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### **Relational Barriers: Reflections on Peacemaking**

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### Relational Barriers: Reflections on Peacemaking

*What stands in the way of agreement?* Addressing this simple, seemingly obvious question can help guide those trying to manage or resolve a protracted conflict. The question of “barriers” is especially relevant in cases where consideration of the objective interests of the conflicting parties makes it clear that there are possible agreements that would represent an advance over the status quo for both parties. Indeed, the broad outlines of such an agreement may be apparent to all concerned, even as the stalemate persists, costs mount, and suffering continues. In rare cases, the source of the stalemate may be personal stubbornness on the part of political leaders or lack of skill on the part of the negotiators. More typically, the barriers are less personal, less apparent, and demanding of a level of analysis that may go beyond the normal realms of political science and statecraft.

In 1995, an interdisciplinary group of social scientists associated with the Stanford Center on Conflict and Negotiation (now the Stanford Center on *International* Conflict and Negotiation or SCICN) provided the beginnings of such analysis in an edited volume entitled *Barriers to Conflict Resolution* (Arrow, Mnookin, Ross, Tversky & Wilson, eds., 1995). They began by noting some familiar conflicts, such as labor strikes and lawsuits, that prove refractory to resolution even when both sides would seemingly have benefited from avoiding the struggle or from reaching an earlier settlement. Such struggles drain the resources of both sides, and inevitably result in compromise agreements that could have been achieved without the ensuing transaction costs. The Cold War, during which both the United States and the Soviet Union spent vast sums and endured great risks in an ever-escalating arms race even though their mutual interests would have been better served by mutual de-escalation, was much on the mind of the authors.

In the introductory chapter of that edited volume, Mnookin and Ross (1995, pp3-24) distinguished three types of barriers that account for the failure of parties to do what negotiation theorists, including Homans (1961) and Fisher and Ury in their justly celebrated thin volume, “*Getting to Yes*,” prescribe as the recipe for successful negotiation—that is, for each side to yield what it values less than its counterpart in order to receive what it values more than its counterpart. In this paper, we begin by briefly noting the three sets of barriers. We then proceed to discuss the “real world” lessons that successive SCICN scholars and practitioners have learned in lending their services to ongoing peacemaking efforts.

**Structural Barriers:** One set of barriers involves organizational, institutional, and/or situational constraints that prevent the parties from meeting and from coordinating their interests. These barriers include constraints on the exchange of information required for the parties to discern and communicate relevant priorities, agency problems in which the interests of factional leaders or representatives and political or economic elites are served over the best interests of the principle parties. They also include bureaucratic practices that discourage the acceptance of political costs and risks and otherwise elevate short-term, special interests over longer-term, general concerns. A barrier in many conflicts is the fact that the necessary compromises and concessions must be made sequentially rather than simultaneously—so that one side has to “go first”, with no certainty that the other side will follow suit.

**Tactical and Strategic Barriers:** A second set of barriers arises from the dynamics of self-interested bargaining and negotiation. The parties seek to maximize their own share of any gains to be achieved by mutual compromise through secrecy, deception, bluffing, foot-dragging, and other “hardball” tactics that inevitably delay agreements, increase transaction costs, and typically decrease the “efficiency” or joint value of any agreements that are reached. If we consider the familiar bargaining metaphor which involves the making and dividing of a pie, these barriers reflect the fact that each side, in seeking to increase its share of the “pie,” acts in ways that decrease the size (and value) of the pie they are dividing.

**Psychological Barriers:** The remaining set of barriers discussed by Mnookin and Ross are the ones that the authors claimed had received insufficient attention from negotiation theorists and practitioners. These barriers involve psychological processes and biases that are rooted in the way that ordinary human beings perceive, understand, and interact with the actors and events they experience. The list of such barriers—some discussed in their seminal chapter, others in subsequent work by SCICN researchers and their colleagues—include false polarization or the underestimation of common ground, pursuit of equity or justice (a goal, given the parties’ differing conceptions of what would be just, that is far more difficult to satisfy than mere advancement over the status quo), dissonance reduction and avoidance, biased assimilation of relevant information, judgmental overconfidence, loss aversion, and “reactive devaluation.” The last of these barriers, which involves the tendency to devalue compromises and concessions when they are actually “put on the table”—especially if they have been put on the table by an adversary—received special attention in the volume, and has been the subject of considerable follow-up research (see Ross, 1995; also Ross & Ward 1995; Maoz, Ward, Katz & Ross, 2002).

### **Relational Processes and Barriers: Lessons Learned in the Field**

In the aftermath of the *Barriers* volume, SCICN academicians continued to pursue and publish their work in the standard scholarly journals. But we also began to accept invitations to involve ourselves in “real world” peacemaking efforts. In particular, we addressed the question of how structural, strategic, and especially psychological barriers have made their influence felt in the context of two particular conflicts. One was the conflict between unionists and nationalists struggling to reach a final agreement in Northern Ireland. The other was the post-1967 conflict between Israelis and Palestinians in the West Bank and Gaza. Beyond participating in some second-track diplomacy efforts, we also worked with community leaders and peace activists engaged in inter-community and intra-community dialogue processes, and hosted or attended conferences with practitioners. Work with ex-prisoners who now have embraced political means, rather than violence, proved especially enlightening. At the same time, we continued our interdisciplinary dialogue with academicians from many fields including economics and game theory, political science, law, religion, philosophy, and social, cognitive, and cultural psychology.

In short, we have had a chance for our analytic efforts both to inform, and to be informed by, a good deal of real-world experience. One result of these efforts has been a growing appreciation of the central role played by a class of *relational* processes and barriers that involve the interplay of structural, strategic and psychological factors. To some extent, the real-world lessons we learned have sharpened our previous analyses. But, to some extent, they also have provided insights about limitations in our earlier analyses—lacunae that must be addressed as we move from investigating barriers to considering strategies for overcoming such barriers. We offer a brief summary of those real-world lessons below:

- 1) ***The importance of intragroup conflict:*** When there are no important divergences of goals or interests *within* the two sides in a conflict, resolution of the intergroup conflict is apt either to be easy or to be impossible. An important job for the practitioner is balancing the objective of fostering cooperation between the “moderates” on the opposing sides of the conflict with that of building support for realistic agreements in the two publics at large and easing opposition from “hardliners.”
- 2) ***The importance of relationships and trust—especially in helping each side deal with would-be “spoilers”:*** Building such trust, in turn, often hinges on the development and communication of a shared view of (and shared commitment to) a *mutually bearable future*. Only when each side not only sees a tolerable future for itself but also sees a tolerable future for the other side will the two sides trust each other’s expressed willingness to embrace an agreement. Without the prospect of such a shared future, negotiation between leaders and their agents, and even second-track diplomacy, is doomed to failure.

**3) *The futility of trying to convince people what they can't afford to understand:*** People remain closed to arguments whose acceptance would expose them to intolerable uncertainty, threat, or humiliation. Explaining why one's own side is right and entitled to what it seeks, and why the other side is at fault, without addressing the other side's fears about the future, is futile.

**4) *The importance of "tipping points:"*** It is important to recognize that conversion from militant to peacemaker need not involve any "blinding light" conversion. Sometimes, it is merely a matter of giving new hope, of shifting the calculations in question only slightly (from 51% to 49% in favor of violence to 51% to 49% in favor of negotiation, politics, and other non-violent means) so that the path of peacemaking seems marginally more promising than the path of violent confrontation. In a sense, the lesson involves recognition that the choice of non-violent tactics and strategies versus violent ones may be a function of the situation at hand, and the way that situation is interpreted or construed, rather than a simple reflection of the personal dispositions of the relevant actors.

**5) *The importance of transparency of loss:*** Each side must be able to see that the other side's losses to date, and those it will be forced to accept in any proposed agreement, are real and heartfelt. Only then will the two sides be willing to accept such losses for their own members.

**6) *The tension between desire for peace and demands for justice:*** Parties must come to recognize that peace with the other side, no less than harmony within their own communities, is incompatible with maximalist definitions of justice. Demanding more from one's adversaries than one expects, or receives, from one's friends is a formula for deadlock and failure. Trading *some* justice for (a lot of) peace, with some confidence that such peace will provide a future that is more desirable than the present, is the key to agreement.

**7) *The corrosive effects of humiliation:*** Every negotiated peace agreement imposes losses and injustices on the parties. The real question therefore, is not whether a peace is just or generous, but whether the losses and injustices it imposes are bearable and *non-humiliating*. In the face of asymmetric power, the weaker party is likely to feel humiliated both by circumstances it experiences and by its inability to change those circumstances. It will therefore be especially unwilling to accept any agreement that perpetuates circumstances it deems humiliating and/or one that is reached through a process it deems humiliating. Thus, unilateral "concessions" by the stronger party, and trades of concessions proposed by powerful third parties are apt to be received coolly even when objectively they offer an improvement over the status quo.

#### **Four Pragmatic Questions**

Both our barriers analysis and our experience in the field have led us to pose four questions to parties who express a sincere desire for dialogue with "the other side." Although dialogue can help parties to individuate and humanize those on the other side and to gain a better understanding of each other's history, positions and priorities, it is our experience that the value of dialogue will be greatly enhanced if the parties address these four questions. Each of these questions calls upon the parties to undertake the familiar task of considering the each other's perceptions and feelings. Typically, parties in conflict are implored to walk in each other's shoes or wear each other's eyeglasses. But such footwear and eyeglass metaphors ignore a fundamental problem that we must take note of before we begin to proceed to discuss the "four questions."

People inevitably treat their subjective perceptions, understandings, and interpretations as if they reflect some objective reality. Parties in a political conflict are particularly prone to such "naïve realism". They assume that their "take" on matters, including the history of their conflict and the outlines of a just settlement, are veridical while the views of the other side are distorted by self-interest, ideological blinders, and other biases. Accordingly, they expect objective third parties to agree with them and attribute a failure to agree as evidence of hostile bias. They may even be eager for dialogue with

representatives of the other side, feeling misplaced optimism that their counterparts in the dialogue will become more “reasonable” and tractable once enlightened by an account of “the real situation.” Neither party comes to such dialogue with the hope or expectation that they will be the parties who become more enlightened and, hence, more open to compromise. As such, the dialogue participants are likely both to be disappointed and disillusioned about the “reasonableness” of even the “peace camp” on the other side, especially when no progress toward agreement is achieved. With this cautionary note regarding naïve realism\* in mind, let us now turn to the four questions that we have found fruitful to pose at the outset of a dialogue process and have found ourselves periodically returning to in that process.

**The question of a shared future:** The first question introduces the *sine quo non* for ending a stalemate and advancing the peace process. *Are the parties able and willing to articulate a future for the other side that it would find bearable?* No agreement, or at least no agreement that the two sides would abide by when fortune shifts in the direction of one side or the other, is possible unless both parties feel that they would enjoy a reasonably tolerable existence if the other side’s basic aspirations were to be realized. The parties do not need to share a single view of future. Indeed, the future that one side seeks may be far from what the opposing side wants or would deem fair. Both sides may even be intent on thwarting each other’s aspirations and on moving events in a direction more to their liking. But ultimately both sides must be reasonably confident that not only their own lives but also the lives of the other side would continue to be bearable in the aftermath of agreement. So fundamental is the presence or absence of a commitment to a mutually bearable shared future that we are inclined to call it *the* peace question.

The long struggle in South Africa that culminated in an end to apartheid and majority Black rule is instructive in this regard. While Nelson Mandela steadfastly refused to consider proposals that would have maintained the apartheid power structure enforced by his one-time jailors, he never let pass an opportunity to talk about the place of white South Africans in the new South Africa. Time and again, he made it clear, sometimes to the dismay of many ANC followers, that majority rule would not entail a new racial hierarchy wherein the white minority would be dominated by a black majority. White South Africans who heard him, even those who sought to maintain as much of their former social and economic advantage as possible, had reason to feel that they, their families, and their community would enjoy a satisfying and secure life in the shared future he was proposing. Mandela understood that there would be no peace unless white South Africans heard and believed his recipe for the future, and the unfolding of events proved that belief to be correct.

In working with Israeli supporters of the peace process, we often hear wistful remarks about the need for a “Palestinian Mandela.” If the wish is for a leader on the other side who is popular and perceived to be legitimate, but who is willing to make concessions that no other leader has been willing to offer, the reference to Mandela is misguided. Mandela made no such concessions. What he did accomplish was to offer a view of the future that made white South Africans willing to make concessions that they had previously claimed that they would *never* make. A reasonable goal for our Israeli colleagues, therefore, would be urge their *own* government and society to adopt policies that make the emergence of such a “Mandela” possible.

This notion of a bearable shared future is clearly minimalist in at least one important respect. As noted above, a vision of a shared *future* does not require the parties to endorse a shared *vision* of the future. The latter implies that a consensus has been reached about institutions and policies as well as the very nature of some new political arrangement or entity. By contrast, our minimalist conception merely

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\* For a more complete discussion of naïve realism, see Ross and Ward (1996); also Pronin, Gilovich, and Ross (2001).

requires that each party be committed to a political process that guarantees each side a bearable future. Essentially, what is envisioned is a range of potentially acceptable outcomes in which the parties would voluntarily refrain from using violence to change the course of future events and would rely instead on normal political processes to achieve desired adjustments within that range.

In fact, normal and stable political processes take root because the whole range of possible futures is at least minimally acceptable to all that might have the capacity to threaten the peace. In such a context, parties become willing to accept political losses without abandoning the political processes of persuasion, consensus-building, and compromise. Of course, this desirable scenario depends upon *trust*—trust by the parties that no outcome will emerge from the political process that it would find unbearable, and also trust that no outcome will occur that will move the other party to violent rejection of the political process. Of course, the parties would do well to remember that it is violent conflict that most puts the parties at risk of both a present and a future that is unbearable.

Overcoming fear and replacing it with trust is thus the most immediate, and perhaps the most difficult, hurdle that parties to a violent conflict face. Working to develop the vision of a shared future tackles this problem at its root by fostering a mutual recognition that each side's interests are encapsulated within those of the other side. Both parties can anticipate that its welfare will be advanced (or at least not subject to deterioration) as the other side pursues its own stated political goals. In short, both sides come to believe that there is a shared interest in achieving a normal functioning society that is at peace.

Commitment to a shared future, at least in the short-run, does not necessarily imply commitment to coordinated effort. Both parties may feel that disengagement whereby each community goes its separate way is the best strategy. While such a strategy may be viable, the parties would do well to bear in mind the extent to which powerful social, economical, and/or historical forces, rather than mere accident or coincidence, have bound them together in ways that are not easily unraveled. Disentangling is a strategy more easily proposed than achieved. Moreover, disentangling connections, no less than creating joint institutions, will require both cooperation and trust.

Initial formulas for a shared future are apt to be tentative and incomplete. Agreements on broad principles (such as “land for peace” or “respect for territorial integrity”) often mask deeper disagreements. Typically, the parties “agree to disagree” or, more specifically, agree to postpone discussion of those disagreements.<sup>†</sup> This may be a useful strategy when those disagreements are likely to become less important as other issues are resolved and the prospective fruits of peace become more tangible. But there is a disadvantage in such a strategy if the issue is an important one that may not be amendable to mutual compromise. When a single zero-sum issue remains, the possibility of including it in a broader agreement whereby the party that yields on the issue in question receives major concessions on other issues no longer exists. In other words, “logrolling” is no longer possible.

Short-term or interim agreements that conceal a continuing disagreement about long term arrangements provide a relevant example. Indeed, such agreements may be possible precisely because the parties have *different* expectations about the future course of events. Each side's commitment to the interim agreement is tactical and is predicated upon the calculation that it is a step toward some long-term

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<sup>†</sup> The example of the status of Jerusalem in any future peace agreement is a case in point. The moderates on both sides endorse the principle that East Jerusalem will be the capitol of the new Palestinian state. However, in our experience, having the parties discuss the details of a plan that would provide universal access to the Haram al Sharif by West Bank Palestinians without reducing security against terrorism for Israeli Jerusalemites quickly reveals the remaining distance between the parties

advantage. If their calculations prove faulty, and events do not unfold as they had envisioned, they will have little compunction about violating the terms of the agreement or terminating it.

Cease-fire agreements are often predicated on just such a disagreement about the likely course of future events and, as such, can provide the fuel for future enmity and mistrust. Each side feels entitled to demand that the other side honor the cease-fire “come what may.” At the same time, each side implicitly reserves the right to return to violence if and when new developments so warrant. The problem is compounded because each party may feel that it has made the more significant concession in agreeing to a ceasefire. The more powerful party, or at least the party faring best in the conflict at the moment, will feel that in agreeing to a ceasefire it has forfeited the possibility of dictating favorable terms or punishing the other side with use of force. The less powerful or less successful party will feel that in agreeing to a ceasefire it is enduring a degree of humiliation and perhaps putting itself at a continuing disadvantage.

This observation about the asymmetry of views and objectives pertains also to the issue of “open” versus “closed” agreements. The party with greater resources and coercive power will typically want the terms of any agreement that is reached to be irrevocable. In striking a deal, it will be reducing its ability to use future coercive tactics in return of peace, normalcy, and the ability of its constituency to go on with their lives—lives that were unbearable only because tranquility and personal security had been lacking. The party with fewer resources and less coercive power, especially if it acquiesced to terms that gained them little in the way of immediate change in the quality of their lives, will want the agreement to be more “open.” In particular, they will want license to revisit those terms at a future date—perhaps when political circumstances, the support of third parties, or other sources of power, have shifted in their favor.

In light of this analysis, it is not surprising that cease-fires and other interim agreements tend to break down when one or perhaps both of the parties discover that things are not unfolding as had been hoped and anticipated. For such agreements to create momentum toward a more stable peace, the parties must address the shared-future question to each other’s satisfaction. The immediate challenge that arises, therefore, is for each party to do and say things to cause the other to believe that they share a commitment to find a mutually acceptable shared future and are prepared to take the difficult steps required to reach that future.

**The question of trustworthiness:** A second question follows directly from our analysis of the shared future question. *Can the two sides trust each other to honor their commitments?* In particular, can each party trust the other to take the intermediate steps that will be required to create and sustain the necessary momentum toward that shared future? In the context of a longstanding stalemate, each side is all too aware of occasions when the other has aggravated the conflict to gain some immediate goal, not responded to initiatives, failed to honor implicit or even explicit commitments, or otherwise proven unable or unwilling to make the types of difficult compromises necessary for progress toward a settlement.

There is very little, if anything at all, that either side can do to make the other side more trustworthy. Both sides are apt to ask of the other: “What has changed that will make things different this time?” “What makes it possible, indeed prudent, to trust you to follow through and freely take the steps and make the compromises that you were previously unwilling to make even in face of the threat of force?” “Why, despite your past broken promises, should we trust you *now*?” Moreover, both sides must believe that the other will not return to violence when its goals are thwarted or when violent means promise to be more fruitful, at least in the short-run, than non-violent ones.

Ideally, the parties can demonstrate their own trustworthiness through concrete deeds. Failing that, they can at least articulate the shift that has occurred in objective circumstances or in their calculations and that now makes it reasonable for the other side to trust that they will follow through on their

commitments. Each side must be given reason to believe that the other side will continue, in the face of political opposition and costs, to take the intermediate steps necessary to reach that mutually bearable future. It is worth noting that interim steps on the road to a final settlement often leave one of the parties in a disadvantaged position with regard to the other. In such instances, the less advantaged party may rightly fear that its concessions (and/or losses) will prove to be permanent and will not be compensated by concessions on the part of the other side. They may fear, perhaps justifiably, that their adversaries will drag their feet indefinitely rather than take the further steps needed to reach a longer term, more satisfactory settlement. If their adversaries are the more powerful party, and if the later steps called for would jeopardize the privileges and security that their dominance affords them, this fear may be both strong and especially warranted.

Political leaders signaling the desire for a change in relationship with the other side may also need to assure their own constituency that they are not “selling out” or leaving them vulnerable to exploitation at the hands of an adversary that is untrustworthy. In short, leaders must signal an increased willingness to move forward toward agreement in a way that encourages the other side to move forward as well. However, they must do so in a matter that does not appear rash and threatening to their supporters. More than a few peace processes have stumbled because leaders could not meet this challenge.

Perhaps no one has navigated these perilous straits more adroitly than Sinn Fein and Protestant loyalist leaders in Northern Ireland. Gerry Adams and Martin McGuinness, Sinn Fein’s leading spokespersons, needed to convince the British government that their political goals had changed in such a way that a settlement was possible. This led Adams and McGuinness to pledge to stabilize politics in Northern Ireland by entering into government and a legislative assembly they had previously foresworn. But to reassure the grassroots that they had not betrayed the republican movement, they insisted that their goal was to launch a process of social and political transformation. They argued that this new tactic, seen in a proper light, was a shrewd political step that would hasten the realization of Sinn Fein’s ultimate goals. At the same time, Adams and McGuinness sought to reassure skeptical British and unionist audiences that their shift to peaceful politics was fundamental. So successful were they in the latter effort that some commentators dubbed the apparent shift as the “decommissioning” of republican ideology.

David Ervine, Billy Mitchell, and other loyalist leaders undertook parallel steps. They signaled a willingness to form a government with their former enemies and even to allow them to continue their struggle for political and social transformation—provided that they did so at the ballot box rather than through the gun or bomb. At the same time, they convinced their own constituency that engaging republicans in politics was the most effective way to thwart their extremist goals and bring about better, more normal lives for their families and community. Most importantly, they sold the argument that an end to sectarian violence would come about only if they undertook this engagement and that no engagement was possible unless they were willing to address legitimate republican grievances.

These were bold strategies on the part of republicans and loyalists alike, and the key to maintaining their somewhat contradictory messages was a set of initiatives that not only communicated a commitment to a shared future but held the promise of improvement in the daily lives of their respective constituencies. The strategy adopted by both sides was essentially one of *reciprocal unilateral action*. The parties sought to identify and take actions that could be undertaken without the assistance of the other side, actions that furthered their own interests and bettered the everyday lives of their constituents and at the same time, communicated a commitment to bring about a future that the other side would find bearable, even if not particularly attractive. What the parties said and did throughout this process might have seemed unexceptional to outsiders. Nevertheless, the words and deeds were things that both sides thought they would never hear or see from their longtime adversary.



An even more dramatic example of signaling a change in position and the desire for a changed relationship was Anwar Sadat's visit to the Israeli Knesset in 1977. Indeed, the journey undertaken by Sadat was one that most Israelis and even most outsiders would have characterized as inconceivable. It is worth noting that in his actual speech Sadat made few, if any, concessions to the Israelis. For the most part, he reaffirmed prior positions. Nevertheless, Israelis saw his willingness to come to Jerusalem to personally address the Knesset as evidence that Sadat was someone with whom they could make peace. The Egyptian Prime Minister's brave act led to a breakthrough that none had foreseen. Unfortunately, it also led to his death at the hands of spoilers who fully recognized the role he could play in making peace.

As this tragic example illustrates, the question of trust and trustworthiness often focuses less on the goals and intentions of leaders and elites than on their willingness to deal effectively with would-be spoilers. Inevitably, at some point along the way from interim agreements to a final settlement, the parties will face the challenge posed by groups who seek to wreck the peace process because their interests would be ill-served by the reaching of such an agreement (Stedman, 1997). Efforts to thwart spoilers who reside within one's own constituency often impose significant political costs on the party undertaking them. At the same time, the *failure* to act against such spoilers compromises previous efforts to build trust with the other side and can leave the peace process in ruin.

The problem of spoilers is a knotty one. Each side is vulnerable to charges of betraying its own community if it deals harshly with spoilers (especially when the spoilers claim that they merely seek to achieve fully the legitimate aspirations of that community). But, if it fails to deal harshly with the spoilers, it is vulnerable to the charge of bad faith by moderates on the other side. Ideally, therefore, the parties must work together to develop a *joint* strategy for dealing with spoilers. Leaders on both sides must take measures that are effective yet not so harsh that they deplete their own political capital. They must also resist the temptation to build that capital by charging bad faith when the other side's efforts are temperate and less than fully effective.

**The question of "loss acceptance":** Another question that must be addressed in resolving longstanding conflicts is how to get each party to accept an agreement that inevitably gives them less than they sought and less than they felt they were due—i.e. *how to get the parties to accept losses that their community will find very painful?* Negotiated agreements are bound to result in a sense of loss because the terms of such agreements pale in comparison to the hopes and dreams that fueled the parties' steadfastness during the struggle and helped them to justify their sacrifices. Psychologists Daniel Kahneman and (SCICN co-founder) Amos Tversky wrote extensively about the phenomenon of "loss aversion" (Kahneman & Tversky, 1979, 1984). Their work demonstrated that prospective losses loom larger than prospective gains, with the result that, under conditions of uncertainty, combinations of prospective gains and losses are evaluated less positively than an objective assessment of their respective magnitudes would merit.

The search for an agreement to end a costly and protracted conflict faces an additional obstacle. Both sides are apt to feel that the proposed terms of settlement, while perhaps bearable, are *inequitable*. Insofar as the parties can make symmetric concessions (trading land for land or agreeing to a mutual rejection of violence) the problem of perceived inequity may be solved relatively easily, although this may be less true when one or both of the parties feel that the status quo before the flare up of conflict was itself inequitable. When the relevant concessions will necessarily be asymmetric, the problem of perceived inequity becomes even less tractable. Each side will feel that the proposed terms of agreement call upon them to make important and painful concessions without requiring the other side to concede anything of consequence—certainly not anything to which they had any entitlement in the first place.

In the long run, assuming that the quality of everyday life sufficiently improves, the parties will come to hold more positive views about the "inequitable" deal they made and the value of the peace it achieved. They may even come to reduce their dissonance about the losses imposed by that deal by deciding that

what they gave up wasn't so important after all. Indeed, they may come to feel that it was folly to have continued the struggle so long and at such cost. But, during the negotiation process and even in the immediate aftermath of agreement, the relevant terms are apt to leave both sides feeling dissatisfied and diminished, with a sense that the losses they are being obliged to accept are not being appropriately acknowledged and respected by their adversary and by third parties.

The challenge of getting the parties to accept their losses cannot be met head-on. Both sides feel that the losses they are being asked to accept are not matched by the losses that the other side is being asked to accept. They feel that a truly equitable agreement would require the other side to give up more and their own side less. Moreover, when they hear the other side complain about the balance of gains and losses in the agreement, they regard those complaints as tactical posturing, and they harden their resolve not to succumb to such tactics. They feel that, given the balance of concessions made by the two sides thus far, it should be up to the other side to make the *next* accommodation. Because both sides have the same conviction in this regard, they both stand back waiting for the other side to make a move and interpret their delay in doing so as a sign of insincerity.

It may not be possible to make either party (much less *both* parties) feel the terms of agreement that presently must be accepted to achieve peace are truly equitable. However, there is a more modest goal that can be pursued. The members of the two communities can be led to a greater appreciation of the magnitude and painfulness of the losses, both material and psychological, that the other side will be accepting. It is in pursuit of this objective that intercommunity dialogue and other citizen-based initiatives may prove most useful. In our experiences working with groups that bring together influential citizens on the two sides of a conflict, we have found that all too often attempts to formulate detailed peace plans merely recreate the stalemates that exist among leaders. But we have also found that as dialogue participants share stories about the prices that they and others in their community have paid, and as they recount the process by which they have come to abandon previous hopes and dreams in favor of more pragmatic and potentially achievable agreements for a shared future, something important takes place that they had not anticipated. They come to appreciate the *authenticity* of the sacrifices and lost hopes that the other side will be bearing. This, in turn, lessens their sense that peace will come at a heavier price for their side than the other side, and increases their willingness to pay that price.

Often, negotiators and mediators try to hide losses by assuring the parties that the losses will not be real or consequential, or by formulating complicated terms in which so much trading or "logrolling" of gains and losses is going on that the parties will hopefully not focus on their losses. While such tactics may be effective in the context of certain commercial negotiations, in the pursuit of agreements to end conflicts between long-time adversaries, we find it better to make losses *more* transparent, not less. Terms of agreement that unambiguously acknowledge what each side will be losing have two advantages. First, each side makes clear to the other side the painful losses it is now willing to accept. Second, each side can have more confidence that the other side will not balk at paying the full price of peace.

In this regard, it is instructive to compare the Geneva Accord and the Nusseibeh-Ayalon Agreement (The People's Voice), both of which were circulated during the Second (or *al-Aqsa*) Intifada. The Geneva Accord is 39 pages long, has 16 articles, contains almost 10,000 words, and spells out the mechanisms for resolving contentious issues in great detail and with numerous qualifications. For example, with respect to the Palestinian refugee issue, (which is described in over 2000 words and in 14 subsections) the Palestinians are offered five options, which are to be exercised under the principle of a free and informed choice. Only two of the options however are the unhindered choice of the Palestinians. The remaining three options are circumscribed by the discretion of Israel, third parties or the host state. Inevitably, it is possible to read some of the provisions, on this and other issues, in more than one way. But more importantly, the highly complex document does not allow ordinary citizens to see exactly what their side, and the other side, will be giving up.

By contrast, the Nusseibeh-Ayalon Agreement is just a page long. The 465-word agreement specifies that Israel will keep little if any of the land it conquered in 1967 (except for mutually acceptable land-swaps) and that the Jewish state will agree to allow Palestinians to fulfill their cherished dream of an independent state with East Jerusalem as its capitol. Palestinians, in turn, will give up on all demands for a collective “right of return” to their former homeland in Israel. The new Palestinian state will be demilitarized. Most importantly, the document makes it clear that no additional claims will be pursued, and that upon full implementation of the agreement the Israel-Palestinian conflict would at last be over.

Neither plan ultimately made much political headway in the face of weakened leadership on both sides. Some peace activists championed the Geneva Accord; others favored the Nusseibeh-Ayalon Agreement. However, virtually all the activists and dialogue participants with whom we worked welcomed the greater transparency of loss in the latter plan. In particular, they felt that the other side would have no “wobble room” that could allow it to renege on its commitment to make the painful concessions called for in the agreement. The basic *quid pro quo* linking each side’s perspective gains and losses was unambiguous and not amenable to haggling about details. Neither side, it was clear, would be able to “pocket” the gains offered to it by the plan without paying the full costs. The advantage of such transparency in a document intended to signify the wishes of ordinary citizens for a mutually acceptable shared future, as opposed to the inevitably complex provisions crafted by diplomats in a formal agreement, should be apparent. Hearing both ordinary citizens and prominent ones on the other side openly and publicly—and perhaps for the first time—acknowledge its willingness to accept the most painful of the losses it would have to endure to reach a settlement can build much needed trust. People on both sides can see that their adversaries are at last willing to pay the full price of peace.

**The question of just entitlements:** Parties in conflict characteristically claim that they want nothing more than, and will accept nothing less than, a “just agreement.” Third parties playing the role of mediators may also claim that their goals include “justice” for both sides. Our experience in talking to peace activists, and especially militants, on the two sides of a conflict suggests that seeking an agreement that satisfies both sides’ sense of just entitlements is a hopeless pursuit.<sup>‡</sup> Indeed, if the parties did not disagree about what a just agreement would entail, there would not be a conflict. As we noted earlier, the more modest goal of reducing *injustice* generally proves to be less problematic. People of goodwill who cannot agree about the requirements of justice can often recognize suffering that is undeserved and unjust, and can agree on provisions to reduce such suffering.

While discussions of just entitlements can undermine the task of relationship-building, the issue of justice cannot simply be ignored. More often than not, conflict, particularly violent political conflict, is foremost a struggle between competing views of justice. When justice is understood by the parties to be getting that to which they are entitled, the other side, whose claims and objections thwart that goal, become the embodiment of *injustice*. The mantra, particularly for the party that has suffered most during the ongoing struggle, becomes *no peace without justice*. The louder and more often that mantra is sounded, the more likely it is that the result will simply be no peace.

The paradox is a familiar one for the peacemaker. While a minimal sense of justice is an indispensable aspect of any durable peace, the headlong pursuit of justice by one or both sides is apt to be counterproductive. In our experience, it is best to direct initial attention away from conflicting claims

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<sup>‡</sup> It is a cliché to state that in protracted conflicts and deadlocked negotiation, “both sides are wrong.” In our view, the real problem in most historical conflicts is that both sides are actually *right*—at least in the bill of particulars they offer in support of the injustice they claim to have suffered. No negotiated settlement will rectify all such injustice to the satisfaction of the aggrieved parties. On the contrary, in rectifying some injustices, it will impose new ones.

about history and the entitlements that arise from past losses. Instead, the focus of discussion should be two-fold. The parties should seek to rectify the most serious injustices that are currently being endured. They also should seek to address the losses that a mutually acceptable settlement would necessarily impose on at least some members of each community.

We have also found it useful to note that the relationship between peace-seeking and justice-seeking relates to the existential question that all of us face daily in our lives and with our dealings within our own families and communities. Few of us feel that the workings of our families are entirely fair and just. Fewer still would claim that our workplaces and communities offer anything approximating complete fairness and justice. The question we confront therefore is whether the particular departures from what we deem fair and just are so egregious that we are not willing to bear them in the interests of decent working relationships and the pursuit of important life goals.

As is the case with loss acceptance, we are more willing to accept departure from justice when we realize that others are similarly being called upon to bear what they deem unjust. Ideally, we should recognize that, while the perceptions of justice and injustice held by our adversaries as well as our friends and co-workers are biased and self-serving, our own views are far from perfectly objective. The critical question that participants in conflict must ask themselves is not whether peace—at least, any *achievable* peace—is fully just. Instead, they must consider whether the fruits of peaceful relationships are not, in fact, worth the feelings of imperfect justice that they, and others, will have bear if they are to reap those fruits. In short, the question becomes whether the “deal” to be struck in trading some justice for the benefits of peace is an acceptable one.

Once the issue shifts from just entitlements to deal-making, the matter becomes one of cost-benefit analysis. Both parties have an incentive to keep negotiating until they have a maximally efficient agreement, that is, an agreement that can’t be made more acceptable for one side without making it less acceptable for the other side. Is there a limit to the amount of injustice that can legitimately be accepted in order to achieve various material benefits? Are there some circumstances in which the very notion of “give-and-take” deal-making is a moral affront? The answer, which has political as well as moral significance, is obviously yes. Sometimes, it may be necessary to make a deal with the devil but not at the price of one’s soul, or worst still, when it is *other people* who will have to pay the terrible price.

The Holocaust posed that dilemma for many leaders and, even today, people continue to debate the morality of deals with the Nazi regime that saved some, but in so doing doomed others and served the interests of that evil regime. The philosopher Avishai Margalit draws the line between legitimate and illegitimate deals by focusing on the issue of humiliation, which Margalit suggests arises when human beings are treated as non-human—when they are denied the minimal rights and capacities that are owed to all people regardless of their status (Margalit, 1996). Margalit, in fact, sets a very high bar for rejecting a peace proposal because of its apparent injustice. Unless the proposed terms of settlement would treat one of the parties as less than human, or perpetuate such a state of affairs, he insists that those terms merit consideration. Negotiated agreements that would require the parties to forego some of the entitlements they feel they deserve in order to achieve peace and better the everyday lives of the people affected by the agreement are generally the best that can be achieved.

In considering the trade-off between peace and justice, the saga that culminated in the ending of apartheid in South Africa and in the achievement of a relatively peaceful, multiracial society is instructive. The critical moment in that saga came in August 1990 when the ANC declared a unilateral suspension of the armed struggle to seize power in favor of negotiation. With that declaration, the ANC essentially committed itself to the goal of a shared future that both the Afrikaners and the Africans could bear. It is the events that led up to this declaration that merit our consideration. Despite some improvement in the circumstances of black South Africans, hard-line ANC militants continued to assert

that as long as the special privileges that were the core of apartheid remained the armed struggle must continue. To do otherwise, they felt, was to succumb to humiliating racist oppression and exploitation. To them, Mandela's willingness to pursue a negotiated settlement seemed a complete sell-out. What Mandela realized, however, was that while *right* was on the side of the ANC *might* was not, and that "a military victory was a distant if not impossible dream." The refusal to negotiate, therefore, would condemn both sides to a calamity of oppression, violence, and war in which each would "lose thousands if not millions of lives in a conflict that was unnecessary." As Mandela saw it, "the time had come when the struggle could best be pushed forward through negotiations" (Mandela, 1995, p525).

During the last years of his imprisonment, Mandela had come to recognize that the only way to avoid continuing bloodshed and uncertain prospects for the end of apartheid was to offer white South Africans the vision of a shared future. That vision had three components: "a unitary state without homelands; nonracial elections for the central Parliament; and one-person-one-vote" (p520). Mandela went to great lengths to convince the white South African population that this envisioned future was one that they could live with. At the time of Mandela's renunciation of violence in favor of negotiation the government was far from willing to accept the three principles that he articulated. But that renunciation, along with the apartheid regime's increasing political isolation, bore fruit. The regime pledged to roll back some of the most repressive features of apartheid and to release ANC political prisoners. Most importantly, in making these concessions, it implicitly recognized the ANC as an indispensable player in achieving a peaceful future that would not be unbearable for the long-privileged white minority. From this moment on, the central question ceased to be whether apartheid could continue. Instead, it became how to both lessen and justify disparities in wealth and opportunity that inevitably would endure even in the absence of apartheid—continuing disparities that were necessary to achieve white acceptance of change but that rightly could be seen as continuing injustices.

In following Mandela's lead, the ANC essentially changed its goal. Instead of continuing to strive to achieve the type of society that they deemed most just, they sought instead the ending of a devastatingly unjust society and the elimination of the humiliating circumstances that denied the full humanity of non-whites. It is worth noting that while in prison Mandela had been offered earlier compromise proposals by which his imprisonment would end and the lot of black South Africans would improve in various ways. But none of these proposals called for legal equality of all races and an end to the white monopoly of power. In other words, none offered an end to black humiliation. Mandela's willingness to negotiate with de Klerk led more than a few friends and colleagues to charge him with betrayal. Nevertheless, the ANC did not renege on its commitment to pursue change without violence and it ultimately achieved its most fundamental goals. Apartheid ended, and with it so did the racial barriers that prevented the type of political, social, and economic participation necessary to achieve a more just society, one that dehumanized neither blacks nor whites.

### **Summary and Concluding Observations**

Perhaps the chief lesson to be drawn from the reflections offered here is that treating conflict resolution as merely a matter of realigning or reconciling interests in search of "win-win" advances over the status quo is likely to be unsuccessful and perhaps even counterproductive. All conflicts, to some degree, pit the objective interests of one party against those of another party. However, conflicts differ in the extent to which they are seen in zero-sum terms. Some conflicts appear—at least to one party but often to both parties—to put at risk its future existence and well-being. In such cases, the other side's pursuit even of its legitimate interests will be seen as a threat or an attack. The adversaries appear to each other not as rivals with whom business can be done where interests converge but as *enemies*. In these instances, the conflict is seen as a zero-sum struggle in which any potential gain by an enemy constitutes a threat and a loss to oneself, and to one's own side, and any loss that can be imposed on that enemy is seen as a gain.

Unaddressed feelings of injustice, humiliation, and powerlessness are a particular problem. Such feelings can make it impossible for the weaker party to enter into seemingly beneficial agreements because it perceives such agreements as an affront to its dignity. Moreover, in the face of such feelings, even minor confrontations give offense and rub salt into existing wounds by reminding the weaker party of its limited means of redress. Conflicts such as these are sustained and exacerbated by feelings of humiliation and cannot be satisfactorily resolved until the relations in question are repaired to the point where considerations of material interest loom larger than such affective considerations.

In short, the nature of the relationship that exists between the conflicting parties can itself act as a barrier to the management or resolution of conflict. Improving that relationship, providing a basis for trust to replace mistrust, and creating the sense that a shared future is possible, is generally the starting point for amelioration of a conflict that appears intractable, and for lightening the burden it imposes on the participants. From a barriers perspective, the two specific issues to be addressed are: 1) What prevents a conflict made intractable because of enemy relationships from becoming an ordinary conflict of interest, one in which mutually beneficial trades of concessions become at least a theoretical possibility? 2) What prevents a demeaning and degrading relationship from becoming a relationship in which both sides accept each other's humanity and right to a secure and dignified future? The peacemaker's task, accordingly, is to address these relational issues, so that "normal" interest-based negotiation in service of a mutually acceptable future can ensue.

In this essay, we have identified four questions—the question of a shared future, the question of trustworthiness, the question of loss acceptance, and the question of just entitlements. These questions provide a starting point for the task at hand. Dialogue between the parties, not only at the level of diplomats and leaders but also at the level of factional representatives, opinion leaders, and even ordinary citizens, can be useful in helping to resolve seemingly intractable conflicts. But such dialogue must do more than allow the parties to reiterate long-held positions, air grievances, and offer arguments whose acceptance would threaten or humiliate the other side. It must begin to deal with these questions in a forthright manner, with each party trying its best to appreciate the other party's understandable fears and legitimate concerns.

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