

Navigating Wickedness: A New Frontier in Teaching Negotiation

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Editors' Note: This short essay sets the context for the following three chapters, and introduces a remarkable group of contributors, surely one of the most extraordinary and diverse working teams we have yet seen in our field. In the chapters which follow, their collective experiences and stories are woven together for the first time. The result makes the case for enlarging our canon to include a sophisticated consideration of "wicked problems."

The final three chapters in this book epitomize its title: we are now "Beyond the Classroom" indeed. Here, practitioner-scholars with experience negotiating conflicts in some of the world's most troubled places join with others, whose less violent experience-settings are remarkable for other reasons, to analyze what might be done to teach people to negotiate "wicked problems."

Wicked problems, first described by public planners Horst Rittel and Melvin Webber (1973), exist in a messy space where technical planning processes and political decision-making intersect. For the purposes of this introduction (and the chapters to follow), we use the term "wicked" to describe problems that exhibit some combination of the following features:

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- The problem is ill-defined and resists clear definition as a technical issue, because wicked problems are also social, political, and moral in nature. Each proposed definition of the problem implies a particular kind of solution which is loaded with contested values. Consequently, merely defining the problem can incite passionate conflict.
- Solutions to a wicked problem cannot be labeled good or bad; they can only be considered better or worse, good enough or not good enough. Whether a solution is good enough depends on the values and judgment of each of the parties, who will inevitably assess the problem and its potential solutions from their respective positions within the social context of the problem.
- Every wicked problem is unique and novel, because even if the technical elements appear similar from one situation to another, the social, political, and moral features are context-specific.
- A wicked problem contains an interconnected web of sub-problems; every proposed solution to part or the whole of the wicked problem will affect other problems in the web.
- The only way to address a wicked problem is to try solutions; every solution we try is expensive and has lasting unintended consequences. So, although we have only one shot to solve *this* wicked problem, we will have plenty of opportunities to develop our skills as we deal with the wicked problems that we create with our attempted solutions.¹

When dealing with wicked problems, we need to focus our energy on identifying and framing the negotiable problem, while also paying attention to the connection between efforts to solve the problem and the political and social context. To resolve wicked problems we must be creative; we need to adopt a stance of openness that facilitates continued learning and revision of our understanding of the problem and possible solutions.² We also need to monitor the ways our own actions reshape the problem and the context.

This stands in sharp contrast to the nature of problems that the planning profession has labeled “tame.” As summarized by Ritchey (2005-2008: 1), a tame problem:

- Has a relatively well-defined and stable problem statement.
- Has a definite stopping point, i.e., we know when a solution is reached.
- Has a solution which can be objectively evaluated as being right or wrong.

- Belongs to a class of similar problems which can be solved in a similar manner.
- Has solutions that can be tried and abandoned.

“Negotiation 1.0,” the contributors to this section assert, provides a valuable and useful set of theories and tools to understand and address so-called “tame” problems. In their experience, however, the same “conventional” negotiation theory and tools are not well-matched for problems with “wicked” characteristics. However, it is useful to recognize that even within a “wicked” problem, there may be subsets of issues that are relatively “tame.” Successfully negotiating these subsets of “tamer” issues may contribute to helping bring changes necessary to transform the problem as a whole.

Nevertheless, all the authors of these chapters posit that the main theories and tools developed so far to support “Negotiation 2.0” will be, in and of themselves, inadequate to address wicked problems. “Negotiation 2.0” methods will still be focused on negotiating particular problems – including the “relatively tame” subsets of issues within a wicked problem. Managing wicked problems, in Jayne’s and Leonard’s view in particular, requires a dual attention to negotiating particular problems and engaging in processes for maintaining, or resisting and reshaping, patterns of power, privilege and communication that shape our collective lives. The authors call the interactive processes that create and reshape the context social negotiation.

Consciously engaging in social negotiation even as we negotiate particular problems requires high levels of contextual awareness and self-awareness; a capacity for critical thinking, strategic planning and action; and a focus on ethical reasoning and judgment. Beyond this, Howard argues below that the need for “1.0 skills” is inescapable, even on the more “wicked” elements, because the wicked elements are compound products that inevitably include parts that require those skills. This point is under debate, at present: Jayne takes the view that some of the “1.0 skill set” must be *unlearned*, or at least set aside, to allow the necessary degree of flexibility and creativity. The difference may or may not be resolved in future thinking and writing of this team, or of our colleagues as more of them grasp this particular nettle; it is simply too soon to say whether Howard and Jayne have identified a troublesome conceptual stage or an enduring philosophical divide. For now, we believe both views are well articulated in the discussion which follows.

From their experiences, the authors in this section report that wicked problems occur in a wide variety of contexts:

- Sometimes, wicked problems arise in situations where the context surrounding the specific problem being negotiated is volatile and changing rapidly, perhaps as part of a violent conflict.
- Some wicked problems, on the other hand, occur in situations where the context is apparently stable, with participants sometimes “stuck” in stalemates of mutual dissatisfaction, disaffection, or dysfunctional responses to shared problems.
- Some wicked problems arise in contexts which have discrete elements of stability combined with elements of instability; both elements need to be addressed.

As a consequence, parties addressing wicked problems may at times work toward stability as a part of their overall solutions to the problem. At other times, particularly as articulated in Jayne’s view in *“Adaptive” Negotiation* (Chapter 26), they actually may seek to destabilize existing socially negotiated systems of power and privilege³ which have contributed to “blocking” the participants in a frozen situation. (Indeed, as discussed in Chapter 27 by Leonard, the new “Design” doctrine of the U.S. Army contemplates just such a destabilization of a traditional socially negotiated system. When employed at the discretion of the commander for use in complex and ill-structured settings, Design doctrine modifies the commander’s traditional responsibility for setting parameters and labeling problems that the staff is charged to solve, instead requiring commanders to collaborate with the staff and share the role of frame setting and problem identification.)

Regardless of their context, the authors in this section agree that wicked problems require an orientation and a toolkit beyond those of “Negotiation 1.0.” In other words, even as we are developing “Negotiation 2.0” and the teaching methodologies associated with it, the extraordinarily diverse individuals writing the chapters in this section of the book are thinking about an even more complex problem: what must we do to ensure that “Negotiation 2.0” is robust enough to deal with wicked problems?

The authors have chosen to divide that particular problem into two parts, suggested by these questions:

- How can we ensure that the problem-focused negotiation skills developed and taught in “Negotiation 2.0” are suitable for use in the global context of multiple cultures, and thereby useful for working with both tame and wicked problems?
- How can we ensure that the pedagogy which grows out of “Negotiation 2.0” will provide guidance for using problem-focused negotiation in tandem with other interventions to

address wicked problems, and avoid the disastrous or even fatal results that can arise from an unexamined use of “Negotiation 1.0” in such settings?

On the first of these questions, we should note, many other writers in this volume and its immediate predecessor, as well as in the *Negotiator's Fieldbook* (Schneider and Honeyman 2006) have much to say. The second question, however, is being addressed almost for the first time in the chapters in this section – with an honorable mention to three predecessor writings in the *Negotiator's Fieldbook*, those by Peter Coleman et al., Daniel Druckman, and John McDonald.

We recognize, for all of these reasons, that our attention to the role of negotiation in wicked problems – including its implications for teaching – represents a new frontier in our field, and an important one. It is not, however, without antecedents. Most conspicuously, there is a decades-long history of practice and scholarship in environmental and public policy disputes (see, e.g., Forester 1980; Bingham 1986; Carpenter and Kennedy 1991; Forester 1999; Susskind, McKernan, and Thomas-Larmer 1999; and Carpenter and Kennedy 2001). This sophisticated body of writings lays out the basis for, and many of the techniques of, a practice where a “negotiation” may involve many parties, many issues, and many ancillary and even competing processes in addition to bilateral negotiation, all in an environment of unstable rules, laws, players and politics (see also Pruitt, Rubin, and Kim 2004).

Yet for many years, that work and that sophistication failed to “scale up.” A second antecedent, a series of symposia in 2005-2006 organized in four cities by Christopher Honeyman, Peter Adler, Sanda Kaufman, and Andrea Schneider, started with this premise: that on the most important U.S. national issues of the day – Iraq, Afghanistan, Social Security, immigration, health care, and others – there was, at the time, no visible evidence that much, if any, of the conflict resolution field’s vaunted sophistication was actually being employed. The rueful if tentative conclusions (Kaufman, Honeyman, and Schneider 2007) assigned much of the causality to our field’s own habits, expectations – and prejudices.

In the next chapter (*Negotiating Wicked Problems*) the following authors share stories about their attempts to use “Negotiation 1.0” when addressing wicked problems:

- **Calvin Chrustie** is a Royal Canadian Mounted Police officer with experience in international peacekeeping operations and negotiating complex conflicts for the United Nations and other agencies, including hostage crises and international kidnaps, as well as aboriginal and other volatile in-

tractable community disputes in Canada, the Middle East, the Balkans, and Africa. Calvin also has done guest lectures and teaching for military, police, and government agencies within Canada and abroad.

- **Jayne Seminare Docherty** is a professor at the Center for Justice and Peacebuilding at Eastern Mennonite University, where she teaches civilian peacebuilders who have been working in volatile and often violent situations. She has also spent most of the past two years teaching leaders of ethnic groups that have been involved in a protracted violent conflict about the possibilities of using negotiation as an alternative to continued fighting, and coaching them as they try to adapt negotiation strategies to fit their situation.
- **Leonard Lira** is a U.S. Army officer who, among other experiences, has served two tours in Iraq; he is now an assistant professor in the Army's Command and General Staff College at Fort Leavenworth, Kansas, where he is both teaching and developing teaching strategies for preparing mid-career officers for the emergent problems they will face in the field.
- **Jamil Mahuad** previously served as Mayor of Quito, as a member of the Ecuadorian National Congress and later as President of Ecuador. He is now co-director of the Project on the Prevention of Global Violence, part of the Harvard Institute on Global Health (HIGH), under the office of the President of Harvard University. He also is the co-founder and a senior adviser of the Harvard International Negotiation Program; a member of the global advisory board of Mediators Beyond Borders; and a board member of Masar Ibrahim El-Khalil (The Abraham Path), a project aimed at creating a historical/cultural walking path in the Middle East retracing the footsteps of the Prophet Abraham.
- **Howard Gadlin** is the ombudsman at the U.S. National Institutes of Health. A former professor of psychology, he has also been ombudsman for the University of California – Los Angeles (UCLA), the Los Angeles County Museum of Art, and the University of Massachusetts, Amherst. While at UCLA he was also co-director of the Center for the Study and Resolution of Interethnic/Interracial Conflict, and he has many years' experience working with conflicts related to race, ethnicity and gender. Currently he is developing new approaches to addressing conflicts among scientists, and he is often called in as a consultant/mediator in "intractable" disputes.

In the three chapters which follow, our colleagues tackle one of the hardest challenges in our field: how to think about, how to formulate, and how to teach negotiation under the worst of circumstances. The depth of the challenge and its complexity raise a conundrum for our authors, and our field. As part of our journey to a second, or for that matter, a third generation of effective negotiation teaching and practice, must we discard large parts of “Negotiation 1.0” altogether?

On the one hand, initial training is a way of introducing novices to the basics, so that they build up a degree of skill and confidence they can draw on almost without thinking when they are in a complex situation that calls for a complex response (see Gladwell 2008). As Howard has said, “I’ve played tennis for 50 years, but I still do drills, and I still take lessons (trainings) in the basics, because that is the only way I can incorporate what I learn into the deep repertoire of strategies with which I try to play the game.”

On the other hand, simply making additions to the “Negotiation 1.0” toolbox may not take seriously enough the claim that its foundational assumptions limit its applicability and effectiveness. Jayne (in *Adaptive Negotiation*, Chapter 26) suggests that we need to re-center the social negotiation that gave rise to “Negotiation 1.0,” by building an awareness of other forms of problem-focused negotiation that arose in other contexts into “Negotiation 2.0” practice and teaching. As noted above, this tension is visible in the writings which follow, and we believe it will be some time before it can be resolved.

A Section Summary

Chapter 25 (*Negotiating Wicked Problems*) lays the foundation for discussion of negotiations in several varied contexts distinguished by the presence of “wicked” characteristics, as the authors relate stories from their respective personal experience.

In Chapter 26 (*Adaptive Negotiation*), Jayne identifies features that must be incorporated into “Negotiation 2.0,” if we are to use negotiation as part of our toolkit for addressing wicked problems. In addition, she addresses the challenge of teaching negotiators to pay attention to social ethics and the role of judgment in their work.

In Chapter 27 (*Design: The U.S. Army’s Approach*), Leonard describes the way the Army is now using principles from planning and architectural design, among other external fields, to address the wicked problems encountered in situations such as Iraq and Afghanistan.

Undoubtedly, a stream of work for these and other thinkers and practitioners is just beginning: we are nowhere near finality. But this

is more than a preliminary sketch, and the contributions to this section now set forth an analysis, an agenda, and a challenge to our field. To borrow a famous formula, we believe this is “the end of the beginning.” There is reason to believe that these chapters can launch some of the most exciting and significant work that might be done in conflict management anywhere. In the meantime, the process of working out just what *is* our subject has itself posed something of a “wicked problem” for our authors. We salute the zeal, intellectual integrity, and grace with which they have begun to tackle it.

Notes

¹ This composite set of characteristics of wicked problems is derived from Rittel and Webber (1973), Ritchey (2005-2008) and Conklin (2005).

² “Social problems are never solved. At best they are only re-solved – over and over again” (Rittel and Webber 1973: 160).

³ There is a distinguished literature on the moral value of destabilizing a system, ranging from the writings of Saul Alinsky to the writings of family therapists. Consequently, the concept of destabilization in our context does not have to be considered as new, but can refer back to these antecedents.

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