claim that it is far too simplistic a view of human nature and institutions to suggest that sin is an exclusive characteristic of the powerful, or even that, in a given situation, its expression is the
property only of the latter. In fact, Nouwen specifically warns that the seeds of hatred are often sown in the midst of the experience of oppression.

Niebuhr concurs with this judgment, asserting the mutuality of sin and noting its corruption of the oppressed, as well as the oppressor. He writes:

... how quickly the poor, the weak, the despised of yesterday, may, on gaining a social victory over their detractors, exhibit the same arrogance and the same will-to-power which they abhored in their opponents and which they were inclined to regard as a congenital sin of their enemies. Every victim of injustice makes the mistake of supposing that the sin from which he suffers is a peculiar vice of his oppressor. This is the self-righteousness of the weak as distinct from the self-righteousness of the powerful; and it cannot be denied ... that it is a vehicle of vindictive passions. Such a form of moral pride among the weak will accentuate their arrogance when the fortunes of history transmute their weakness into strength.7

Yet, Niebuhr also makes an important distinction between the equality of sin and the inequality of guilt. For him, guilt represents the objective and historical consequences of sin, which cannot be erased and for which the sinner is responsible. Therefore, though "... all have sinned, and fall short of the glory of God (Rom. 3:23)," Niebuhr still insists on the distinction between oppressor and victim. The full assessment of this distinction may be quite different than that determined in the initial cursory analysis. The "victim party" may also be somewhat responsible for the wrong; and the "oppressor party" may also be victimized. Therefore, one must always re-examine superficial moral judgments. However, well before the advent of liber-
ation theology, Niebuhr was claiming that the Bible emphasized the guilt of the rich, powerful, noble, wise, and those with the most "socially approved" standard of righteousness. He pointed to many Biblical texts, now routinely utilized by liberation theologians, to demonstrate such partiality -- including the prophets (eg. Amos 4:1; 6:4; 8:4 and Isa. 3:14-15; 49:19-25), and the evangelists (eg. the Magnificat and the Lukan beatitudes).

Niebuhr's distinction between universal sin and unequal guilt is important for appropriation of blame, generally, between classes. The Biblical material to which Niebuhr and liberation theologians refer, rightly compels the powerful to examine themselves most rigorously. However, in any specific instance, this cannot be allowed to predetermine the assessment of guilt or prejudge the manner in which a dispute ought to be settled. Though, in many parts of the Biblical corpus, corporate guilt is frequently imputed to the powerful over their treatment of the poor, a different picture emerges when examining the laws governing settlement of disputes, especially evident in the Pentateuch. To the judges of Israel, in both the popular courts, run by the local elders, and among the professional judges in the service of the monarchy, the very explicit charge is to show no partiality toward either the rich or the poor. To judge without favoritism based on class, or any other form of group identity, was the standard of fair and righteous judgment, despite obvious concern for the poor and
oppressed. Therefore, one must be very careful not to use Biblical texts, which attest to the corporate guilt of the oppressor, in order to apply categorical accusations of blame to the settlement process of a given dispute. The entire Biblical record reveals a much more intricate picture. Even Niebuhr warns about interpreting the anti-aristocratic tradition in too simple politico-moral terms, whereby Jesus, for example, becomes the leader of a revolt against the guilty class. In fact, when we look at Jesus, we see that his main opponents are not political or class-based, but religious -- not the most powerful, but the most "(self-)righteous." Therefore, I conclude that blame, though mutual, can rest on one party more than another due to the varying degrees of evil and relative positions of moral responsibility. Certain stratas of society do bear disproportionate responsibility for injustice. Yet, in a given conflict, the more guilty party is not always the more powerful or the one representing the "oppressor" class.

However, even the establishment of greater guilt, within the context of a given conflict, does not necessarily require the adoption of an adversarial approach which passes judgment on guilty party as well as guilty deed. The unusual case of Abraham interceding before God, on behalf of the people of Sodom and Gomorrah (Gen. 18:20-33), is a good example of a third party effort on behalf of the
weaker party, the vast majority of which is obviously guilty, by arguing that justice requires the containment of judgment, unless corporate guilt can be universally established. Furthermore, as I already concluded at the end of chapter 5, a theology of conciliation requires relating differently to the evildoer than to the evil itself. One can hate the latter, but not the former. Therefore, despite the fact that one must acknowledge blame, this does not require closing one’s mind to the legitimate interests of a given party, to whom the greater portion of blame may justifiably be assigned. In addition to previously cited Quaker references (see chapter 5, footnote #45), international conciliator, Sydney Bailey, illustrates Quaker concern for mutual acceptance irregardless of the allocation of blame. His call for a pastoral attitude toward all parties involved in conflict, showing responsiveness to all needs and entering fully into the diverse situations, could well have been a description of the Quaker case in chapter 4, and is undoubtedly the result of his own experience. He rightly observes that:

In all conflicts, both of the parties are to some extent the victims of history. Greater understanding of the other party cannot harm the real interests of anyone. [Consequently,] it is never too soon and never too late for reconciliation to begin.\(^{12}\)

Theologian Jurgen Moltmann goes even further by calling for a "provisional peace" in which fighting enemies can become "quarreling partners" and deadly conflict can become non-lethal controversy. In his opinion, unavoidable dif-
ferences can be localized and relativized in a manner which enables people to attend to common concerns. He argues that this kind of provisional peace need not lead to pacification, but may become part of the process whereby the ultimate goal of transcendent peace is realized. Such a perspective corresponds with Merton's definition of the purpose of true resistance -- as the attempt to turn an adversary into a collaborator (see chapter 5, footnote #40) -- and resembles Koenig's treatment of partnership hospitality, which can unmask an adversarial relationship without prolonging it (see chapter 5, pages 305-307 and footnote #31). In light of this, we can conclude that a sound theology of conciliation will concur with Fisher's assertion that one must accept the other as someone with whom one can work, while not necessarily accepting the other's values, perception, or behavior. The theological viability of principled negotiation's approach, at this point, is further demonstrated by Fisher's own positive reference to what he refers to as the Biblical attitude toward the enemy, where the command is to love, rather than approve the conduct of, the other. It is the rejection of any party (or its interests) as worthless, a position discounted by both principled negotiation and the Quakers, which I maintain to be unacceptable in a theology of conciliation. Partnership in problem solving can be affirmed, despite the needed insistence on unequal human culpability.
Quaker belief offers one theological rationale for the affirmation of human worth, which is essential for a partnership approach to problem solving. Their belief in the divine inner light is based very much on the Biblical perspective that all humanity is created in the image of God. Roland Warren applies this essential affirmation to the work of the conciliator when he writes:

In the real life situations that we face, the belief in this divine spirit in the antagonist implies the recognition that even while our opponent contemplates doing what we consider evil, there is a spirit in that opponent which delights in doing right, in being just, fair, and compassionate. Our question is how to speak to that part of the opponent, rather than stifling it through our own self-righteousness and coercive action....

Some Quakers view this divine spark within everyone as the hope and power which can bring freedom from the state of sin and return every person to the state of Adam before the fall. Others tend to interpret "that of God in everyone" as an indication of actual divine nature and a denial of original sin. When this happens, the tension between affirmations of both human worth and culpability is blurred, if not eliminated. In my opinion, this hinders one's preparedness to come to terms with guilt, limiting the effectiveness of one's ability to resolve conflict. In fact, I would assert that it is at precisely this point that Christian theology is able to make a unique contribution to the process of true conciliation.

Concern for acceptance of all people can also be stated in a more traditional Christian framework. Even without
an assumption of divine nature within every person, much of Christian theology affirms the divine source of human dignity, based in the concept of imago dei, and in the regenerative activity of the Holy Spirit which continually seeks entrance to all human life and structures. Therefore, as already stated, a theology of conciliation can assert that no party can be reduced to a position which can be summarily rejected. Every person and institution is redeemable and, therefore, of value to God. It is precisely the reconciling act of Christ’s atonement which allows the church to approach every guilty party with a basic acceptance, and enables both oppressed and oppressor to meet, and confront one another, as neighbors. A theology of conciliation must always hold out the possibility that a confrontation of abstract positions, derived from assumptions of one-sided guilt, can be transformed into a living encounter between redeemed partners seeking an end to their alienation.

At the same time that a theology of conciliation should affirm Fisher’s stance of mutual acceptance and partnership, it also would be wise to adopt his methodology of addressing separately the relational and substantive dimensions of conflict, to the degree possible. Focus on the relational, for its own sake, ensures that interpersonal care will be given equal importance with social responsibility, that people will be given an importance equal to that of belief systems, to put it in terms of Quaker
values, as expressed by Sydney Bailey. Furthermore, Christian ethics certainly recognizes the importance of strengthening the quality of relationships and recognizing social contingencies underlying any conflict. Claims that mediator tasks, such as facilitating communication and clarifying misperception, can often enhance resolution of substantive issues, can find support within Christian faith and practice, as aptly attested to in the Quaker case study. Moreover, the field of international conflict resolution might well learn, at this point, from the approaches to interpersonal and inter-group reconciliation, which are used by pastoral counselors and congregational mediation experts. These church professionals know that powerful emotions, addressed directly, will be less likely to impede the process of discovering mutually beneficial solutions. For example, former director of the Mennonite Conciliation Service, Ron Kraybill, emphasizes the need for reconciliation to move from head to heart, from values and conscience to emotions. According to him, increased self-awareness -- of one's emotions, vulnerability, and power -- is an essential precondition to the call for an "internal commitment to reconciliation," and the ability to risk once again. Another former director of this organization, John Paul Lederach, applies such a perspective directly to the role of religious groups as third parties in situations of social conflict. He claims, on the basis of his concilia-
tion efforts in Latin America, that direct discussion of substantive issues will best occur after a broad discussion involving many seemingly irrelevant aspects of disputants' lives.

I will return now to my claim that, precisely because of Christian theology's insistence on confronting the reality of human guilt, it has a unique contribution to make to the task of handling the relational dimension of inter-group and international conflicts. Earlier, I determined that guilt, within any particular dispute process, could not be prejudged on the basis of class. Yet, this should not be taken to mean that guilt is unimportant. It is always present. Therefore, confession and repentance are necessary components of theological reconciliation. Dietrich Bonhoeffer even insists that the primary role of the church must be to confess guilt rather than apportion blame. Since all are guilty, the church should take the lead in admitting its part. However, he does not exempt others from confession. Instead, he recommends that the church, by its example, should invite others into the fellowship of confessors. Bonhoeffer never addresses whether or not such a role should be adopted by a third party in dispute settlement. However, while I am not arguing for the necessity of this exact method, I do argue that adoption of a spirit of self-examination, by all parties -- including that of mediator -- is of great benefit to the success of any conciliation process. Transfor-
ation of a bitter relationship requires a conversion of the spirit, which enables one to admit mistakes and accept responsibility. Unless one acknowledges guilt and turns from one’s previous attitudes and behavior, its poison will infect all future relationships. Silence at such a point only further conceals the truth. One must come to terms with the past before one can focus on the future. However, one must take great care in introducing repentance and forgiveness to the process of international conflict resolution. It, too, cannot be allowed to preempt the necessary emotional catharsis.

A number of Old Testament scholars remind us that the spirit of vengeance is not easily dismissed. In fact, they point to the lament form, in various parts of the Old Testament, as a valid expression of the human desire for retaliation. From the beginning, the Old Testament lament was used as a way of lodging a complaint, or protest. As the lament form developed, it included not only the cathartic expressions of complaint and petition, but the full expectation that God would act to put things right. The greater portion of both individual and communal laments portrayed a God for whom vengeance was, in fact, a component of justice. It is very significant that the laments of the Old Testament were fully consistent in stating that vengeance was always the prerogative of God; it was never the conscious task of human instruments. It was an expression
of outrage, rather than of penalties to be exacted. Its purpose was to enhance expression of hurt, loss, and grief, while at the same time limiting vindictive behavior by providing a formalized ritual within a community framework. The lamentor usually arrived at the point where he could let go of retributive behavior, but only after he had entrusted the rage to God in the form of complaint and petition, and had received assurance of being heard.

In the final period of development of the Old Testament Lament, the complaint component was frequently replaced by a confession of sin. In deutero-Isaiah, the lament achieved a combination of complaint and confession which was intricately integrated with the message of salvation. The suffering of the Servant of God was understood as substitutionary mediation for all, including the transgressor/enemy. This complaint/confession combination meant that, while emotions could be expressed and vengeance demanded, both guilt and grace were no longer one-sided. It is no accident that the gospel accounts of the death of Christ rely heavily on the laments of deutero-Isaiah, among others. Walter Brueggemann concludes that, in Christ, God has not only accepted the expression of vengeance, but through substitutionary mediation has internalized vengeance in order to overcome its destructive power. In the crucifixion, according to Brueggemann, God bore the pain of vengeance in order to destroy its lethal capability and translate its demand for justice into an expression of
mercy and compassion. Consequently, a vengeance free ethic is called for, but the way to it leads through the cross, through the acceptance of rage which, while redeemed, is still expressed. Therefore, I conclude that, in a theology of conciliation, the litany of grievance, the experience of God’s acceptance of hurt feelings and God’s promised deliverance, is a necessary correlative to confession of sin and guilt, however equal or unequal the latter may be. Both are required for the sake of catharsis (relational issues) and justice (substantive issues). The need for acceptance can not be allowed to obliterate grievance, nor can the need for justice be allowed to obliterate confession of sin. Effective handling of substantive issues, even the call for repentance itself, depends on maintaining the balance between expressions of complaint and confession. In this way, a theology of conciliation, not only acknowledges the importance of the relational, but makes a unique contribution with respect to the handling of guilt, a factor with great impact on both relational and substantive issues.

The Focus of the Interaction:

Interests vs. Positions

Secular Critique

Some critics begin by asking a fundamental question about the exact difference between interests and positions.
When one reaches the point of irreducible, conflicting interests, are these not simply inflexible positions called by a different name? Most critics will admit that there is still a difference between interests and positions, agreeing with Fisher's contention that any given interest may be met by means of a number of positions. Most will also agree that pursuit of mutual or compatible interests is possible and desirable in many situations where it is commonly ignored due to intransigent positioning.

Sociologist Martin Patchen points to two common games which occur within international conflict and which illustrate a pattern of neglect with regard to interlocking interests. In "prisoner's dilemma," both sides choose deadlock over loss (eg. the Berlin crisis of 1958-1962) and in "chicken," one side chooses loss over deadlock (eg. the Munich crisis of 1938). Both are typical examples of the drawbacks of positional bargaining, the first an example of hard bargaining, the second of soft bargaining.

The central concern of critics is that Fisher insists that interests always be the focus of interaction. Many would contend that, although the pursuit of interlocking interests is commendable, when one inevitably confronts true conflicting interests, they will be as difficult to negotiate as deadlocked positional stances. Focusing exclusively on interests may not be wise, and may in fact be detrimental, in a variety of circumstances. Various critics list a number of examples of such situations:
1) when parties have deep, ideological differences; 2) when leverage is sure to yield a better result; 3) when one party's interests are more vital than those of another; 4) when faced with an extreme demand; 5) when one or more parties is composed of factions with different, and even conflicting, basic interests; 6) when the underlying interest is in preserving, or introducing, a particular principle; 7) when dealing with different cultural norms; or 8) when all attempts to focus on interests fail to produce the desired result.

However, not all the circumstances listed are universally accepted as problematic for negotiation/mediation of interests. For example, it is reported that principled negotiation, with its focus on interests, has enjoyed a favorable response in various third world cultures. Therefore, the question must be raised as to whether or not this factor, or some other more subjective factor such as negotiating skill, is responsible for the supposed difficulty of application to different cultures. Similarly, there are those who question whether or not negotiating over interests is more difficult when they are defined as principles which set precedent for future settlements. Some theorists claim the reverse, namely that interests are harder to handle when they involve disputes arising out of the past relationship. Again, this raises the question whether the decisive factor is the objective nature of the negotiating
context, or the more subjective nature of negotiating attitude and skill. Finally, problem solving theorists dispute the claim that it is more difficult to negotiate over interests when the conflict involves deep, ideological differences. Again, this assumes that conflict is primarily objective rather than subjective in nature, the question at the heart of the issue. But, if interests, or values, are primarily subjective, then they can be newly discovered or reperceived, even in the most dire circumstances. In fact this process, according to Burton, is by far the best approach to resolution of deep ideological conflicts.

An examination of the case material from earlier chapters supports the conclusion of the above paragraph. Both the Harvard and Quaker efforts succeed in facilitating an examination of basic interests on the part of the principle parties. This was accomplished despite the fact that in both cases there existed deep ideological differences between the parties and significant factions within them. Furthermore, in the Harvard case, NNP overcame a barrier of cultural differences when it allowed the Soviets from ISKAN to place the negotiation of general principles at the beginning of the agenda for their discussions. Instead of having an adverse effect, this resulted in a crucial breakthrough (see chapter 3, page 187). Also, the Quaker case demonstrates the value of focusing on interests even when faced with extreme demands and leverage tactics on the part of participants. Their conviction that leverage
should not even be a fall back position eventually bore fruit, though the process took eleven years. The willingness of the Quakers to use a limited amount of pressure at the end (lobbying for the eastern treaties) is perhaps a small example of deeming the interests of all the countries concerned (including most of the FRG government) to be more vital than those of the CDU. However, it must be noted that this is a question of equal value for the interests of a subgroup rather than one party. In addition, this example presumes that the CDU best knew its own interests at that time. These two cases do not demonstrate that all interests in all situations are always reconcilable. However, they do suggest that a focus on interests can be advantageously maintained within the very contexts in which critics have questioned the value of principled negotiation.

The nature of "true interests" is central to further exploration of their reconcilability. Various theorists define interests in terms of everything from material possessions to ontological needs, like identity. Fisher, as noted in chapter 2, includes this whole spectrum in his definition. Others, like Burton, choose to define interests more narrowly on the objective end of the spectrum. Burton then rejects that these narrow conflicts of interest are the primary concern in conflict resolution. He claims that identity, not interests, is foundational. Some analysts attempt to objectify identity issues by
putting them on the bargaining agenda, referring to the process whereby parties place constraints on each other’s situational identities. At issue is whether or not each party will define itself or be forced to accept definition by the other in order to achieve some desirable outcome.

Burton claims that true identity, which he defines in terms of ontological needs for individual meaning and group development, is so basic that, unlike interests, it can never be negotiated. For him, then, it is impossible to successfully socialize individuals into behaviors which are inconsistent with the pursuit of identity or other aspects of personal and group development. However, he does recognize that attempts are often made to block group identity formation, with the result that conflict becomes deeper and more entrenched. Yet, true identity need not be obtained over against that of any other party. It is not a scarce resource. It is possible for everyone to have it simultaneously. In fact, the more one experiences authentic identity, the more one seeks to make it available for others. Thus, mutual identity formation is a primary condition for true integration and can become the basis for common ground. In other words, conflict resolution is much more likely once each party has developed a healthy self-perception. Therefore, since identity must be strong for effective conflict resolution to take place, he recommends that surfacing of identity issues become the first step in his problem solving.
can, but must, be done in a mutually supportive manner.

Others share Burton’s conviction that issues of identity, such as group solidarity and cultural expression, underlie more apparent economic and political interests. The adherents of this school claim that the most chronic disputes are those which involve claims for recognition and accommodation of collective identities, especially those involving ethnicity and nationality. Lebanon, Northern Ireland, Cyprus, Israel, the Kurds, Kashmir, Sri Lanka, and the Soviet Union are among the numerous illustrations. Furthermore, the fact that East-West tensions markedly declined at the same moment the German people made a dramatic move toward reunification adds emphasis to the point that identity is more important than economics, no matter how significant the latter may be. One may also note situations where the rebellious ethnic group enjoys greater economic prosperity than the larger society within which it finds itself (eg. the Basques in Spain, Slovenes in Yugoslavia, and Baltic peoples in the Soviet Union). These examples all lend support to the importance of third party efforts to foster a positive identity within all parties.

The Quaker case supports this emphasis on identity as central to a party’s interests and identity formation as an important concern for the third party intervener. Identity
was the primary interest of the GDR, as expressed in its pursuit of diplomatic recognition. As indicated in chapter 4, the Quakers were the first body to respond to this need by inviting official diplomatic representatives from both Germanies to the same conference. Concern for true identity formation also prompted QIAR efforts to address the nature of the relationship between the GDR government and people. They rightly perceived the need for an internal examination of GDR identity at the same time that the state was seeking outside recognition. All other interests of the GDR were dependent on the formation of a healthy identity.

Fisher’s Response

Fisher remains true to his subjective understanding of conflict. Therefore, he still emphasizes the role of perception alteration in discovering previously unknown shared and compatible interests. However, he admits that he has overstated the case. He points to the stock exchange as an example of a transaction which can be concluded without discussing interests and in a mutually beneficial manner. He now acknowledges that there are certain categories of negotiations where positional bargaining is the best way to proceed. Among these are single-issue negotiation among strangers, where the cost of exploring interests would be high and where each side would have access to competitive opportunities. At the same time, such examples are limit-
ed. Fisher is quick to assert that most cases of negotiation address more than one issue and involve an ongoing relationship. In this majority of cases, Fisher continues to favor interests over positions as the best way to reach optimum agreement and maintain a good working relationship. Secondly, Fisher never addresses the question of interests verses identity. Since he includes identity within his definition of interests, he would certainly accept the importance of identity formation. However, he would not go as far as Burton in claiming that conflicts of interest never have any objective reality.

Theological Assessment

Theological examination of the role of interests must begin with the following questions, derived in part from the secular critique. Can self-interest form a valid ethical basis for third-party intervention? What defines self-interest? Are there different kinds? Who has the right to define it for a given party? What is the comparative value of searching for shared and compatible interests versus balancing conflicting ones?

Debate Over the Validity of a Focus on Interests

The Christian tradition has always laid considerable emphasis on care for the interests of others. In the previous chapter, Ogletree’s theology of hospitality defines the "starting point of responsible action" in terms of response to the needs and interests of the stranger.
Being good Samaritans and "going the second mile" have always been cornerstones of Christian ethics. Frequently, this has been interpreted as requiring more attention to the interests of others than to those of oneself. Nouwen reflects this tendency when he stresses self-emptying in interpersonal relationships. For him, the call to compassion must shift our attention from self to others, making them the center and their interests one's own. He writes:

As long as our primary concern in life is to be interesting and thus worthy of special attention, compassion cannot manifest itself. Movement toward compassion starts by gaining distance from the world which wants to make us an object of interest.35

However, there are other theological perspectives which affirm the importance of self-interest. From the extensive literature on this matter, I will focus this brief examination on the views of Reinhold Niebuhr, one of this century's principle contributors to the discussion as it pertains to national interests. Niebuhr argues that moral obligation may make it mandatory to restrain the selfish inclinations of others, and to advocate the interests of one's own group, since the latter represent more than just one's personal self-interest. As soon as more than one's own interests are involved, it is impossible to speak of self-sacrifice. Instead, a purported self-sacrificial act may actually betray the interests of others in one's own party. Therefore, social justice is often dependent on assertion of one's
own interests and restraint on the inordinant claims of others.

Moreover, Christian realism shares with principled negotiation the conviction that interest is an especially inescapable factor when dealing with international conflict. Niebuhr writes that the calculation of self-interest may be kept to a minimum when two individuals are involved in a relationship. But with larger groupings, a rational estimate of the conflicting needs and interests is required. This is due to the fact that groups have less reason to curb impulses, less capacity for self-transcendence, and more unrestricted egoism. Yet, Niebuhr sees any self-centeredness, however, inevitable, as an expression of human sin. Therefore, he is not nearly so optimistic as Fisher about the outcome of negotiation processes. He believes there will always be a number of disputes involving such basic interests that it will be impossible to settle them. He is convinced there is a limit to which one can discover potential shared and compatible interests. He refuses to accept that any given strategy can provide "solutions" which resolve conflicting interests and curtail social conflict. For Niebuhr the highest possible good is usually a balancing of interests which is more an approach of compromise than consensus. Yet, since compromise does not guarantee justice, Niebuhr calls the church to be ready to take a stand (or position) to uphold the interests of
the oppressed. He claims this is necessary because even the laws, meant to encode justice within a given society, are primarily rationalizations of the interests of the dominant class. I would contend that the Quaker case in chapter 4 illustrates that a problem solving strategy, akin to principled negotiation, can prepare the way for an effective and just negotiation process, even when the dispute is presented as involving conflicting interests. Furthermore, resolution need not be the result of compromise with regard to basic interests. As noted in chapter 4 (page 242), a convergence of interests took place when Brandt recognized the compatibility of FRG interest in reunification and GDR interest in recognition.

The perspective of the realists is not completely fatalistic, however. They point to Christian ideals of love, and concern for the interests of others, as a balance to the pragmatic pursuit of justice. John Bennett warns that national interest should never be perceived as ultimate. He specifically calls upon the church to help raise the sights of government beyond narrow national interest to a broad area of global interest. Niebuhr also admits the need for societal consciousness raising which enables a nation to look beyond a narrow national loyalty to perceive its broader, long range interests as common with many nations. He expresses a hope that "a leavening portion of a nation's citizens" might help it to discover a "value transcending national interest" as its real inter-
My argument with Niebuhr, thus far, is twofold. First, concern for the true interests of others cannot be seen primarily as an ideal. A third party, in particular, must actively challenge any attempt to deny the legitimacy of any party's interests. Second, consciousness raising regarding mutual interests should be central, not an addendum (as it appears in Niebuhr's thought). Common and compatible interests can be found more frequently than he admits, provided problem solving, as opposed to soft bargaining, techniques are used.

Both case studies illustrate the discovery of value transcending national interest, but take the process one step further. NNP and the QIARs demonstrated that it was possible, not only to foster a broadened self-interest, but also to curb each party's tendency to oppose the distinct interests of the other. Reuman illustrated the point with his interpretation of the Quaker mission as one of overcoming a "chosen people complex." The QIARs replaced a "wall mentality," which affirmed a narrow understanding of one's own interest at the expense of others, with encouragement of value transcending self-interest and affirmation of the unique interests of other parties. Reuman saw his task as helping the parties to discover common interests, across the divide, which would satisfy the true needs of all parties. Yet he also disputed what he called "the error of the realists" by urging parties to overcome their opposi-
Different Kinds of Self-interest

As indicated by Niebuhr, as well as the secular critique above, one of the fundamental tasks is to identify true self-interest. Only then can the validity of a focus on interests be fairly evaluated. There are many theologians who have drawn a distinction between positive and negative self-interest, between the enlightened and unmitigated varieties. Such a differentiation dates back at least to Augustine who contrasts a true amor sui, in which one seeks one's summum bonum in God, with a false amor sui, in which one seeks it in oneself. It is the latter which we normally call self-centeredness, a false self-love which is concerned only with one's own advantage. However, as indicated by Eric Fromm, self-centeredness actually fails to express love for self, as well as others. At the root of false amor sui is a lack of self-affirmation which stems from an inability to accept unconditional love and unmerited worth. This leads to the exclusive pursuit of one's own interests in order to ensure security. On the other hand, true self-love helps one to gain proper perspective regarding one's place and, therefore, the freedom and inclination to turn one's attention to the interests of others. Once true love is experienced, one is enabled to affirm oneself as one person in community, rather than insist of being the center of the universe.
The ultimate goal of true self-interest, then, is to move people toward their own, as well as others', well-being. At this level, one's own true interests and those of another are never opposites, but complimentary. When viewed in these ultimate terms, self-interest is a critical part of wholeness or "shalom," rather than being a hindrance to its development. For Niebuhr, pursuit of an ideal of ultimate harmony is too utopian. He claims some appreciation for common aspirations which bind people together "above the conflict." However, he is convinced that these will be insufficient to persuade many groups to subject their interests to what he perceives to be an ideal. In response, I would argue that identifying "true interests" is not easy; but neither is it utopian. It will not resolve all conflict; but it will form a different base from which to perceive the conflict. Central to the prophetic call to Israel was a summons to come to an enlightened awareness of its own self-interest. This certainly did not resolve all conflict; but neither was this aspect of the call dismissed for being too utopian. It was understood that self-perception had bearing on the practical. Most important, I would contend that we are dealing, here, with basic issues of identity and that Burton is correct in affirming the centrality of identity formation in creating a milieu which contributes to the resolution of conflict. Issues of identity will need to become more specific than general concepts of well-being; but self-
affirmation is an important starting place.

Identity: The Base Line of Human Interests

Identity is the foundation level for building a positive self-interest. Who one is, and to whom one belongs, are more basic to well-being than what one does or possesses. The centrality of identity in relation to security was noted in the previous chapter. Israel’s integrity of relationships, more than its possessions, came to determine its real well-being during the experience of exile. Earlier in its history, the primary danger to Israel’s identity formation had been assimilation. The fear of assimilation, formed in the experience of slavery in Egypt, had been nurtured by constant threat from bellicose neighbors. During this period, the assertion of independent identity appeared to be an absolute necessity. Consequently, obedience to God’s call was perceived to include the violent conquest of Caanan and frequently brutal subsequent victories over Israel’s foes. However, following the attainment of independence and power, especially evident during the monarchy, the formation of healthy identity was thwarted by a different threat. Exclusivity had always been a predominant feature of Israel’s identity. But immediately prior to the exile, some of Israel’s prophet’s began to see this as a major problem. In fact, exclusivity replaced assimilation as the greater threat to healthy identity formation. Therefore, many of the prophets came to see the exile event
as an absolute necessity for the salvation of Israel.

The prophetic writing of the period provides instructive insight into changing perceptions on the part of Israel's mentors both before and during this traumatic event. Both Isaiah and deutero-Isaiah illustrate the attempt to come to terms with this change. Old Testament scholar, Norman Gottwald, in his delineation of prophetic models for Israel's relations with its neighbors, describes a broadening of Israel's sense of identity. From Israel as head of the Davidic empire, there emerged new models, two of which were -- Israel as one partner in an international federation of major powers (pre-exilic Isaiah) and Israel as the priestly enclave in a single world empire (deutero-Isaiah). In both cases, Israel's identity underwent change in the direction of less exclusivity, laying the foundation for some form of identity on an international level. For example, pre-exilic Isaiah envisioned a tripartite federation where former enemies become joint problem solvers and defeat is no longer perceived in win-lose terms. This partnership is sanctioned by Yahweh who proclaims, "Blessed be Egypt my people, and Assyria the work of my hands, and Israel my heritage (19:25)." In deutero-Isaiah, Israel no longer comes as a partner of equal power. Not only interdependence, but some form of dependence, has been forced upon the people. In this context, the prophet struggled to present a shattered nation with an image of how they fit
into a society over which they no longer had any control of the political process.

Despite the cataclysmic experience of the exile and the expansive influence of much of the prophetic vision on identity formation, post-exilic Judaism tended to retain a fair amount of exclusivity (as documented in chapter 5, footnote #19). The sense of uniqueness continued to fuel nationalist ambitions through to the time of Christ and beyond, as seen in both the Zealot movement and the Pharisees of New Testament times. The result was a fanatical pride of election and privilege which Jesus consistently challenged. His acceptance of other nationalities continually brought him into conflict with the Jewish authorities. Identification of the exclusivity problem did not guarantee that the reperception of identity would be permanently owned by the majority of the people or their leadership. Certainly one contributing factor was the continued subjugation of Israel by outside powers. This experience made the people much more sensitive to the threat of assimilation and domination, than to the dangers of exclusivity. Despite this, Jesus’ fears regarding the formation of unhealthy national identity were clearly influenced more by his concern over internal, rather than external, factors. The danger of Israel’s exclusivity had greater priority for Jesus than the threat of Roman assimilation. This was demonstrated by his identification of exclusivistic priests, rather than assimilating Romans, as the principal
adversaries (see chapter 5, page 323 and footnote #56).

The same problem which confronted post-exilic Judaism is evident today in liberation theology, which has grown out of a context dominated by fear of assimilation. The difficulty with conscientization, as the predominant form of identity formation, is that it also tends to encourage exclusivity as the price for combating dominance and assimilation, rather than enhancing the status of all through a process which aims at both eliminating and unmasking the adversarial character of relationships. When the experience of the oppressed (or any other group) achieves the status of primary reference point for "truth," there is a danger of a new "chosen people complex." Believing oneself to be "chosen," in the sense of "better than" is distinct from the legitimate attempt to present one’s own experience as equally valid and informative. This is especially important for dominated groups to do. However, it is erroneous to believe that healthy identity is formed at the expense of another. The mistaken belief that identity is best preserved by coercion of one’s adversary is common to both powerful and powerless. This creates conflict until the parties see that mutual self-fulfillment is a more basic need than expansion, and even a better avenue toward self-preservation. In fact, mutual self-preservation can usually be achieved if all parties can learn to limit their need for over-insurance. Reversing the patterns of exclusivity,
created by the dominant culture, is no answer to the problem. Conscientization, as understood in liberation theology, is frequently based upon the assumption that increased awareness of domination is the sole purpose of reeducation. However, as demonstrated in 1 Corinthians 14 (see chapter 5, footnote #31), there must also be increased awareness of exclusivity and judgmentalism, even when expressed by the weaker party. Perception distortion is not only the domain of the dominant group.

Such a conclusion is supported by an examination of the Quaker case, where the GDR suffered as much from distorted self-perception as did the FRG. Quakers responded to this situation by helping both sides examine their self-perception in order to develop healthy identities. For the QIAR relationship with GDR authorities, this did mean endeavoring to protect the GDR from assimilation by continually defending their right to a separate existence. However, they also challenged the "chosen people complex," the exclusivistic propaganda, whereby GDR officials held their system to be, by definition, a full expression of the communist ideal, while depicting the FRG with exaggerated accounts of its deficiencies. In this process, the QIARs raised uncomfortable questions about internal support for the regime, while at the same time admitting areas in which GDR life was more positive than that of the FRG. Yet, they allowed GDR officials to draw their own conclusions, knowing that enlightened identity could never be imposed. They
functioned much in the capacity of a midwife -- questioning, pointing out problem areas, and drawing out implications of previous insights into national identity. Therefore, this is a good model for third party facilitation of identity formation, where the dangers of both assimilation and exclusivity are realistically addressed, and where self-perception is not imposed, but discovered by the party itself.

The Bargaining Process:

Integrative vs. Distributive

Secular Critique

One of the key weaknesses of principled negotiation, according to critics, is the exclusion of distributive bargaining. As already indicated in chapter 1 (page 48), distributive bargaining emphasizes the reality of conflicting objective interests and limited resources, the necessity of claiming value (or winning) and of fixed-sum outcomes, and a tendency to rely on adversarial, competitive strategies. Because principled negotiation denies the validity of this bargaining process, critics charge it with ignoring many factors, such as aspirations, initial offers, and concessions, which have significant impact on outcomes. Yet, most of them acknowledge the validity of the integrative process and the tremendous contribution Fisher has made to it. This process, the
antithesis of distributive bargaining, emphasizes the potential for common and compatible interests, the reality of interdependence, the necessity of creating value (or obtaining mutual gain) and variable-sum outcomes, and a tendency to rely on cooperative strategies (see the same section of chapter 1). Many prominent theorists, Schelling, Pruitt, Walton, and McKersie, advocate the need for balance between integrative and distributive bargaining, between cooperative and competitive strategies. Furthermore there is general recognition that development of the integrative has lagged behind distributive models. Bazerman even defends the need for a polemic which effectively challenges previous prevailing conceptions of negotiation. However, while praising the value of Fisher's imbalanced treatment, even Bazerman faults him on the claim that principled negotiation's integrative approach is all that is needed.

For most critics the heart of the problem is how to both create and claim value, how to enlarge the pie while still protecting one's share in it. Fisher's claim that most conflict situations can be turned into positive sum games, where creating and claiming are not in opposition, is seen as naive. It is argued that intractable interests do exist as a result of antagonistic conceptions of legitimacy. Therefore, it is utopian to suggest that one can transcend such opposed interests simply by introducing norm-centered outcomes based on rules, procedures,
and reasoned elaboration. Yet, beyond concern over naive utopianism, there is apprehension that principle negotiation’s integrative procedure can actually inhibit the essential task of distributive bargaining. This argument contends that, frequently, the available options have been long known and debated, especially by the time any third party mediator becomes involved. In this context it is far more important to assess consequences of the likely options than attempt a time consuming process of invention. However, if there ever was a situation in which this argument might have been applied to international conflict, it was in the context of the long, drawnout cold war, with its focal point of friction in the two Germanies. Certainly both sides in that conflict purported to have known all options, and assessed all consequences, ad finitum. Yet, the Quakers were able to provide a catalytic function, helping both sides "think through alternatives." They used proposal presentation in QIAR reports, as well as individual conversations, to repeatedly facilitate the invention process (see chapter 4, page 246). Thus, it seems clear that inventing options which create value has an important place in this kind of setting, if not others as well.

The essential task, as seen by most critics, becomes assessment of conditions in which both creating and claiming value can, and cannot, be done without loss to
someone. Critics point to the absence of any systematic analysis of these conditions in Fisher, due to his purported sole reliance on integrative processes. One set of reviewers suggests that these conditions depend less on the way in which the institution of negotiation is constructed (e.g. principled negotiation) and more on the personality and skills of the negotiator or the context (e.g. aspirations) of the negotiation. A second set claims that it depends on the type of negotiation. They assert that deal-making, where the focus is on creating a future relationship, primarily involves creating value. In contrast, dispute settlement, where the focus is on sorting out present agreements, primarily involves claiming value. Although the Harvard case appears to support this hypothesis (see chapter 3, pages 149 and 189), the Quaker case clearly is an example of the creation of value in the context of sorting out a whole host of long-standing disagreements. A third set proposes that it is a question of timing. Negotiations should begin with the easier task of integrative bargaining, in order to enlarge the pie, and close with the more demanding task of distributive bargaining, in order to divide it.

On the surface the suggestion of sequential phases sounds very much like Fisher's own proposal to separate the inventing from the deciding. However, unlike principled negotiation, most of the critics do not perceive the distributive as part of the integrative process. Furthermore,
many critics regard the former as the predominant phase. They claim that the process is primarily one of tradeoffs, where expanded possibilities of mutual benefit, even when they are present, are used to buy agreement to a preferred outcome. Others, more sympathetic to principled negotiation, stress the integrative aspect, while not denying the distributive, warning against moving too quickly to the latter. They claim that even cases which require polarized results can benefit from a problem solving approach since one cannot know the real limits of resources until one has examined the potential for resource creation and enhancement.

Equal emphasis on both stages is given by David Lax and James Sebenius. They conclude that the success of any separation between creating and claiming value rests on the assumption that negotiators will be unable to use the integrative phase manipulatively to affect the shape of the ultimate outcome. However, they contend that sophisticated negotiators soon learn to make strategic changes in preference in order to influence the inventing process. This can be done by eliciting information about the other side’s minimum requirements (though couched in terms of "real needs"), misrepresenting preferences and beliefs, or focusing on proposals which give most of the joint gain to one’s own side. Lax and Sebenius suggest two ways to prevent such a temptation -- 1) limiting time for the inte-
grative phase (the sequential phases alternative already discussed), so that negotiators do not have a chance to figure out a strategy for such advantage; or 2) delegating a different set of negotiators for the two distinct tasks of creating and claiming value. The Harvard and Quaker cases illustrate each of these methods, respectively. NNP limited the time for creating options, while the QIARs functioned primarily as nonofficial inventors, leaving all claiming to the formal negotiation process which led to the eastern treaties.

Social psychologist, Dean Pruitt, supports this second, "dual track," suggestion. In fact, he advises assigning lower echelon negotiators (for which one could substitute voluntary nonofficial conciliators) to the integrative process, so that one can lessen any position or image loss, while still stimulating the flow of information about values, priorities, and limits. Pruitt points to the effective use of these procedures in such deep-rooted conflicts as labor disputes and East-West arms control negotiations. The question still remains, though, whether Fisher's particular style of integrative process can accommodate this dual track approach. Although Fisher would not be comfortable with any set of negotiators who refused to accept the benefits of integrative process, it is conceivable that he could accept dual track negotiation as one way of altering the roles of players in order to invent a new game (see chapter 2, page 113).
Finally, it is important to note that the Harvard case study raised significant questions as to whether proponents of principled negotiation functioned in accord with the theory (i.e., favoring integrative over distributive processes). NNP focused much more on "option presentation" than on "option creation," a problem inherent in such favored strategies as the single-negotiating text procedure (see chapter 3, page 177). In fact, I must conclude that Fisher's emphasis on concrete proposals for action, tends, generally, to blur the distinction between inventing and deciding. One of principled negotiation's primary aims, the development of "Yesable Propositions," implies putting forward a possible solution. Therefore, principled negotiation encourages outcome advocacy, despite emphasis on inventing. At the same time, this may not prove detrimental to the implementation of principled negotiation. As with my assessment of the Harvard case in chapter 3, other reviewers of Fisher affirm the success of the single-negotiating text procedure (in this case, as it was used in the Camp David Accords). According to Lax and Sebenius, the single-negotiating text creatively combines the processes of creating and claiming value, but does so without completely separating them into two stages. Because negotiators do not have to make final commitments until the end, the process avoids most of the destructive claiming, while offering opportunity to register feedback, a kind of
second-order claiming. Since each draft is constructed to offer joint gains with respect to the preceding one, there is also continuous creation of value. The key to this imaginative combination of creating and claiming is that all proposals, drafts, and final text are drawn up by a third party. This cedes ultimate responsibility for both claiming and creating to the mediator. Even in cases of nonofficial mediation, where lines of responsibility are less clear, the value of this procedure is evident, as demonstrated by the Harvard case in this study.

Fisher’s Response

Fisher claims that principled negotiation does deal with distributive bargaining. According to him, it is a mistake to assume that competitive, positional bargaining is the only process which can resolve these distributive problems. As long as the pie can be enlarged, parties can mutually claim value without resort to competitive strategies. To limit oneself either to hard and soft bargaining is to allow present modes of behavior to stifle other creative possibilities. The descriptive (what now exists) can never be allowed to dominate the prescriptive (what ought to happen). Re-education, regarding the potential for noncompetitive approaches to distributive problems, is both possible and necessary if conflicts are to be resolved efficiently and in the best long-term interests of everyone.
In fact, Fisher claims that principled negotiation does a better job of creatively handling distributional issues than does competitive, positional bargaining. His rationale is that of the typical proponent of the subjective nature of conflict. According to him, there are more possibilities for changing the manner of distribution through reperception and alteration of negotiating process than by focusing primarily on the substantive issues themselves. Fisher believes that, when one focuses on substantive issues, it is very likely that parties to a conflict will overlook the shared interests they have in the process. One sure common interest is that all parties will want to find a solution which is wise and efficient. Most will also share an interest in the solution being decent and fair. He argues that the heart of negotiation is not who gets what, but how everyone resolves that issue. In exact contradiction to his critics, Fisher argues that zero-sum games do not exist in the real world, since one can never be certain that one’s loss is another’s gain. Cooperative strategies which maximize mutual gain and minimize mutual loss remain, in his opinion, the best ways to handle the distributive process.

Nevertheless, Fisher does recognize that selection among hard options is occasionally necessary. He also admits that creative invention of solutions can be pursued too far. However, he contends that the far more common problem is the inhibition of creativity through early
Theological Assessment

Quakers certainly share Fisher's warning about the dangers of premature judgment. For them it is of utmost importance that any decision making process be open to new input. It is deemed to be a source of great danger for a Quaker meeting if the "concerns" of individuals are inhibited. Every individual should cherish a religiously inspired impulse, or "concern," to put God's love into some concrete form of action. Furthermore, the fellowship should foster the growth of "right concerns" by meditating on any that are presented and owning those which are collectively deemed to be led by the Spirit. However, instead of utilizing the process strategies of group problem solving and brainstorming, Quakers "gather consensus" by patiently meditating on any concerns, and on any comment from other persons. It is believed that this largely silent process will lead to "openings," new insights and perspectives that will allow a "way to open."

This consensual Quaker process of "gathering concern" represents a very different method for creating value in a system than do the option creation techniques of principled negotiation. Although, both claiming and creating are group enterprises which still encourage the input of individual insight, the Quaker process is less analytical and less structured. Instead of newsprint for brainstorming ses-
sions, there is the "Silence." This distinct Quaker ambience undoubtedly influenced the conciliation methodology of the QIARs in Germany. I would postulate that this was one reason why their results were less measurable. The primary task was more to foster attitude change, or facilitate "openings," than to invent options (though the latter was not absent). However, this open atmosphere ultimately, if not intentionally, led to more option creation than occurred in the Harvard case.

Creating Value as Demonstrated in Biblical Material

It is the creating of "openings," more than options, which one can also observe in the accounts of the conflict stories between Jesus and the Jewish leadership. Attempted attitude change was more a feature of these interchanges, than was the creation of options to help resolve a particular dispute. The typical format utilized in the gospel accounts (consisting of a narrative introduction, followed by a question or attack, and ending with a dominical saying) was sufficient to raise attitudinal issues, but seldom to work through all the dynamics of an actual conflict situation. However, many of the techniques recommended by Fisher to create options can still be found in these conflict stories, though the purpose is to create "openings," or changes in attitude. A few examples can illustrate the point. On the question of paying taxes to Caesar (Mark 12:13-17), Jesus uses one of his frequent
techniques -- changing the question (from "Should we pay?" to "Whose likeness is on the coin?"). The result is that "they were amazed at him." In the case of various healing incidents, Jesus changes the immediate issue from compliance with Pharisaic tradition to the health of an individual in their midst. Yet, the whole encounter is designed to help people see the original issue in a different light. In the case of the paralytic (Mark 2:1-12), the principle behind the case illustration is the right to declare divine forgiveness (undoubtedly a point of tension between the early church readers and their Pharisaic contemporaries). Again, the response was amazement and glorifying of God, saying, "we never saw anything like this." In the case of healing on the sabbath (Mark 3:1-6), the principle behind the case illustration is the right to do good on the sabbath. This time, however, the response is anger and a resolve to destroy Jesus. Therefore, it must be noted that the intent to create "openings" in attitude is not always presented as successful in these conflict stories.

Other conflict settings in the gospel narratives, apart from those between Jesus and the Jewish leadership, demonstrate the same attempt to create "openings" in attitude. In response to the conflict between the disciples over who was the greatest (Matt. 18:1-4), Jesus changes the parties in contention, and therefore the rules of the game, by introducing a child. In response to the
conflict between tax collectors and orthodox Jews, Jesus altered the standard moves by eating with these sinners. In at least two cases (Levi in Luke 5:29-32; and Zacchaeus in Luke 19:1-10), the result was conversion. Levi leaves everything and follows. With Zacchaeus, the attitude change was manifested by his giving away half of what he possessed, an amount far surpassing the one fifth advised by the Pharisees in such circumstances. In response to the conflict between Jew and Samaritan, Jesus changed the traditional roles. He would not put on the apocalyptic mantle of Elijah, with its association of political messiahship, when the Samaritans refuse to give him hospitality and the disciples ask if they should call down consuming fire from heaven. Furthermore, Jesus reverses the role images of all the characters in the parable of the Good Samaritan. The Samaritan becomes the good neighbor. The Jewish religious establishment become the bad neighbors. The robbers (or revolutionaries) become miscreants. Jesus also pointedly alters the question, which occasions the parable, from "Who is my Neighbor?" to "Who proved himself neighbor?".

Finally, one can find some examples, from various portions of the New Testament corpus, where a further step is suggested --beyond the creation of openings in attitude to the presentation of a single option for conflict resolution. Jesus' teaching on the handling of conflict in the Sermon on the Mount provides one example. Turning the other cheek and going the extra mile become two possible
expressions of a noncoercive ethic. If meant to be illustrative of an attempt to push the law to the point of absurdity in order to reveal its injustice (see chapter 5, pages 320-321), these options for action become good examples of a way to change the nature of the game by altering the standard moves.

The letter of Paul to Philemon illustrates this option presentation process as far as it is developed in the New Testament. I propose that the whole letter can be seen as serving the function of an initial draft of a single-negotiating text. First, Paul appeals (using the word "parakalo," which means entreaty) as an "ambassador," setting himself up as an authoritative, but not authoritarian, third party (verses 8-9). He then proposes the deal whereby Philemon would gain a brother in addition to Paul's promise of financial redress and Onesimus would gain confirmation of his freedom and usefulness in addition to a commission by Paul as emissary and "son" (verses 10-19). Thus Paul invents a new choice by making the existing one-sided decision more operational, by altering the consequences, and by changing the manner of asking. The last of these, Paul accomplishes by appealing for joint ownership of the idea and by de-escalating the threat level through his choice of language (ie. proposing instead of demanding) (See chapter 2, pages 116-120 for comparison with Fisher's techniques for inventing a new choice). The idea that
other New Testament writings, or parts thereof, could be used in a similar fashion is made believable if one remembers that many were written with a contemporary audience, and its own set of conflicts, in mind. One could easily imagine authors or editors putting, into the mouths of characters, somewhat veiled suggestions which they hoped their readers would see as usable options for the resolution of a particular contemporaneous conflict. Such a theory fits well with a recent interpretation of the book of Acts as an attempt at conciliation between Pauline Christianity and Judaism (and Jewish Christianity). 69

Conversion as the Key to Creation of Value

At the same time that the above illustrations demonstrate attempts to create various degrees of value, many of them also illustrate the claiming of value. I shall take two examples in order to show both constructive and destructive claiming. The claiming in the Philemon-Onesimus conflict appears to be constructive, with both parties claiming the gains as mentioned above (see also chapter 5, consensus 32). The claiming in the case of healing on the sabbath appears to be negative, with the Pharisees claiming the sole right to interpret appropriate sabbath behavior and Jesus claiming the right to heal. The obvious difference in these cases is that attitude change, or conversion, has occurred in the former, but not the latter. An examination of the other Biblical illustrations reveals a simi-
lar phenomenon. We find a process of conversion in the cases of Levi and Zacchaeus, the result of a compassionate attitude on the part of the good samaritan, and the question of conversion/attitude change still confronting the crowd in the Sermon on the Mount, the disciples (in their argument about greatness), and probably others. In other words, conversion is often the key to the creation of value in the system. Where it has happened, there is an open attitude and previously unthinkable options become acceptable solutions -- a runaway slave voluntarily returns to a master who blesses his freedom, one rich embezzler gives away half of his fortune and another leaves all behind to follow an itinerant preacher. Where conversion is absent, attitudes are hardened and positions solidified. The most important questions then become the nature of conversion and the conditions which best promote it.

Principled negotiation’s emphasis on persuasion is similar to conversion; but the latter is more fundamental a change, having to do with basic attitudes and values rather than proposed solutions to a given problem. A comparison of Harvard and Quaker cases illustrates this difference. NNP was more interested in gentle persuasion in order to get key people on both sides to accept its proposed solution to a very specific problem. The Quakers were interested in fundamental attitude change more than specific measures to be adopted. Although NNP did, at times, challenge attitudes which underlay resistance to the center
proposal, nothing they did appears on the same scale as the Quaker challenge to the GDR government to re-evaluate the way they treated their own population or confronting the FRG with the need to let go of their dogged pursuit of reunification on their own terms. This level of confrontation can properly be labeled a call for conversion. Seldom is such a conversion actually observed, Zacchaeus notwithstanding. However, Roland Warren shares one such "light bulb experience," where the leader of the Liberal Democrats in the GDR suddenly saw the importance of democratic change in his country (see chapter 4, page 247).

Conversion also includes what principled negotiation refers to as correction of perception. But it is more than that. As indicated in the hospitality section of the previous chapter (pages 301-302), this kind of self-assessment and re-education is frequently more than a comfortable, self-affirming process of perception alteration. Rather, conversion includes a probing process of self-examination which leads to behavioral transformation. As mentioned in the first section of this chapter (pages 364-365), radical transformation requires a conversion of spirit which enables one, not only to alter perception, but to acknowledge guilt. Unless this transformation occurs, the past will continue to poison the future. Yet, conversion also cannot be restricted to one particular kind of behavioral reorientation -- as in Sobrino's definition of
conversion as turning to God and turning to the poor. As in the case of Zacchaeus, conversion may involve tremendous commitment to the poor. That is not the issue. The point is that increased self-awareness on every level must be involved (see pages 385-386), including issues of dominance, exclusivity, and all other attitudes which inhibit growth toward wholeness. Conversion is conscientization, as understood in the fullest sense of the word.

If conversion is the key to the creation of value then it is important to ask what are the conditions which promote it. A probing process of self-examination which leads to behavioral transformation may result from various influences. The central question, though, is over the role of self-conscious confrontation by an external agent. The Quakers have always tried to balance the need for confrontation with the requirement of compassion. The common formula is to "speak the truth in love." Margarethe Lachmund, one of the principal German Quakers through whom the AFSC QIARs coordinated their activities with the Quaker Meeting in Berlin (in the case in chapter 4), elaborates on this tenet of Quaker belief:

The courage for clarity and the strength to stand up for truth are repeatedly demanded of us. However, the secret lies in the way in which truth is spoken. If it is spoken with contempt, bitterness, or hatred, it results in bitterness; if, however, truth is spoken in love, the door to the other's heart can slowly open so that the truth can perhaps have some effect.

As stated in chapter 5 (consensus #36), Quakers do differ
over whether or not nonviolent coercion is necessary and effective in situations where moral confrontation has failed to produce the desired change in attitude. Adam Curle, a representative of this interpretation of "speaking the truth in love," declares that "life has to be made difficult" for those in whom one wishes to bring about a change of heart, or conversion. Though he adds that the aim is not to destroy, seek revenge, or humiliate, the emphasis is still more confrontational than Lachmund’s. For Curle, the purpose of confrontation is to change perceptions and raise awareness until the dominant power understands and accepts responsibility (i.e. until conversion). If accepted, then dialogue can occur; if rejected then the result is fear and hostility. Apart from Curle’s depiction of re-education and responsibility in unilateral terms, his approach is very similar to the conclusions I reached regarding partnership hospitality in the previous chapter (pages 308-309).

Hence, I conclude that there are times when confrontation is essential to the conversion process which, in turn, is often critical to the development of an open atmosphere where option creation can flourish. When initial attempts at open dialogue and inventing processes are met with resistance or rejection, then one may need to "take a stand," or position. Nouwen gives credence to this point by claiming that one should challenge others to become
aware of, and explore critically, their positions by estab-
lishing "clear boundaries," which define one's own posi-
tions. According to him, this unambiguous, confrontational
presence, through which one shares one's viewpoints, atti-
tudes, and choices, rather than hiding behind neutrality,
provides a needed "point of orientation" for the other.

Taking a stand for the purpose of creating openings is
not a legitimation of competitive positional bargaining for
a number of reasons. First, this constructive kind of
stance is only necessary when dealing with one whom Fisher
would designate a "hard bargainer," one who has been
unreceptive to an initial approach involving cooperative
process. This reason is not sufficient, in itself, though.
Encounters with unscrupulous hard bargainers are common
enough, that critics cite this as one of the commanding
reasons for the use of confrontation in the sense of
positional bargaining. Second, the purpose of constructive,
as opposed to destructive, stance taking is basic attitude
change rather than adoption of fixed negotiating positions.
Nouwen's concern to delineate positions by establishing
clear boundaries can be best understood as what Fisher
would call "being firm on" (or claiming) basic interests.
Third, the constructive stance is not taken for the purpose
of either assisting the transfer or preserving the balance
of power. As discussed in chapter 5 (pages 313-320), the
purpose of this confrontation is neither to engage in class
struggle (as Segundo recommends), nor to balance competing
interests (as Niebuhr recommends) in order to forcefully redress power inequities which, given the intransigence of dominant power, will inevitably involve coercion and produce enmity.

If the purpose of this confrontation is to facilitate attitude change and the means is to be noncoercive, it must also be reemphasized that there is no way to ensure success. In light of this, one may question whether it is possible to refer to this stance taking as a "condition which promotes conversion." Still, I would argue that it is possible to promote conversion, even if it is not possible to approximate any guarantee. Furthermore, there is no action which can do any more than promote it. True conversion can only be the result of God's action, with human collaboration often, but not always, present.

Seen from this perspective, the church's primary contribution is to witness to, and participate in, the action of God. By word and deed, the church, as an intermediary in conflict or in any other role, must point to the reality of the present and coming reign of God. At this juncture, the whole discussion is colored by the theological dimension of eschatology. As Ogletree points out, the church is an eschatological community, called to live together in shalom as a witness to the world. It is possible that the dynamics of an eschatological existence will set in motion a transformation of social processes,
but this is not essential to "success." Whether successful or not in producing conversion/transformation, it is important to examine these "dynamics of an eschatological existence."

How does one participate in God's action, especially in the process of conversion and option creation in conflict resolution? The mystical tradition is cognizant of this question as it relates to all of life. It is within the history of this tradition that Nouwen speaks of "patient action" which does not coerce, nor even try to persuade anyone, but simply gives witness to the truth. It is an action which may even convert one's own heart more than it changes that of another. Instead of trying to effect change, "patient action" points to an alternative way of living, one which refrains from making the acquisition of power a legitimate goal for any party. Yet, "patient action" is not mere passive waiting, whereby "... one lets things happen and allows others to make all the decisions." Nouwen understands it as a form of resistance which enters fully into the experience of each party, identifying with need and confronting dominance. Patient action is not a denial of the validity of complaint, or lament, as discussed in the first section of this chapter (see pages 366-367). The mark of healthy resistance, though, is the ability to say "no" to oppression without being corrupted by it. Opposing the power of the demonic
is possible only in the context of upholding the forces of
life. Consequently, Nouwen's resistance includes, not only
a prophetic "no" to oppressive powers, but also a prophetic
"yes" to a vision of fullness in the coming reign of God.
In other words, conversion is not only a turning away, but
also a turning toward, not only a negative confrontation,
but a positive promise. Nouwen himself applies this in­sight directly to the task of peacemaking, saying that the
primary task "... is not to fight death, but to call forth,
affirm, and nurture the signs of life wherever they become
manifest." When peacemakers, caught in anger, fear, and
despair, fail to give priority to the "yes", and are preoc­
cupied with schemes to manipulate people to accept their
positions, peacemaking has lost its heart. According to
Nouwen, it then becomes calculating and issue oriented and
cannot expect to convince, attract, or motivate anyone.
The call to conversion then, though it must be confronta­tional, needs foremost to be a message of hope.

The conversion element distinguishes a theology of
conciliation from principled negotiation. It calls for
more radical self-examination and may involve greater
confrontation. Joint invention of possible solutions, a
process full of great potential, may have to wait longer
than Fisher would suggest. In many cases, especially when
dealing with a hard bargainer, the ground needs to be
prepared by a lengthy process of unmasking which can
potentially produce attitude change on all sides. With the
inclusion of this conversion process, a theology of conciliation can actually help principled negotiation to mute the charge of utopianism. In the end, value can be both created and claimed more often than may first appear feasible. At the same time, principled negotiation offers the church needed assistance in the approach to option creation, when it becomes appropriate. All too often, the church delineates the prophetic "no," while the prophetic "yes" remains in the form of eschatological vision. Turning a rather vague vision into a specific agenda has been one of the strengths of principled negotiation. While Segundo fears abdication of the task of social transformation and Nouwen fears forced transformation of society, principled negotiation offers a means whereby energy can be channelled into decisive, transforming action without the use of imposed force. It offers the church an opportunity to pursue the societal transformation aims of liberation theology, while accepting the mystical tradition's reservations with coercive strategy. In particular, principled negotiation has the potential to put flesh on Nouwen's prophetic "yes" by outlining a feasible plan of action in the form of "yesable propositions" and other option creation techniques. The Biblical illustrations at the beginning of this section show that such techniques are not totally foreign to the church. However, as in Biblical times, their utilization by the church for the resolution
of social conflict has been limited.

Discernment of fair Criteria for Agreement:

Objective vs. Subjective

Secular Critique

There are two primary concerns regarding the use of objective criteria. First, a contradiction lies at the heart of principled negotiation in Fisher's call not to lock oneself into positions, while at the same time insisting on a particular set of guidelines called principled negotiation. Different critics have attempted to resolve this tension in opposite ways. While some recommend relaxing the guidelines to allow for hard, distributive bargaining, others suggest that the paradox in Fisher be resolved by abandoning the search for objective criteria.

Second, although the concept of objective criteria is designed to produce solutions which serve the greatest mutual interest, what happens when parties' interests, and perceptions of fair criteria, are terribly divergent? As Fisher recognizes, there is often more than one available objective criterion. Consequently, a negotiator frequently is forced to choose between that criterion which gives one's own party the largest gain and that which is acceptable to oneself, but gives greater mutual gain. I shall address these concerns in the order presented.

Objective Criteria: Positional Statements in Disguise?
Professional negotiator Fred Jandt insists that such criteria do not exist. He typifies the pure subjectivist for whom all conflict is in one's head, including the conflicting standards and procedures followed by different individuals or groups. He strongly resists what he perceives to be Fisher's rhetorical tricks, designed to persuade people to accept certain objective criteria as applicable. He charges that it is patronizing and condescending to recast a personal attack as an attack on the problem. The very act of objectifying is an act of pretension, by the proponent, to the possession of all truth and to the responsibility to educate the other party. According to him, the goals of negotiating should not be "getting to yes" (bending the other party to accept one's principles or criteria), but "getting past yes" (where each party can really speak from its own perspective and have its own desiderata).

Rejection of objective criteria is not limited to subjectivists. Lawyer James White claims that most agreements are reached, not by finding objective criteria, but by using persuasive rationalizations. Every party will rationalize its position as a useful technique. Occasionally this may lead to a solution, but most of the time it only serves to give a superficial appearance of honesty and reasonableness to one party's position. He argues that anyone observing experts, hired by each side in a personal injury court case, will have a healthy skepti-
cism regarding the use of scientific merit as a sufficient guide for determining fair outcomes. Despite the appearance of objectivity, such input is based on how a jury will react. In other words, the real basis for most decisions is not objective truth, but relative power of the parties, or perhaps differential need.

A number of negotiation analysts claim that objective norms can legitimately be used as bargaining leverage to gain negotiating strength. For them the issue is not right versus might, but how the invoking of principles does, or does not, change perceptions of the bargaining situation. While recognizing the manipulative potential in the choice and utilization of principles (e.g. selective emphasis on those standards most helpful, biased interpretation and application, inventing rules ex post facto to fit demand, and exploitation of emotions and attitudes associated with the symbolization of norms), they affirm the constructive possibilities for using principle to persuade an opponent of the morality and legitimacy of a demand. First, it is pointed out that any dispute begins in terms of norms. An allegation that certain rights have been infringed presupposes reference to recognized principles. Second, since the opponent must respond to an agenda already set in reference to certain standards, these norms can be said to determine, at least in part, the definition of issues and the framework of negotiation. Third, reference to princi-
pies is seen as reference to a wider social domain, consisting of others who need to be appeased or convinced. Normative standards represent, in shorthand, sets of interests and distributions of status and power in society. In light of all of this, they conclude that principled argument, or what Fisher calls the power of legitimacy, is a valid source of power which parties may use to persuade or coerce one another. Studies, taken from tribal and international disputes, concerning the influence of norms on the results of both dispute settlement negotiations and deal-making negotiations, substantiate this conclusion.

The above discussion clearly indicates that principled argument is commonly used in adversarial negotiation as well. In fact there is a growing literature analyzing the value of using reason to legitimate concessions. However, proponents of the problem solving school claim that their use of principled argument is distinct from the attempts to justify movements up and down the linear plane of demand/concession. First, the use of principled argument in integrative bargaining attempts to establish general standards applicable to particular situations. Second the focus on needs, instead of winning, has the potential of producing a solution more sensitive to each party and, therefore, more fair. Third, openness to solutions, not yet on the table, also increases the potential for greater fairness. Fourth, there is less chance of unnecessary concessions through soft bargaining. Finally, integrative
bargaining produces greater incentive for parties to share information about preferences. I will draw an example from each of the case studies to illustrate a couple of the above points. In the Harvard case, Ury focused extensively on the specific needs which the center proposal could fulfill while writing a working paper which was circulated in both American and Soviet governments (see chapter 3, page 183). This focus on needs, instead of winning, certainly contributed toward producing a more sensitive, and fair, solution. In the Quaker case, Reuman’s proposals, and the subsequent discussion of them, produced an openness to solutions not yet on the table, increasing the potential for greater fairness (see chapter 4, pages 227-228).

Despite recognition of the inherent tension between insisting on objective criteria and not committing oneself to a position, there are some who give principled negotiation unqualified support. Fisher’s colleague at Harvard Law School (but not an affiliate of the Harvard Negotiation Project), Douglas Stone states that one principle of fairness which needs to be declared at the very beginning of negotiation is that one will never yield to unprincipled threats. In saying this he recognizes that this statement is a kind of negative commitment which locks the negotiator into that stance. However, he claims that this is one that can be made without damage to the relationship, to legitimacy, or to any of the other aspects
Most colleagues from the problem solving school have recommended at least slight alterations to the theory. Menkel-Meadow, like Fisher a lawyer, offers one good example of such an attempt. She argues that principled negotiation places greater emphasis on objective agreement than on meeting parties' needs. According to her, Fisher advocates a sequential approach to negotiation. In the first stage needs are paramount. However, if the needs are truly in conflict and cannot all be met, then objective criteria for deciding between them become primary in order to achieve a fair solution. A comparison of the Harvard and Quaker cases supports her analysis. In the first case, it was more apparent that needs were not in conflict. I even observe at the beginning of that case that, for this reason, a search for objective criteria was hardly necessary by the time formal negotiations began. I conclude that such a search may be unnecessary whenever there is obvious non-conflicting needs or interests (see chapter 3, page 182). This was not so in the second case, in which a process very similar to principled negotiation is used. Here, common needs were less apparent and objective criteria became more primary, as shown by the longer list of types of criteria used (see chapter 4, page 254). In contrast to Fisher, Menkel-Meadow, like John Burton, contends that needs are more important than abstract principles.
since they provide better information about the context and relationships surrounding the problem. However, at the same time she grants that many legal settings are too complex to rely entirely on needs, necessitating justification through the use of legal merits -- ie. laws and facts. Ideally, then, she advocates that proposals be justified on the basis of both needs and merits, her categories for subjective and objective criteria respectively.

Choosing Between "Best" and "Acceptable" Criteria

The choice between best and acceptable has the potential for throwing a negotiating session back into positional bargaining, unless there is a set of objective criteria for deciding between the criteria already on the table. Some claim that such a higher criterion is impossible without a presupposed normative framework which gives a sense of community and solidarity. In the absence of such a framework, resolution of the dilemma is left to traditional tradeoffs between quality and acceptability in the majority of conflict cases.

However, there are some who, despite recognition of the above dilemma, claim that the search for objective criteria is, on the whole, helpful rather than harmful. Howard Raiffa states that, though the use of objective criteria often leads to this difficult choice, it also shifts the focus of debate from substance to basic principle, which is frequently a good thing. This is, in fact,
precisely what happened in the Harvard case during the second meeting of the joint NNP/ISKAN study group. NNP acceptance of Soviet objective criteria resulted in a shift from consultations on regional conflict to a discussion of general principles for guiding behavior in U.S.-Soviet relations (see chapter 3, page 187). Raiffa even makes the questionable suggestion that use of fairness argument as a tactical trick can be for good purpose, if the end result is fruitful dialogue on fundamental principles. However, he warns against the search for a set of "fairness principles" which deserve universal acclaim as the solution, declaring that to be an elusive dream.

Fisher’s colleague at the Harvard Negotiation Project, Bruce Patton, also observes this dilemma. Although he supports Fisher’s pursuit of "wise" outcomes, he notes the lack of justification for this standard over "maximum gain" outcomes. Patton supplies two basic rationales for preferring acceptable to best. First, he argues that one will probably not get all one wants, even with positional bargaining. Most of the time traditional compromise does not provide one's own party with better results than does the search for mutual gain through the use of objective criteria. In fact, a good principled negotiator, he contends, is more likely to arrive at the salient point in the range of options, if indeed that is the best alternative. At the least, he suggests that it is better to have tried than to discount the importance of fairness.
altogether. Second, he argues that people are more concerned with minimizing loss than with maximizing gain. A joint search for objective criteria, including discussion of principles for choosing among them, is able to help one obtain a sense of control over this fear of "getting taken." Such a process can help establish one's sense of security through information about options and about the other party. The more one knows the prospective costs and benefits of any given option, the greater the protection. The Harvard case clearly demonstrated this primary concern with minimizing loss, as well as the value of objective criteria in building a sense of security. As mentioned in chapter 3 (page 184, NNP used the objective criteria of expert opinion polls (showing inadvertent war to be the greatest American fear) to convince the Soviets that the U.S. was genuinely interested in crisis control and not using it as a tranquilizer.

Yet Patton also wrestles with the implications for partisanship of this "best verses acceptable" dilemma. Concerning the methodology of principled negotiation, he writes:

[It] implies that a party's partisan goal -- an outcome favorable to his side -- is unchanged, and that principled negotiation is merely a more expedient method of pursuing it. But there seems to be a contradiction here, since using this more expedient method requires judging possible outcomes not by how favorable they are for your side, but by how fair they seem judged by objective (nonpartisan) criteria.91

Although the Harvard case never presented any contradiction
between "favorable" and "fair" due to the lack of any substantial conflict of interests, the lobbying phase of the Quaker case did illustrate this tension. Beittel was clearly asking the CDU to change its goal and to judge the outcome, namely the eastern treaties, by the standard of fairness rather than favorability. When the ultimate aim has been changed from victory for oneself to justice for all, and the ultimate criterion has been changed from "favorable" to "fair," this necessarily a change in the focus of advocacy from party to process or outcome. In his examination of advocacy, Patton notes that the competition inherent in advocacy often serves to stimulate creativity. The challenge is to channel this energy away from destructive pursuits, such as scoring points (indicative of party advocacy), to the constructive invention of better options for mutual gain (indicative of either process or outcome advocacy). He claims that principled negotiation can achieve this better than positional bargaining due to the former’s stress on both reflective listening and presentation of one’s case to the other party.

Still, Patton admits that Fisher does not deal adequately with the development of criteria and procedures appropriate for choosing from a range of fair outcomes. Failure to face this issue leaves principled negotiation with both moral ambiguity and a vaguely moralistic overtone. Consequently, he proposes research in this area
as the single greatest need facing principled negotiation. He also rightly perceives that such a study will bring one into the realm of moral philosophy.

Patton attempts the task of developing criteria and procedures, for choosing from a range of fair outcomes, by advocating that a negotiator aim for the best, within the range of the acceptable. He favors a rule which rewards negotiating skill, less any substantial advantage stemming from natural ability. He argues that, unless it is a matter of helplessness, people want control over their own affairs. Incentives, rather than favors, lend more dignity and lead to more permanent mutual gains. Thus a theory of negotiation based on merit, instead of need or strict equality, is preferable. These are three traditional principles of distributive justice which have been proposed by various negotiation theorists. The principle of equity, or merit, refers to unequal apportionment on the basis of each party's contribution. Traditionally, this merit is tied to power base differentials, such as amount of size, military strength, work performed or capital provided. Patton, like Fisher, brings to this theory the possibility of viewing negotiating skill and effectiveness as power or merit.

A second principle of distributive justice, to be recommended by many, is responsiveness to need, or compensatory justice. This is the opposite of the equity principle, as it calls for unequal distribution based on
need rather than merit. In this case, the one with the least, rather than most, resources deserves the balance tipped in its favor. Solutions are considered only when they alleviate the present unequal distribution of resources. Any such approach is rejected by Patton who refers to it as the "saint standard." Freely sacrificing one's own interests to the ultimate principle is an approach which will not be adopted by most people and is prone to the weakness of "soft bargaining." However, Laue adopts this principle as the basis of his approach to third party conflict intervention. Of three core values upon which his theory of intervention is based, he lists empowerment as the foundation upon which the others are built. The desired outcomes of any intervention are dependent on proportional empowerment of the weak party to the point where they can adequately represent their own interests and advocate for their own needs from a position of respect rather than charity.

A third principle of distributive justice is equality, specifying that parties should receive rewards of equal value, irrespective of circumstances. This principle is designed to devise fair procedures rather than fair standards. Yet, how to structure a procedure for preserving equal treatment in the division of benefits, is not always self-evident in complex conflict situations, especially those with power asymmetries. Consequently many variants
of this principle have been developed, many of which become rather complicated, quantitative procedures. The simplest of these is the equal distance concession/improvement principle, commonly called "split-the-difference." It is even recommended by Fisher for certain circumstances. However, conflict management analysts Walter Isard and Christine Smith challenge Fisher to utilize more fully these mathematical procedures for setting criteria. One procedure they especially recommend is based on an "efficiency principle." When each party’s preferred option is known, along with the maximum distance between these each is willing to move, a mediator selects the lesser of the two distances as a concession required of each party. This is repeated until agreement is reached.

Fisher’s Response

Fisher responds to the first of the above concerns, but not the second. He makes no attempt to sort out the problems associated with using objective criteria as a means for simultaneous attainment of both the fairest, and the most beneficial, solutions. However, he does recognize that much clarity is needed regarding the relationship between objective criteria and advocacy. In response to the charge that insistence on objective criteria is contradictory to disavowal of positional bargaining, he also admits that he may have been less than fully clear. Here, he attempts clarification of his position on two points --
1) that the search for objective criteria is not limited to one set of standards; 2) that objective criteria are not rationalizations, but a valid form of persuasion.

Fisher insists that there is no single set of objective criteria, of which one party must convince another. Instead of being a search for a specific entity, it simply involves looking anywhere outside one’s own subjectivity to find norms which may be mutually acceptable. Consequently, he does not see himself with a hidden agenda, ready to insist that every negotiator accept his prepackaged set of principled criteria. Instead, he contends that one needs to distinguish between a call to principle and insistence on one’s own principles (exemplified, again, in the Harvard case by NNP’s extrication from its own principles and use of Soviet principles -- see pages 417-418). Furthermore, Fisher recognizes that the use of external standards does not eliminate differences. However, he argues that his approach builds in both objectivity and flexibility, through its reliance on principle, by distinguishing between validity and application. Criteria may well be valid, but inappropriate, for a particular case. Or, more likely, there is apt to be need for a principled accommodation between two or more valid principles, each of which applies.

Fisher stands firmly by his conviction that objective criteria are not rationalizations, but a corner-stone of all successful negotiation strategy. In fact, according to
him, they play their most significant role in deciding distributional issues. He compares the negotiation process with two judges attempting to reach agreement, searching for appropriate standards with which to decide the case. This is not an exercise in rationalization, but an honest attempt to provide a fair basis for decision. Fisher claims that it is better for two parties to be advancing what they perceive as objective standards for determining an outcome than telling the court what they will and will not do. Like judges, negotiators can advance reasoned arguments seriously and be open to persuasion by better argument. Such an approach develops greater appreciation for the other’s frame of reference and, thus, has the potential for even satisfying both sets of principles. Fisher points out that only solutions, not principles, need to reach agreement. Therefore, one party can use its principles to persuade, while at the same time not requiring the other party to change its principles in order to come to a mutually beneficial decision.

Theological Assessment

In my assessment, the most severe criticism of principled negotiation is at the point of Fisher’s insistence on a search for objective criteria. Theologically, this raises very large epistemological questions regarding the nature of truth and the process of discernment. Since the scope of these topics is so large, a comprehensive treatment will
be impossible. However, it is important to address these epistemological issues, in a limited way, because they affect the strength of conviction one can hold and the kind of behavior emanating from that conviction. Therefore, I will begin with an evaluation of the nature of truth as it affects the discernment process by which criteria can be selected.

The Nature of Truth

There are three primary values embedded in principled negotiation which determine, to a very large degree, its approach to mutual discernment of objective criteria. First, discernment always comes through a communal process. In fact, the knowledge sought is of a critical participatory character. There is never any one right answer to be derived from the one correct source. Even objective criteria are not absolute. As stated above, they are only objective in the sense that they have a source of legitimacy outside the involved parties. Second, the process of discernment is highly rational. "Reason and be open to reason," and "yield only to sound reasons," are two of the oft repeated maxims (see chapter 2, page 91). Although emotions are not ignored, the negotiator must be rationally dispassionate, or able to disengage from emotions, when addressing substantive issues. Third, existing authority structures are frequently used to legitimate criteria. Examples include precedent, tradition, and expert opinion.
(see chapter 2, page 122). This contributes to the charge that principled negotiation tends to support the status quo.

Although each of these values has its positive features, they all raise a fundamental question regarding objectivity. As stated above, objectivity is defined collectively, rather than by the individual party, in principled negotiation. Thus, individual bias in renounced. However, the bias of the majority, expressed through supposed consensus on the part of participating parties, may be left unchecked. When communal values are reinforced by reason, precedent, and tradition, it may be very difficult for the minority group to make its case. Its only recourse may be to step outside the acceptable parameters, for example becoming very irrational. There is much to be said for communal process in decision making, as a curb for individualistic excess. Yet, communal excess can be as great, though more subtle, a problem. Difficulties arise whenever either one is viewed as ultimate.

Ironically, the problem is, in part, due to Fisher's conscious rejection of ultimates. He sees any statement of absolute truth as rigidifying, or exclusive, and places some of the responsibility for this on religion. According to principled negotiation, the search for "one" truth is what hinders creative negotiation and mediation. In fact, a search to determine partial truth, misconception, and even distortion is often seen to be more important, since
these have great influence over the dynamics of conflict.

While not diminishing the importance of understanding misperception, that can hardly be a reason for either affirming or disavowing the existence of ultimate truth. If such truth does exist, then, by definition, it is crucial to ask how it impinges on every aspect of human encounter. Specifically, it may necessitate insisting on a particular set of criteria which embody that truth in a given situation, rather than simply accepting the validity of communal or precedential authority over the individualistic variety. In other words, it may require becoming an outcome advocate, and not just a process advocate.

Despite many methodological similarities between principled negotiation and the Quakers, there is a significant difference at this point. Quakers are interested in more than simple agreement. They seek an objective moral truth, a righteousness which is grounded in "something beyond" and addresses one, calling one to action. This strong sense of the reality of objective truth, which summons one to follow, raises many questions about the absolute in religious ethics. An understanding of the tension between absolutist and relativistic ethics is present in some Quaker writing, where the costs and benefits of compromising on principles is debated. Reuman strikes an informative balance in this debate as he reflects on the wall mentality in Germany and his own personal sense of calling. He writes:
... the decisions of action require of me an attitude toward truth. I must act on the basis of the most accurate and inclusive knowledge that I can achieve; but on the other hand I must recognize that truth exceeds that grasped by any man or group of men. Though truth is more closely approached as the needs, perspectives, and assessments of all creatures are included, no earthly knowing is omniscient. Although I must love and know in a limited way, I must also be aware of unlimited loving and knowing, and know that they too lay claims upon me. Only thus can I maintain my sense of being called (with others) by God, coupled with the restraining sense that my interpretation of that calling must be modified by the humility of my finiteness.112

Niebuhr, being the realist, has reflected extensively on the tension between the affirmation of ultimate truth and knowledge of human finiteness. According to him, the existence of ultimate truth must be balanced with recognition that our knowledge of it is always "... tainted with an 'ideological' taint of interest, which makes our apprehension of truth something less than knowledge of the truth and reduces it to our truth." Hopefully, one can apprehend truth "in Christ," a truth which is continually fulfilling what is valid and negating what is sinful in our knowledge of the truth, since it has its center and source beyond ourselves. However, this claim to have found a channel to the ultimate source of wisdom continually risks elitism and idolatry, especially when truth is presented as dogmatic ideology. Consequently, despite repeated attempts to revise one's understanding, Niebuhr believes that humanity can achieve only partial awareness of the truth. Therefore, for example, this means that he dismisses the possibility of finding any absolute standard capable of adjudi-
eating settlement of the more intractable ideological disputes. Nevertheless, interpreting, proclaiming, acting upon, and revising one's understanding of the truth is necessary, albeit precarious. Niebuhr's test of tolerance is designed to address this paradoxical tension of never knowing for sure, but having to act as though one did. The twofold test includes the ability both to maintain convictions which lead to action and to forgive those who disagree. Yet, he claims that it is not possible to be fully conscious of one's egoistic corruption of the truth while one is endeavoring to establish and promote it. The only point at which one can overcome this ideological, sinful taint is through "prayerful transcendence." This is not an easy path, though, to resolution of ideological conflicts, or even to the discovery of ultimate truth. However, it can mitigate one's ideology by raising consciousness of one's human limitation and corruption to an extent that it carries over into subsequent thought and action.

It is clear from this discussion that the risk of rigid ideology, on the one hand, must be balanced against the danger of pretending one does not hold any ultimate values. To make revealed truth too specific runs the risk of creating absolutes where there are none. Yet, to avoid recognizing the ultimate, inevitably leads to the placing of absolute value on lesser objects, with the danger of investing them with too much authority. In the case of
principled negotiation, as I have already pointed out, there is a real danger of creating an absolute out of community consensus building. Buttressed by rationality and precedence, and expressed, however unintentionally, in the form of a status quo bias, this communal authority is in danger of becoming unchallengeable by minority elements or disempowered parties which perceive no alternative to the norms of behavior as presented.

Principled negotiation, in response to its fear of the search for "one" truth, eliminates the possibility of revelation -- any ultimate authority which might have a definitive word to give from outside the contending parties. However, Fisher does not conceive the possibility that ultimate truth might be relational instead of abstract. For Quakers, truth is something which happens. It occurs in the living experience of entering the Silence or of confronting power. Such a perspective is rooted in the belief that Christ is the "living truth," revealed to humankind. In fact, truth as understood in both Old and New Testaments, is not primarily rational, but relational. The Hebrew term, "emeth," includes the sense of faithfulness, reliability, constancy, or fidelity, in addition to unchangeable reality. Furthermore, it is frequently found paired with justice, the latter being the implementation of the former. In the New Testament, the term, "aletheia," includes more of the Greek sense of revealing the inner reality of things and uncovering their significance. But
it also takes over the Hebrew meanings of faithfulness and reliability. The role of truth is to reveal what is, to sift reality from appearance, to set everything "to rights." It is the truth of revelation, "saving knowledge," which comes through entry into the sphere of the Divine. In the Johannine literature, truth is equated with "belonging with God." Thus, moral and relational connotations pervade both Old and New Testament understandings of truth. Intellectual abstraction about truth was a product of the Enlightenment.

In light of this, I would give credence to the charges that Fisher may be in danger of rationalization. It certainly does not happen whenever he utilizes objective criteria. However, his reliance on reason, and abstract notions of truth, leave him more susceptible. My emphasis on the relational over the rational also leads me to agree with the suggestion, by Menkel-Meadow and Burton, that needs are a better criterion, for determining fair solutions, than are abstract principles (see above, pages 416-417). The fact that needs provide better information about the relationships and the context of the dispute indicates that this criterion is closer to a relational understanding of the nature of truth.

The Process of Discernment

Liberation theology, which deviates most significantly from the methodology of principled negotiation, understands
that the discernment of truth requires relational solidari-
ty. It espouses a radical departure from traditional in-
tellectual formulations of truth, basing its "new herme-
neutic" on communal action. Jon Sobrino asserts that, in conflict situation, truth and unity are to be found only a posteriori. He writes:

> It is only in doing the truth and in passing from generic truth in historical form that we can know in what this truth consists.... (Therefore,) the criterion of discernment in conflicts is not to be found in the truth alone but in the communal doing of the truth.

Surprisingly, in recommending criteria for discernment in cases of conflict, Sobrino does not dismiss tradition. He speaks of the Biblical tradition as giving the church "general" criteria, or values, which ought to inform specific decisions. Among his examples, he includes the call to ecclesiastical bodies to facilitate the coming of the kingdom of God through secular mediation for the sake of the poor. However, he is quick to add that "concrete" criteria, those to be used in a specific context, may contradict tradition. The church as a party in conflict, cannot continue to function in its previous self-understanding, however valid that may have been at the time.

At this point, liberation theology does not differ from principled negotiation. Both utilize tradition to provide basic guidelines and rely on contemporary community to determine specific criteria. However, there are two important differences. First, the liberation theologian is
more apt to hear a definitive "Word" arising from its tradi-
tion. It is not just a matter of discovering that upon
which all parties can agree. Second, the community with
which one seeks solidarity is different. Principled negoti-
ation is in danger of bias toward the status quo, at least
in practice if not in theory. Liberation theology is
clearly biased in favor of the oppressed. A more defini-
tive "Word," coupled with a bias for the dispossessed,
compels Sobrino and his colleagues to lean heavily in the
direction of promoting *our* truth as the truth. The big-
gest distinction between principled negotiation and libera-
tion theology (as well as much of the rest of Christian
theology) is the latter's conviction that relational truth
is rooted beyond human community. As stated above, it has
an objective, moral character, which originates in one's
relationship with God. This means that neither the indi-
vidual, nor the community, are the ultimate sources of
authority.

Along with other faith groups, Quakers affirm the
primacy of placing ultimate authority in God in the context
of their own particular beliefs and self-perception. Quak-
er identity is more than social. They believe that, at the
heart of their community is a Spirit, a Spirit which grows
out of, and into, each individual. It is with individuals,
rather than communities, that the Spirit normally intro-
duces truth. But it is the community which confirms it.
Working throughout, though, is the presence of the Spirit, a Presence which brings a "thickness of awareness" as it directs both individual impulse and consensual process. While waiting in the Silence, the individual is addressed by a concern which comes from beyond. Then, only when the community has been irresistibly called by the Spirit, does it claim to have "found clearness." The whole process of discovering "openings," both individual and collective, is dependent on transformation or conversion, as I described in the previous section. Finally, it is this Spirit, rather than loyalty to any principles, which is responsible for consistency within the Quaker testimony.

Therefore, as in the previous section, I conclude that undergoing such a process of transformation/conversion, is the key to effective discernment. The Quaker case demonstrates that this was true for the QIAR intermediaries, for whom waiting on the Presence, was central to their sense of calling. As mentioned in chapter 4 (page 260), they claimed that Quaker worship made them more courageous, perceptive, understanding, and fair in their dealings with all parties. Furthermore, although they did not attempt to draw the principal parties into their religious practice, they certainly would have seen any "openings," such as the light bulb experience which Warren described (chapter 4, page 246), as the workings of the Spirit. This was transformation, if not conversion.

The Biblical illustrations of Zacchaeus and Philemon/
Onesimus also demonstrate the same connection between conversion/ transformation and discernment. In both cases, clarity over the specifics of how to resolve conflict only came after fundamental transformation of perspective. The transformation of heart was not achieved through consensual process, though there were the significant intermediary roles of Jesus and Paul, respectively. Instead, the community was expanded beyond the human level and they were addressed by an ultimate Divine imperative. In fact, Paul went to great length to tell Philemon that it was not his imperative. Paul was not commanding, but asking. Furthermore, in both cases, the responses of Philemon and Zacchaeus far surpassed the expected norms of "fairness" within their respective societies. Freeing a runaway slave and giving away half of one's possessions (see page 399) went well beyond the demands of precedence, expert opinion, or tradition.

If experiencing conversion/ transformation is the first step toward discernment, then a large part of the task is to help one to catch the vision of God. The "Word," or image, which comes from the Ultimate, that which is beyond the human context, holds the potential for transformation. The content of this vision of God is expressed in terms of shalom, hospitality, and noncoercive resistance. It is also a vision of the true self which is based on a genuine sense of belonging and responsibility. It rejects the
pretensions of false identity, for example the security instincts which lead to domination and/or exclusion of other parties. When healthy identity formation occurs the Zacchaeuses and Philemons become free to function on an inclusive basis. They can inter into partnership hospitality with those they formerly oppressed. They can discern proper redress, not as required by law, but as prompted by grace. The whole basis for determination of valid criteria for distributive justice is altered.

One example of where this vision, and resulting transformation, are lacking will also be instructive. I will, again, utilize an illustration I have noted previously, ie. Paul’s admonition to the church at Corinth (in 1 Corinthians 11:28-32) regarding taking advantage of the poor at the Lord’s supper (see chapter 5, footnote #31). Here, Paul charges the rich with inability to discern the body of Christ, due to their inhospitable attitudes toward the poor in their midst. Because there are barriers to hospitality, this reveals a lack of discernment and appears to inhibit even the search for valid criteria which could lead to distributive justice.

As both the above illustration and the Quaker case study demonstrate, the vision of shalom is not only one of self-transformation, but of social transformation. The vision affirms the creative possibility, both realized and potential, for contribution, by any institution, to peace and justice. It also proclaims the demise of the princi-
palities and powers, the structural forces which dominate and oppress. Anabaptist theologian, Duane Friesen, points out that the power of these principalities lies in their capacity to command allegiance. According to him, true loyalty to Christ can enable people to challenge any contrary allegiances and the value structures they promote, while lifting up a positive vision for restructuring these institutions. He asserts that uncompromising loyalty, even by a small group of people, could become a powerful force for change, just like God’s "new creation" broke down the wall of hostility between Jew and Gentile in the early church. Such a hopeful vision, based on being part of a "new creation," is essential for the work of ecclesiastical third party intermediaries who have accepted a call to the "ministry of reconciliation." Certainly the criteria for determining a fair solution will look different to any party which is thus motivated. When grace replaces law, as a result of divine encounter, the old criteria of precedent, tradition, and expert opinion may well be surpassed.

Earlier, in the secular critique of this section (see page 47), it was suggested that a normative framework, which gives a sense of community and solidarity, is necessary before one can adopt a higher criteria to use in judging between other criteria already on the negotiating table. Without this higher criterion, and requisite normative framework, the choice between "best" and "acceptable"
criteria could become very adversarial. I propose that the vision of shalom, as presented in my theology of conciliation, could function as a framework offering community and solidarity. I hesitate to call it normative, as it is not primarily about rigid standards. Instead, it contributes an experience-based set of values, in keeping with the relational understanding of truth. Such values, I would maintain, will be even more able to inform the development of creative, not just fair, criteria for agreement of disputes.

However, the optimism of the above conclusions must be tempered by the reality that conversion/transformation will not always happen. In these situations, any third party, including ecclesiastical ones, will still have to face the difficult questions of distributive justice. Even when a measure of transformation has occurred, there may be difficult choices to make. In these cases, the intervener should continue to confront the party(ies) with the need for attitude change, yet be prepared to proceed with the search for criteria despite the results.

The Quaker case study lends insight at this point, since it illustrates the need to pursue this task with those individuals or structures in whom/which there is little or no sign of transformation. In this case, the QIARs relied most on the principle of need and least on the principle of merit, a choice which I believe would reflect the orientation of most ecclesiastical bodies. Principled
negotiation theory, on the other hand, reverses this pattern. The primary theological argument for the need criterion arises from the call to hospitality and responsibility to the other. At the same time, the merit criterion is suspect since it is frequently deemed the antithesis of grace. If God offers intrinsic worth plus unconditional acceptance, and gives special attention to the needy, then so must the church, according to Friesen. However, proponents of principled negotiation counter that if so-called weaker parties are empowered through development of negotiating skill (and I might add identity formation), then they are better able to attain dignity and achieve permanent gains. This gives a party more control over its own future, a goal consistent with the values of liberation and empowerment (see page 421). Furthermore, Christian ethicist, Joseph Allen, even contends that the concept of merit is essential in some situations of competition (for example in the comparative grading of examination papers). It also can help, on some occasions, to restrain the inclination to break an agreement. Incentives given for work done, or results achieved, encourage everyone to keep commitments. In addition, Allen examines the need principle critically, reflecting on the difficulty of even defining it. He contrasts objective need with subjective desire and concludes that some genuine needs are not recognized, while some desires are illegitimately elevated to the level of need.
Such problems are, again illustrated in the Quaker case where the Hallstein doctrine (in the FRG) and the wall itself (in the GDR) were elevated to the level of needs, when, in fact, they were simply measures for preservation of power. In such cases, it is incumbent on the third party intervener to pursue the development of healthy identity formation which is based on actual, rather than presumed, needs (see pages 385-386).

Finally, I would argue that it the need principle, despite its limitations, still be granted priority. Although principled negotiation has offered some redeeming rationale for the merit principle, the need principle is often the last one to be considered and is central to living out relationships of hospitality. However, I would also maintain that each principle should be utilized as deemed appropriate in a given context and in the light of the values set out in my theology of conciliation.

Summary

I shall summarize this chapter, but leave the drawing of any implications for the conclusions which shall follow. Every theological tradition which I have considered calls into question the ultimate separation of relational and substantive issues. Allocation of blame, in contradiction to Fisher, is essential. However, such attribution is necessarily mutual, though not always equal. Yet, this does not require an adversarial approach, siding against the
guilty party. Rather, like principled negotiation, my theology of conciliation would stress the need for mutual acceptance, and special attention to the relational dimension. In fact, theology can make a unique contribution in this dimension through its handling of guilt. It can both provide channels for expression of grievance and call for confession of sin.

Theologians are less united over the role of interests. Some emphasize concern for the interests of others; some stress the validity of self-interest. Like principled negotiation, I argue for the proper, complimentary place of both. I develop a theological rationale for viewing identity as the foundation level for building both a positive self-interest and a healthy concern for the welfare of others. Both dominance and exclusivity are identified as violations of this healthy identity and mutual self-interest. Therefore, I challenge the assumption that a conflict of interest is inevitable, as argued by the realists, and the assumption that exclusivity need be the price for combating dominance and assimilation, as argued in liberation theology. My empirical data, especially the Quaker case, confirms my argument and challenges Fisher's critics, both secular and theological.

The central issue in disputes over the nature of the bargaining process (integrative vs. distributive) is whether one can both create and claim value. Principled negotiation proposes a methodology for accomplishing both,
without significant loss to any party. However, this approach is dependent on the willing cooperation of all parties. If faced with a hard bargainer, who is unresponsive to dialogical process, one will need to focus on fundamental attitude change before attempting a joint invention process. Such attitude change is what theology refers to as conversion -- a probing process of self-examination which uncovers any problematic orientations (such as dominance or exclusivity), encourages confession, and leads one into a new perspective. In order to facilitate this conversion, the third party will have to confront the hard bargainer by taking a stand/position. Use of principled negotiation's problem solving techniques for changing the nature of the game (such as altering the question or issue, standard moves, traditional roles, or consequences of an action) can help in the promotion of attitude change as well as the invention process when the latter becomes feasible. However, the initial confrontation will need to be stronger than anything principled negotiation proposes. It may not appear to be part of a joint problem solving process, though a healthy resistance must acknowledge the prophetic "yes," as well as the prophetic "no." It must be based on a positive vision of shalom in which the third party intervener consciously participates in the action of God.

My greatest questions about principled negotiation
have to do with its advocacy of "objective" criteria. Principled negotiation's ties to existing authority structures, its overly rationalistic approach, and its absolutization of communal process indicate a definition of "objective" which is unduly biased in favor of the majority. This raises fundamental epistemological issues about the nature of truth and the process of discernment. Fisher's rejection of rigid ideology is valid. But of equal concern is the placement of absolute value on communal process. I am concerned to defend the legitimacy of divine revelation, while still recognizing the distinction between "our" truth and "the" truth. This is possible if one understands the nature of truth as relational, yet rooted beyond human community. Conversion thus becomes critical for the process of discernment, as well as that of creating value. Clarity over the specifics of conflict resolution come only after fundamental transformation of perspective where one catches the vision of God (of which shalom, hospitality, and noncoercive resistance constitute a significant part). Failure to discern can be linked to lack of appropriation of this vision. The vision can produce a framework which offers a sense of community and solidarity. This is necessary in order to avoid adversarial positioning over conflicting sets of "best" criteria, and to inform development of creative and optimal criteria for settling disputes. The vision provides no fixed standard by which to determine the best criteria. Principled negotiation's
argument for the validity of the merit criteria deserves greater attention that the church usually gives to this criteria. However, would argue that the need criteria better reflects, in most situations, the implications of the vision of hospitality and shalom.
NOTES


A similar perspective is expressed by Rostagno who writes, "It is wrong to say that ... the sins committed by the poor and the sins committed by the rich [should be seen] in the same light (Sergio Rostagno, "The Bible: Is an Interclass Reading Legitimate?" in The Bible and Liberation: Political and Social Hermeneutics, ed. by Norman K. Gottwald [Rev. ed. of A Radical Religion Reader; Maryknoll, New York: Orbis Books, 1984], p. 71)." The appropriation of blame primarily on the rich and powerful is a result of liberation theology's emphasis on the social over the personal nature of sin. When sin is seen predominantly in oppressive structures, exploitation, domination, and slavery (Gustavo Gutierrez, A Theology of Liberation: History, Politics and Salvation, trans. and ed. by Caridad Inda and John Eagleson [Maryknoll, New York: Orbis Books, 1973], pp. 175 and 275), it is then easily inferred that the sins of the powerful are of such greater import that talk of mutual
blame is perceived as irresponsible denial of the moral necessity of class struggle.


8. Ibid., pp. 233-239.

9. Examples of the charge of impartiality can be found in numerous places in the Pentateuch. The local elders were so charged in Ex. 23:3 and 6 ("... do not show favoritism to a poor man in his lawsuit.... Do not deny justice to your poor people in their lawsuits."). This is particularly significant since it was part of the Code of the Covenant, dated from the early days of the Israelite settlement in Canaan, before the organization of the state. The origin of this law is very close to the seminal Old Testament events of exodus and Canaanite peasant revolt, as designated by liberation theology (George V. Pixley, "Biblical Embodiments of God's Kingdom: A Study Guide for the Rebel Church," in The Bible and Liberation: Political and Social Hermeneutics, ed. by Norman K. Gottwald [Rev. ed. of A Radical Religion Reader; Maryknoll, New York: Orbis Books, 1984], p 116). Therefore, this text throws into question liberation theology's claim that the interclass ethic is of entirely later origin within the Old Testament. Yet, the enduring nature of the impartiality clause, as applied to local elders, is also demonstrated by the fact that it remained in later, pre-exilic renditions of the law as found in the Law of Holiness (Leviticus) and Deuteronomy, the latter being particularly significant since it represents a reformist tradition which is viewed favorably by liberation theology (Fernando Belo, A Materialist Reading of the Gospel of Mark, trans. by Matthew J. O'Connell [Maryknoll, New York: Orbis Books, 1981], p. 57). "Do not pervert justice; do not show partiality to the poor or favoritism to the great, but judge your neighbor fairly (Lev. 19:15)." "Do not show partiality in judging; hear both small and great alike (Deut. 1:17)." In addition, similar charges of impartiality were given to the professional judges established by the monarchy (Deut. 16:19 and 2 Chron. 19:7). However, the presence of a clear impartiality ordinance did not imply lack of concern for the poor. Such concern is particularly evident in pre-exilic, monarchical law, a time when economic discrepancies were much more evident than in the earlier period of settlement. Both the Law of Holiness and Deuteronomy required that the well-to-do provide for the needs of the poor in many concrete ways. For example: the general emancipation whereby every man was restored his ancestral land during the year of jubilee (Lev. 25:10); the cancelling of debts in every sabbatical year (Deut. 15:1); the duty of almsgiving (Deut. 15:7-11);
the command to return a poor debtor's security before sun­
set each day (Deut. 24:12-13); and the instruction to em­
ployers to pay the poor laborer at the end of each day
(Deut. 24:14-15). The proximity of the impartiality clause
to injunctions on behalf of the poor demonstrates that
general recognition of corporate responsibility and guilt
was not allowed to prejudge the process of dispute settle­
ment in ancient Israel (Roland de Vaux, Ancient Israel: Its
Life and Institutions, trans. by John McHugh [London: Dar­
ton, Longman & Todd, 1961], pp. 72-75, 143-144, and 153-
154; and J. Jocz, The Spiritual History of Israel [London: 
Eyre & Spotteswoode, 1961], pp. 129-130).


11. This text is a deliberation over the relationship
between corporate guilt and judgment in the case of the
populations of two whole cities. It is especially inter­
esting in what it demonstrates to be the basis for deter­
mining a just relationship between guilt and judgment in a
non-individual context. By negotiating God down to saving
the cities for only ten "just" persons, Abraham clarified
that judgment would not strike if it could be said that
even the smallest group within the cities was innocent.
Claus Westermann contends that Abraham pushed God's judg­
ment to the point of ten because this number signified the
smallest possible group within post-exilic Israelite socie­
ty (his believed time period for authorship of this text).
Below that number, individuals, but not whole cities, could
be saved. Here we see, then, a case of clear corporate
guilt on the part of the vast majority of the weaker party.
Yet, this was coupled with a third party appeal for justice
on behalf of that weaker, but guilty, party. Furthermore,
it was called for on the basis of a radical definition of
the relation between guilt and judgment. Even if a small
group within the guilty cities merited being spared, jus­
tice demanded that the whole community be so treated (Claus
Westermann, Genesis: A Practical Commentary, trans. by

12. Sydney Bailey, "The Christian Vocation of Recon­
ciliation," Crucible, July-September, 1979, pp. 128-130.

13. Jurgen Moltmann, The Experiment Hope, ed. and
trans., with a foreword by M. Douglas Meeks (London: SCM

14. Roger Fisher and Scott Brown, "How Can We Accept
Those Whose Conduct Is Unacceptable?," Negotiation Journal,
IV, No. 2 (1988), 127.

15. Roland L. Warren, "Nonviolence and Love," (unpub-


The earliest form of the Old Testament lament was simply a complaint or protest directed either at the leader by the people (eg. Ex. 16:2-3) or at God by the whole people (eg. Ex. 2:23; Judges 21:3; 1 Sam. 7:8) or by one individual (eg. Ex. 5:22-23; Judges 5:18) (Walter Brueggemann, "A Shape for Old Testament Theology, II: Embrace of Pain," The Catholic Biblical Quarterly, XLVII, No. 3 [1985], 402-403; Walter Brueggemann, "From Hurt to Joy, From Death to Life," Interpretation, XXVIII, No. 1 [1974], 14-16; and Claus Westermann, Praise and Lament in the Psalms, trans. by Keith R. Crim and Richard N. Soulen
This lament motif attained its most common form of development in the Psalms — namely complaint, petition, and assurance of being heard (Brueggemann, "From Hurt to Joy, From Death to Life," pp. 6-8; Westermann, Praise and Lament in the Psalms, p. 170; and Sigmund Mowinckel, The Psalms in Israel’s Worship, trans. by D.R. Ap-Thomas [2 vols.; Oxford: Basil Blackwell, 1962], I, 195-219). The laments of the people, during this period, are especially significant for this study, since one of the primary types of such lament is a protest against foreign enemies in time of war (eg. Psalms 74, 79, 80, and 83) (Brueggemann, "From Hurt to Joy, From Death to Life," p. 12; and Westermann, Praise and Lament in the Psalms, p. 180). However, among the many types of individual lament, two are of particular interest. First, there are numerous laments by falsely accused individuals awaiting vindication in a judicial context (eg. Psalms 3, 4, 5, 7, 17, 26, and 57) (Brueggemann, "From Hurt to Joy, From Death to Life," p. 11; Elmer A. Leslie, Psalms [New York and Nashville: Abingdon-Cokesbury Press, 1949], pp. 315-391; and Richard Nelson Boyce, The Cry to God in the Old Testament, The Society of Biblical Literature Dissertation Series, No. 103, ed. by J.J.M. Roberts and Charles Talbert [Atlanta, Georgia: Scholars Press, 1988], p. 74). Second, there is the individual mediator who comes before God on behalf of the people to call for protection from foreign enemies or natural disaster. This type of lament is initially found expressed by Moses (eg. Ex 5:22-23 and Joshua (eg. 7:7-9); later by the king (eg. Psalms 89 and 144 plus Isa. 37:15-20); and finally by the prophet (eg. Jer. 14:19-22; deuter-Isaiah 63:15-64:7) (Mowinckel, The Psalms in Israel’s Worship, I, 225-239; and Leslie, Psalms, pp. 259-281). Therefore I conclude that this ritualistic expression of the desire for vengeance and retaliation was very much a part of Israelite experience of conflict in both judicial and international contexts.

23. The transition of the complaint to a confession of sin was gradual, beginning with occasional references to guilt in Joshua (eg. 7:7-26) and Judges (eg. 3:7-9 -- in this case not accompanied by confession). It also appeared in the occasional penitential Psalm (eg. 51), later revisions of the wilderness sojourn (eg. Num. 11 -- in this case not accompanied by confession; and Deut. 7:7-26), and became prominent in the prophets (eg. Jer. 14:20; Lam. 5:7) and in the post-exilic period (eg. deuter-Isaiah 64:5-7; Neh. 9; and Dan. 9). In its final form it was a repeatedly rephrased confession of sin which culminated in a petition. The collapse of state, Temple, and empire, which accompanied the exile, brought about a revolution in the lament. This can best be seen in the contrast between Jeremiah and deuter-Isaiah on two counts: 1) for the first time, deuter-Isaiah understood the suffering of the mediator as
substitutionary; and 2) the suffering was for all, even the
every; the supplication of the mediator included the trans-
gressor (eg. Isa. 53:12) (Westermann, Praise and Lament in
the Psalms, pp. 171-172, 206, and 277-278).

24. The expression of rage is also seen in other plac­
es in the gospel accounts. Vengeance for the poor is an
important motif in Luke’s prelude to the ministry (eg. the
Magnificat -- 1:51-53), and the inaugural presentation
(4:18-19) of Jesus. Furthermore, Jesus accepts the com­
plaints of the blind (eg. Matt. 9:27; 20:31), the demon
possessed (eg. Matt. 15:23; Mark 5:7), and the disciples
(eg. Matt. 14:30), as well as hearing the confession of sin
(eg. Lk. 23:41-42) (Brueggemann, Praying the Psalms, pp. 75
and 78-79; and Brueggemann, "From Hurt to Joy, From Death
to Life," pp. 18-19).

25. Martin Patchen, Resolving Disputes Between Na­
tions: Coercion or Conciliation?, Duke Press Policy Studies
(Durham, North Carolina and London: Duke University Press,

26. James J. White, "The Pros and Cons of Getting to
YES," review of Getting to YES: Negotiating Agreement With­
out Giving In, by Roger Fisher and William Ury, in the
C.R. Mitchell, review of Getting to YES: Negotiat­
ing Agreement Without Giving In, by Roger Fisher and Wil­
liam Ury, in The Journal of Strategic Studies, VI, No. 1
(1983), 115;
Stephen Weiss-Wik, "Enhancing Negotiators’ Suc­
cessfulness: Self-help Books and Related Empirical Re­
search," Journal of Conflict Resolution, XXVII, No. 4
(1983), 723; and
David A. Lax and James K. Sebenius, The Manager As
Negotiator: Bargaining for Cooperation and Competitive Gain
(New York: Free Press, a division of MacMillan, Inc; and

An example of the problem of negotiating over
interests, when one or more of the parties is composed of
factions, is illustrated by labor/management negotiations.
According to labor negotiator, William McCarthy, claims
formulated by unions must include a collection of items
which are part of the grievance of each constituent fac­
tion. A similar process leads to the development of a set
of conditions on the management side. The result is a
series of positions, which is known to be unrealistic, but
is deemed a necessary part of the collective bargaining
ritual (William McCarthy, "The Role of Power and Principle
in Getting to YES," Negotiation Journal, I, No. 1 [1985],
63.)
Examples where the underlying interest is a basic principle are indicated by lawyer Carrie Menkel-Meadow. She points to those whose interest is in being vindicated and those who have an interest in having a particular law interpreted so as to apply to a given situation (Carrie Menkel-Meadow, "Toward Another View of Legal Negotiation: The Structure of Problem Solving," UCLA Law Review, XXXI, No. 4 [1984], 827). Furthermore, business negotiators David Lax and James Sebenius confirm the importance of precedent setting in negotiations over principles. According to them, negotiators may settle for a short-term loss with respect to intrinsic interests in order to establish a principle which they believe will yield favorable gains in subsequent disputes (David A. Lax and James K. Sebenius, "Interests: The Measure of Negotiation," Negotiation Journal, II, No. 1 [1986], 79-80).


29. See discussion of this issue by Burton in chapter 1, pages 43 and 52-53. Note also that Burton's use of the terms "values" and "needs" is included in Fisher's understanding of "interests," as stated in chapter 2, page 101.


31. This negotiation process centers around "self-presentation" and "altercasting" in an attempt to work out an understanding of who everyone will be during the encounter (Philip W. Blumstein, "Identity Bargaining and Self-conception," Social Forces, LIII, No. 3 [1975], 476-477).


41. This interpretation of Augustine is argued convincingly by Anders Nygren and supported by Reinhold Niebuhr. Nygren claims that Augustine’s contrast between amor Dei and amor sui, in reality, includes a distinction between two kinds of self-love. This is due to Augustine’s conviction that seeking one’s "summum bonum" (even in amor Dei) is, at heart, an expression of truest love for oneself. He refers to various passages in Augustine’s work, including *The Trinity*, VIII, 8.2; *Commentary on the Gospel of John*, 91.4; *Sermon XXXIV*, 5.8; and *Sermon XCVI*, 2. In addition, I


45. Gottwald presents the pre-exilic model as an outgrowth of the old Israelite amphictyony. This inter-tribal league, during the period of the judges, had provided for mutual religious, military, and judicial interests, while the tribes retained autonomy with respect to other matters. Isaiah’s vision is to extend this successful historical experiment in partnership by submitting foreign policy to a loosely organized league, including the other major powers of the day -- Egypt and Assyria. According to Gottwald, Isaiah’s bitter forty year experience in foreign affairs impelled him to search for alternative structures which could quell naive nationalism. Isaiah’s observation, that selfish regional and national interests repeatedly prevailed over larger interests, led him to envision a confederation of major powers which could adjudicate conflicting claims for justice. This meant that force need no longer be the necessary arbiter of disputes (Isa. 2:1-4 and 19:19-25). The promise of swords turned into ploughshares and spears into pruning hooks is set in the context of Isaiah’s conviction that the advent of shalom demanded an expanded identity. The pattern of victory and defeat, which merely
awakened self-confidence and complacency in the victor and resentment and hatred in the victim, must be altered by a change of perception regarding those with whom one "belongs." According to Gottwald, Isaiah's model implied prevention of open conflict among the confederated nations and "a strong loyalty which creates a fellow feeling based upon solid trust." Furthermore, Gottwald rejects the presentation of this vision as utopian. A correct rendering of "at the end of the days (2:1)" refers, not to the end of history, but to a critical turning point in the near future. It was Isaiah's sense of impending cataclysm which prompted his search for an alternative to the well-learned attitudes and habits of war. The result was the vision of a radical transformation of Israel's view of itself and of its enemies. Israel may win, but not through the defeat of its enemies. Assyria may be punished, but for its intolerable pride and crimes against all people, not simply because it is Israel's enemy.

Gottwald presents deuto-Isaiah's model as a modification of the partnership model. The vision of Israel as a priestly enclave in a single world empire is the result conditioned by the rise of the Persian Empire. Israel does retain a place in the empire, but it is no longer a political entity. Instead, Israel maintains its identity as the religious community with a special call. No longer will Israel's importance be determined by political maneuvering or coercion. In fact, she will not have to worry any longer about affairs of state and can turn her full attention to serving as mediator for the Kingdom of God. Her new task is to focus on her calling as God's people, chosen now to revive and maintain the priestly cult whereby all the nations will be saved. Her new methodology, to replace former political coercion, will be conversion --first Israel's own conversion and then, through its example, the conversion of the other peoples. However, even this religious role is no longer the exclusive right of Israel. The old imperialistic model from the Davidic empire has been radically revised by transferring the messianic leadership from an Israelite to the head of the Persian Empire (41:2-4, 25-29: 44:28; and 45:1-7) (Norman K. Gottwald, All the Kingdoms of the Earth: Israeliite Prophecy and International Relations in the Anciet Near East [New York: Harper & Row, Publishers, 1964], pp. 196-203, 341-345, and 385-392).

46. Jesus demonstrates rejection of nationalistic exclusiveness, during his inaugural sermon in Nazareth, by his reference to God's attention to the needs of foreigners, even at the expense of Israelites (Luke 4:25-27). Furthermore, Jesus' parables include the example of a Samaritan and a messianic banquet for people from all nations. In similar manner, Jesus' international inclusiveness is seen in his interactions with Romans (Matt. 8:5-
However, some scholars would challenge the assertion that Jesus' ministry was significantly international in focus. It has been pointed out that the above mentioned encounters with gentiles were rare (and then only on the initiative of the gentile person), that Jesus concentrated his ministry on the community of Israel, that he occasionally rejected activity among gentiles (Matt. 10:5 and 15:24), that he criticized the proselitizing of the Pharisees (Matt. 23:15), and that most of his universal mission commissions were presented in either a post-Easter context (Matt. 28:16-21, Mark 16:14-20, Luke 24:47, and John 20:21) or a passage which refers to that context (Mark 13:10, Matt. 24:14, and 26:13). Despite this, Donald Senior ("The Foundations for Mission in the New Testament," in The Biblical Foundations for Mission by Donald Senior and Carroll Stuhlmueller [London: SCM Press Ltd., 1983], pp. 142 and 152-155) contends that the thrust of Jesus' ministry moved away from a rigidly defined notion of Israel as an elect people toward an inclusive view of the people of God. One indication of this is Jesus' avoidance of the "remnant" theme (popular among many first century Jewish cults like Qum Ran and the Pharisees) in favor of more inclusive imagery. Jesus also avoided the motif of "Vengeance on the nations" (a strong emphasis within Jewish thought of the time) whereby God would judge the imperialist gentiles. Instead, he emphasized internal criteria for making judgments -- criteria, such as faith and obedience, which relativized race and nationality. Another dimension of Jesus' mission was his consistent challenge to attitudes, practices, and structures which restricted or excluded members of the community of Israel. The "outsiders" Jesus defended were mostly Jews, but occasionally gentiles (as noted in the first paragraph of this footnote). All these elements of Jesus' ministry had a disrupting effect on the understanding of identity which the leaders of the Jewish community thought to be essential for cohesion in the midst of Roman occupation. Jesus' relativizing of strictly defined boundaries for membership in the community surely was perceived as a threat to stability. Jesus' prophetic challenge to these boundaries was a primary cause of the hostility directed against him by the religious establishment. It was this inclusive thrust to Jesus' ministry, reinterpreted in the light of the resurrection and developments in the early church, that laid the foundation for the radical internationalization of the subsequent Pauline mission.

47. Patchen, Resolving Disputes Between Nations, pp. 312-313;


52. Galanter, "Worlds of Deals," p. 275; and


57. Lax and Sebenius, The Manager As Negotiator, pp. 178-180.


60. Fisher, response to "The Pros and Cons of Getting
61. Ibid., p. 121; and Roger Fisher, interview in "Getting to YES Six Years Later," Dispute Resolution Forum (May, 1987), 5.


65. This was undoubtedly due to the purpose for their creation. It has been agreed by numerous scholars (Martin Albertz, H.W. Kuhn, Rudolf Buttmann, Martin Debelius, Vincent Taylor, and Arland Hultgren) that these conflict stories do not reflect actual debates between Jesus and the Pharisees. Nor are they to be understood as sources for carrying on the debate between the Pharisees and the early church. Rather they are a catechetical body of material created to inform the church's own way of thinking and acting in response to outside criticism. Therefore, the incidents take on a punctiliar character, unlike actual disputes. There is never dialogue between more than two parties. One never knows for sure if Jesus ever dialogues twice with the same individuals. No details are ever given about any former relationship between Jesus and his opponents. Furthermore, the latter are always described in general terms. In fact, a comparison of gospel accounts (which reveals that different categories of opponents are attributed to the same incident) raises questions about whether originally there may not have been any designation. The fact that some of these conflict stories may have been based initially in a life experience of Jesus, is one indication that they are a reflection of Jesus' relationship to the issues discussed. However, it does not change the "Snap-shot" character of the narratives (Arland J. Hultgren, Jesus and His Adversaries: The Form and Function of the Conflict Stories in the Synoptic Tradition [Minneapolis: Augsburg Publishing House, 1979], pp. 52-56, 162, and 198).

66. Orthodox Jews would not dine with tax collectors because they could not be certain that the meal had been prepared in accord with the purity laws. Jesus' acceptance
of an invitation, and even more his initiation of one (as in the case of Zacchaeus) would have been seen as scandalous. It placed him and his disciples in a condition of ritual impurity which was often associated with the demonic (J. Massyngbaerde Ford, *My Enemy is My Guest: Jesus and Violence in Luke* [Maryknoll, New York: Orbis Books, 1984], pp. 71-78).

67. There was a long history of enmity between Samaritans and Jews. In one incident which would have occurred within the lifetime of the readers of Luke’s gospel, one of a company of Jews was murdered while passing through Gema, Samaria, on the way from Galilee to Jerusalem. Jewish revolutionaries retaliated by slaughtering all the inhabitants of the town, an act which was avenged by Roman soldiers killing all the Jews involved. The route taken by Jesus, on his way through Samaria was exactly the same as the one taken by the initial group of Jews in the Gema incident. It is little wonder, then, that the "sons of thunder" (who were very possibly religious Zealots) called for fire in response to Samaritan inhospitality. Furthermore, to call these people "good neighbors" would have been more than even liberal Jews would have easily countenanced. Jewish law forbade contact in most of the normal levels of interaction in society. For example, Jews were forbidden to purchase from Samaritans oil or wine, the healing agents used to pour on the wounds of the victim in the parable. Furthermore, they were forbidden to receive works of love of any kind from these traditional enemies. On the other hand, the robbers (Josephus’ term for revolutionaries) would have been heroes to many patriotic Jews. Finally, the question, "Who is my neighbor?" with which the parable begins, was common in rabbinical circles as a pretext for determining who had met the requirements of the law (Ibid., pp. 80-86 and 90-94).

   See also chapter 5, pages 305-307.

69. Robert Brawley challenges the standard reading of Acts as a triumph of gentile Christianity over Judaism. Instead he postulates that Luke’s experience of conflict between Jews (including Jewish Christians) and gentile Christians led him to attempt to draw together these two traditions. Primarily this is accomplished, according to Brawley, by accommodating the Paul of the epistles toward Judaism. Unlike the Pauline corpus, Luke presents Paul’s first mission as one to the Jews (chapter 13:1-42). In fact, throughout the entire ministry of the Lukan Paul, the apostle exerts more energy trying to present the gospel to
Jews than gentiles. He only turns to the latter because the former rebuff him (eg. 13:45-52). Furthermore, Paul's Jewishness is the burden of his defense speeches (chapters 22 and 26), where Paul presents himself as a Pharisee who is committed to the Jewish tradition. Through a number of specific actions, the Lukan Paul becomes the model of conciliation, providing options for use by contemporary readers. For example, the Lukan Paul, unlike the Paul of the epistles, supports four Jewish Christians, going with them to the Temple to purify themselves by fulfilling a ritualistic vow (21:21-24). He also sees that Timothy, half Jew/half gentile, is circumcised in order to avoid controversy (16:3). In addition, Luke's conciliation effort goes beyond just the presentation of Paul. The Jerusalem Council and apostolic decree of chapter 15 signaled the release of gentile Christians from most of the demands of the law, but enjoined them to concede on a couple points of ritualistic and moral behavior. It is conceivable that this council document could have been a kind of single-negotiating text proposed by Luke to Jewish and gentile Christians (Robert L. Brawley, Luke-Acts and the Jews: Conflict, Apology, and Conciliation, Society of Biblical Literature Monograph Series, No. 33, ed. by Adela Yarbro Collins and P. Kyle McCarter, Jr. [Atlanta, Georgia: Scholars Press, 1987], pp. 51-83, 92, and 156-159).


78. Mitchell, review of Getting to YES, p. 115.


81. Lax and Sebenius, The Manager as Negotiator, p. 256.


In the area of international negotiations, political scientists Glenn Snyder and Paul Diesing, after analyzing sixteen critical crises of the 20th century, conclude that the party which believes itself to be right, and can communicate this effectively to an opponent which doubts its own legitimacy, nearly always wins. Consequently, they conclude that perceptions of legitimacy, especially if they are intense, are the most potent element in determining negotiating power and outcome (Glenn H. Snyder and Paul Diesing, Conflict Among Nations: Bargaining, Decision Making, and System Structure in International Crises [Princeton, New Jersey: Princeton University Press, 1977], pp. 498-499).


86. For Menkel-Meadow, focusing on merits is more productive than resorting to positional bargaining. Still, she is cautious about the role of even these objective criteria, warning that the concept of legal merits can prove problematic when used in certain circumstances. In disputes where the parties hold very divergent views of the
merits and the means of their determination, she contends that resort to these objective criteria will only become a new arena for adversarial argument (Menkel-Meadow, "Toward Another View of Legal Negotiation," pp. 816-817 and 824-827).


Although overall experimental evidence is mixed, Pruitt (Negotiation Behavior, pp. 68-69) points to some which indicates that the presence of two prominent solutions encourages faster agreement than the presence of none. In other words, the dilemma of choice, between best and acceptable, is preferable to the kind of positional bargaining which yields no prominent solution. The presence of multiple (versus zero) potential solutions, proposed through an attempt at objective criteria, indicates less divergence of interest, and therefore, produces less defensiveness.


91. Ibid., p. 7.

92. Although one may correctly argue that the results were ultimately the best, even for the CDU, it is clear that this party did not perceive the matter in this way at the time (see also chapter 4, page 257).


95. Ibid., pp. 15-20.


100. Zartman and Berman, The Practical Negotiator, pp. 103-104.


103. Fisher, response to "The Pros and Cons of Getting to YES," p. 120.


111. For example, Frederick B. Tolles (excerpt in Christian Faith and Practice, ed. by London Yearly Meeting,
writes: "The relativist needs the absolutist to keep alive and clear the vision of the City of God while he struggles in some measure to realize it in the City of Earth. And conversely, the absolutist needs the relativist, lest the vision remain the possession of a few only, untranslated into any degree of reality for the world as a whole."

See also Richard K. Ullmann, Between God and History: The Human Situation Exemplified in Quaker Thought and Practice (London: George Allen & Unwin Ltd., 1959), pp. 91-93.


113. Niebuhr, Human Destiny, pp. 221-228.


119. Ibid., pp. 119-120.

CONCLUSION

I now come to the task of evaluating the hypothesis which I set out at the beginning of this thesis, in light of the research methodology carried out. Specifically, I will comment on the contributions which a theology of conciliation can make to the theoretical framework of principled negotiation, and beyond that to conflict resolution theory in general. Second, I will comment on the utility of principled negotiation as a model which can be adapted for use by the church in its potential role as an intermediary in international conflict. Here, I will examine the implications for both theology and praxis. Third, I will give special attention to the significance of the case material. What modification does it require in conflict resolution theory and how does it inform church theology and practice? I will give an overview of the relevant material at the beginning of my conclusion and then make reference to it throughout. A summary of case material at this point, together with the summary, at the end of the last chapter, of the theological assessment of principled negotiation, will better enable the evaluation process. Finally, at the very end, I will ask how the theoretical framework of principled negotiation and the theology of conciliation can draw out the wider implications of the
case material. Exactly what is the breadth of application for the insights gained through this set of empirical data?

Conclusions from the Case Material

In both cases, the third party successfully helped parties to use a problem solving approach which was at least similar to that of principled negotiation in most respects. Therefore, the weight of evidence challenges the critics of principled negotiation more than it does its advocates. In the Harvard case, the relational was separated from the substantive at most points. In particular, the relational dimensions of communication and perception clarification were dealt with in a way which was clearly advantageous to resolution of the conflict. Similarly, through the use of principled negotiation techniques, NNP facilitated awareness of common and compatible interests and helped extricate parties from inflexible positions. Furthermore, they were able to legitimate their proposal for nuclear risk reduction centers through the discovery and use of objective criteria for agreement. At the same time they, were able to effectively disengaged from their own criteria at a critical point in the relationship. The only significant point of divergence from principled negotiation theory was the lack of option creation in their approach. Their successful use of option presentation raises a number of questions, including consistency within the theory, the role of third party advocacy, and general
applicability beyond this particular context and these participants.

In the Quaker case, like the previous one, the QIARs separated the relational from the substantive, facilitated awareness of common or compatible interests, assisted extrication from intransigent positions, and utilized objective criteria for agreement. Moreover, they functioned more in accord with principled negotiation than did NNP in that the QIARs became a very effective catalyst for option creation. They avoided adopting a particular position, themselves, until the very end, when they actively supported ratification of the eastern treaties by the FRG government. Their approach also differed with that of NNP, and to some extent with principled negotiation theory, at the point of accountability and confrontation. Though they avoided judgmentalism, they were concerned to apportion responsibility, and even blame. They directly challenged the fixed positions they encountered, of which there were significantly more than in the Harvard case.

Implications for Principled Negotiation and Its Critics

Both the theology of conciliation, which I have developed, and the case material presented, give a great deal of support to most of the tenets of principled negotiation. Over against its critics, my analysis demonstrates that a problem solving approach can work and that a coherent theological rationale can be developed to underpin it.
Acknowledgement of the centrality of interests, as opposed to positions is, in my estimation, the most affirmative aspect of my assessment of principled negotiation. At this point, my theology of conciliation simply strengthens the theory through its focus on identity as the most basic interest. If, as I believe, my theology can contribute to an awareness of the tremendous importance of identity formation, then principled negotiation, or any other problem solving theory of conflict resolution, will become even more effective. Realization of basic identity, in responsible relationship to God and others, becomes a solid base for discovery of common, enlightened self-interest. The Quaker case lends support to this thesis, with its example of creatively handling the issue of East German identity formation.

My theology, as well as both case studies, also effectively challenges the structuralist critique of principled negotiation and other problem solving techniques. The case studies aptly demonstrate that surgical measures to root out evil, and coercively reorder inter-societal relationships, are not always essential, even in situations of significant asymmetrical power like the two Germanies. My theology compliments this case material by focusing on aspects of the Biblical and theological tradition, such as reconciliation, which contribute to contemporary society a vision and strategy combining harmony and justice. This is not to suggest that restructuring of society, or of inter-
societal relations, is never appropriate. Rather, I am asserting that the means is equally as important as the end. If social change can take place within, rather than over against, the actor and conflict systems, then pragmatism and compassion require the adoption of this approach.

At the same time, both my theology and the case studies, challenge principled negotiation at some critical points. First, there is the question of accountability and blame. Principled negotiation needs a more realistic assessment of the impact of evil on personal and structural relationships. Fostering a sense of responsibility and providing channels for expression of both grievance and confession are important to the achievement of a deep and lasting resolution of conflict. This would require principled negotiation to construct channels of communication which, not only provide for catharsis, but also for soul searching. This self-examination procedure, or what I have called conversion, would deepen the process. It would require both facing oneself and confronting the other more acutely than what I perceive to be the case presently in principled negotiation methodology. Furthermore, when dealing with the intransigent, hard bargainer, this process of "speaking the truth in love" will require another party to challenge the other's attitude in very fundamental ways, yet without rejection of the person or assumption of a fixed substantive position oneself. Therefore, it is dis-
tinct from both principled negotiation and from its critics.

Second, as already noted, the Harvard case, illustrates an inherent problem within principled negotiation. On the one hand, it professes to discourage early commitment to decisions. On the other hand, some of its favorite strategies, such as the creation of the single negotiating text and "yesable propositions," rely heavily on presentation of potential solutions rather than problem solving techniques such as brainstorming. I would suggest that this be resolved by adjusting the theory to fit the practice and not attempting to force practice to fit the theory. The Harvard case is an excellent example of creative third party intervention and should not be deemed inferior because it utilizes options presentation instead of option invention. My theology of conciliation may offer a way out of the dilemma. Instead of focusing on option creation, my theology concentrates on the creation of attitude change. By giving priority to the opening of attitudes over the exploring of options, this aims to create an atmosphere which will assist in the resolution of conflict regardless of the exact strategy. If a spirit of mutual acceptance can be fostered, then either option presentation or option creation will be likely to succeed. The two successful case studies, each representing a different approach, illustrate the central importance of openness -- both on the part of the third party and the principal parties. Of
course, it is impossible to guarantee the success of such an endeavor. Yet, here, too, my theology of conciliation helps to inform at least the Christian practitioner of principled negotiation. The ability to let success or failure rest in the hands of God frees one to see one’s own part as that of a participant in the action of God. The result should an attitude change which enables the third party to function in a non-manipulative manner, thus increasing the chances of the very success for which one hopes.

Finally, as mentioned at the end of chapter 6, the point where my theology of conciliation most challenges principled negotiation is over the concept of objective criteria. A process which is tied so closely to precedent can have a very constrictive effect. By disempowering the minority voice which appeals to strange vision and unusual criteria and proposals, the entire process may be robbed of some of its creative potential. To address this problem, I propose that the Quaker process of silent listening to the Presence, serve to augment the problem solving process of brainstorming. The "Concern from Beyond," is more likely to come from a quiet center than from newsprint, though the Spirit of God can never be limited by any particular means. This suggested procedure is certainly not objective. In fact, it is highly subjective. However, it is not a subjectivity turned in on itself when true openness is
present. Such a process is not foolproof and should not be seen as a permanent replacement for communal brainstorming. Both human community and divine encounter are important for discernment. What it does offer to the principled negotiator is the chance to be freed from the search for "fair" criteria, in order that one might be open to the "optimal," or even extraordinary criteria of the kind discovered by Zacchaeus and Philemon.

**Implications for Church Theology and Practice**

As previously stated, neither liberation theology, nor Christian realism, can explain the success of Quaker conciliation. Both of these theologies underestimate the potential for creation of value within the dispute relationship. While I am not suggesting that these theologies lack all relevance to conflict situations, I am saying that a theology of conciliation is equally necessary, but frequently not considered. Certainly, reconciliation, even as the organizing principle, is not a new concept in theology. However, I believe that I have respond to the valid concerns of realists and liberationists in a way that distinguishes my theology of conciliation from those theologies which could be accused of engendering pacification in the name of peace. There has been a great need for theology to address the tension between harmony and justice without falling into the traps of either pacification or coercion. I believe my theology begins to speak to the task of
uncovering both the dominance rooted in structural violence and the exclusivity rooted in personal enmity.

However, I am even more concerned that my research point to concrete proposals for the restructuring of church praxis. I write, not only for the academic, but for the ecclesiastical policymaker who sets much of the agenda, and determines the style, of the church’s ministry in international affairs. I also write for the ecclesiastical practitioner who attempts to function creatively in relation to a given conflict in which he/she happens to be involved.

One view of the role of the church policymaker or practitioner is capsulated in a remark which William Sloane Coffin, then Chaplain at Yale University, made to Henry Kissinger, then American Secretary of State. When Kissinger asked Coffin how he would "Get the boys out of Viet Nam, Coffin replied:

Mr. Kissinger, our job is to proclaim that 'justice must roll down like waters, and righteousness like a mighty stream'. Your job, Mr. Kissinger, is to work out the details of the irrigation system. ¹

Perhaps the exact mechanics of the irrigation system must be the responsibility of a professional. However, the implication that the only thing the church can do is tell other people what to do, strikes me as remaining dangerously above the fray. It is only as the church begins to wrestle with the difficult questions surrounding the irrigation system, that it can appreciate the difficulty of the task and begin to make a truly constructive contribution.
What is required, here, is the putting of flesh on Nouwen’s “prophetic yes”, as described at the end of section three of the previous chapter.

Nouwen claims that the prophetic voice is fundamentally a positive one, pointing toward the fullness of the vision of God’s kingdom. He also states that one who pursues this prophetic calling must take responsibility for communicating this hope to the society. Communicating hope to one who struggles with the seemingly irreconcilable conflicts, which so often pervade international relations, requires that one play some role in helping a given official to see a creative way to proceed. Principled negotiation offers such a procedure, whereby even a non-professional can assist in the process of envisioning “yesable propositions.” There is no requirement that every proposal be feasible. In fact Fisher makes the point that even outlandish ones can spur other people to consider feasible options which they might not have recognized before. Such a strategy could range all the ways from one person making a very sketchy outline of a wild ideas for resolving a certain conflict to a team of persons devoting great amounts of time to the task of developing proposals and seeing that they are heard by the appropriate people. In the former case, there is not a great deal of structure or authorization needed. However, in the second case, organizational backing would assist greatly.

Therefore, I propose that denominational, ecumenical,
or para-church organizations resolve to develop a parallel set of instrumentalities, the purpose of which would be to supplement the work of the numerous religious advocacy agencies. The purpose of such an instrumentality would be to pursue conciliation efforts at the same time that other arms of the church pursue advocacy aims. The division of labor is important for a couple reasons. First, it would be too time consuming for one agency to do both. Second, it would, at times, be impossible to function in the two roles at the same time, as they call for very different stances with respect to impartiality. The Quakers tend to have such divisions of labor within their organizations. Most other denominations do not. The result is that the conciliation work usually goes unheeded. A conversation, a couple years ago, with a representative of the United Church of Christ, Office for Church in Society, illustrates my point. She spoke of going with a fact-finding team, composed of church professionals in Social Action Ministries, to all the parties involved in the Contadora peace process. They were to speak with each delegation in turn and then report back to Washington. She spoke, then, of her frustration at not being able to return to one country with the information that its perception of another country was distorted. However, there was neither time nor money for them to perform such a simple message-carrying task.

Such an agency would need to adapt the tenets of
principled negotiation in the ways which I have described in the previous section. Furthermore, there are some additional limitations imposed on such efforts by any uninvited, nonofficial organization which functions largely in a pre-negotiation context. The two case studies, having functioned in exactly these circumstances, provide some guidelines. Like the QIARs and NNP, this agency would have little power to bring parties together unless they wished. Therefore, there may be very little face-to-face encounter. This, of necessity would change the tactics used. For example, there would be little opportunity for a joint search for criteria for an agreement. Instead, message-carrying and perception clarification might become the predominant functions, much as was the case throughout most of the Quaker case.

However, one essential part of the role would be the avoidance of party advocacy. Party advocacy, in the exclusive sense, contradicts the ultimate goal of shalom, i.e. to eliminate an adversarial relationship. This is the case even if some form of empowerment process may be a legitimate and necessary means to unmask the adversarial nature of the relationship and ensure justice. At the same time, I reject the concept of neutrality as too detached a stance. Since divine judgment must include people as well as issues, since hospitality must be emphasized over relational distance, since shalom must be defined in terms of harmony as well as justice, and since security, as under-
stood theologically, must be based on identity, an ecclesiastical third party role focused around neutrality has to be a fallacy.

Therefore, I wish to propose an alternative title, and redefinition of the role, in order to reflect a needed relational and positive nature. The term impartiality carries a more personal connotation. However, this designation still defines the model primarily in negative terms. It implies that one is for neither side. What is needed is a stance which is for both sides, in much the same way that the pastoral counsellor is "for" both husband and wife in marriage counseling.

Both of the case studies illustrate this kind of third party role, as each assiduously avoided party advocacy until the brief QIAR lobbying effort at the end when there was no longer any need for the conciliation role to continue. This non-advocacy role is very common to the Quakers, who have developed a variety of expressions with which to describe it. It is variously referred to as "balanced partiality," or "concerned impartiality." As noted in the the Quaker case study, Reuman described his own role as living "between both sides," taking German tensions into himself, listening and speaking to people on both sides with compassionate concern. Roland Warren’s description of carrying, in his imagination, one party, while having a conversation with the opposite number, has a
similar ring to it. As a result of this "standing between," both sides came to see the QIAR as a trustworthy friend.

Being "for both sides" does not mean that the third party would cease from confrontation. On the contrary, identification with the hurts and interests of all parties can lead to sufficient trust to allow for creative confrontation. As argued at numerous points in the text, and illustrated in the case studies, confrontation need not contradict a problem solving stance and may be an essential ingredient in the process of conversion. It may, in fact, be necessary in order to create a context where opponents can deal with each other on an equal basis. Empowerment of the weaker party is certainly possible without an adversarial stance. As discussed in chapter 5, empowerment can be accomplished through the development of awareness, confidence, and identity. Thus, confrontation becomes part of a creative, rather than destructive process. One can take sides with one party for the purpose of assisting in identity formation. But, ultimately it is in everyone’s interest to facilitate such a process. Being for both sides still allows one to shift the balance toward that party which needs the most, at that moment, from the third party. Taking the side of the powerless for the ultimate good of all, though, is very different from siding against the more powerful party.
Application to a Broader Context

I wish to emphasize that the specific limits of the context to which I am applying principled negotiation are those described above in the creation of a special church instrumentality for conciliation efforts. I fully recognize the need for other arms of the church to function in purely advocacy terms. Furthermore, I recognize that there are limits on the kind of situation in which such an agency could conceivably be involved at all. It would be very unusual for this instrumentality to be invited on an official level. Usually it would function as an uninvited, informal, conciliator which is only able to function in a pre-negotiation context. However, I do not wish to put any further restraints on the application of the role. The Quaker case illustrates that this role can be performed in a very difficult context of strong identities and power asymmetry. To have demonstrated its value and laid a theological foundation is sufficient. I would have to defer until much more extensive research has been done, in order to determine if certain contexts should be declared inappropriate for conciliation.
NOTES


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