



11.255 Negotiation and Dispute Resolution in the Public Sector

Spring 2021

Class #22

+ Debriefing

- How satisfied were the parties with the outcomes of the mediation effort?
- How fair were the outcomes in the eyes of the parties?
- How were specific deadlocks addressed (if they were)?
- If an agreement was not reached, what prevented it?
- Was there anything that could have been done differently that might have produced a reconciliation?

+ Is dealing with value-based disputes futile?

- What we understand about values:
 - Values run deeper than interests
 - Cannot be traded
 - Linked to our identity
 - Not subject to bargaining, rational argument, or persuasion
- What people fear:
 - Morally dangerous compromises
 - Biased mediator

+ Examples of actions the mediator might have taken that could have been helpful

- Clarified contentious points;
- Helped each party better understand how the present conflict fits into the larger context of each party's value system;
- Helped the parties frame an agenda and stay on schedule;
- Re-phrased and summarized the parties' concerns;
- Ensured that the dialogue remained civil;
- Checked and re-checked to see what level of agreement had been reached;
- Ensured that all of the parties were adequately represented;
- Kept the parties focused and on track;
- Remained impartial.

+ Diagnosing values-based disputes

	B is expressing deep value commitments	B is posturing, treating preferences as though they were deep values
A believes B is expressing deep values	<i>Result:</i> A deep value dispute requiring mutual recognition and practical, collaborative problem-solving	<i>Result:</i> An inefficient, short sighted, hampered negotiation with mutually poor compromises
A believes B is posturing, treating preferences as though they were deep values	<i>Result:</i> Anger, escalation, and resentment preempting recognition and problem solving	<i>Result:</i> Positional bargaining

+ 5 approaches to addressing value-based disputes

- Withdraw; choose not to mediate
- Consider interests and values separately
- Facilitate dialogue and offer opportunities for deeper mutual understanding and relationship-building
- Appeal to overarching values
- Confront values directly

+ Final Exam

- Any questions?

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