
In Theory

Making Sense of the Sacred

Kevin Gibson

In this note I examine the concept of sacred values. Some commentators have recommended avoiding the question or postponing negotiations until other issues have been settled, whereas others have suggested that few sacred values cannot be rendered into some form of trade-off (i.e., they are pseudosacred). Here, I follow Scott Atran and Robert Axelrod and argue that ritual and the sacred can be an important component of negotiation and, when addressed effectively, have great potential to break impasse.

I first examine the notion of the sacred and its near synonyms, the priceless and the intrinsically valuable. I then look at the issue of valuing life and show that although society places limits on lives as a matter of policy, it paradoxically funds heroic acts, such as mine rescues, which defy economic justification. These acts turn out to fulfill an important symbolic and ritualistic function. Finally, I draw out three implications of the framework for negotiators: negotiators should engage in some form of values clarification among the parties, material compromise by one party does not necessarily indicate that that party's values were not ultimate or that these have been relinquished, and considerable weight should be placed on ritualistic and symbolic gestures with regard to values.

Kevin Gibson is an associate professor of philosophy at Marquette University in Milwaukee, Wisconsin. His e-mail address is kevin.gibson@marquette.edu.

Key words: negotiation, values, sacred, inherent values, trade-off, priceless, pseudosacred, bargaining.

Introduction

Recent work has reinforced the importance of sacred values in negotiation (e.g., Tetlock 2003; Atran and Axelrod 2008). Nevertheless, commentators disagree about their nature and how parties should deal with them. In this conceptual note, I will present a framework to help clarify discussions about values. Commentators typically use one of three terms, near synonyms, when dealing with ultimate values: the *priceless*, the *intrinsically valuable*, and the *sacred*. I will look at each in turn.

Next, I will make some semantic distinctions based on the different uses of the term “intrinsic value,” and show how those distinctions also apply to the other terms. I will then examine the boundary case of valuing human life to demonstrate the dissonant approaches we hold and why this incompatibility may, in fact, be socially desirable. Finally, I will draw out three implications of the framework for negotiators: negotiators should engage in some form of values clarification among the parties, material compromise by one party does not necessarily show that that parties’ values were not ultimate or that these have been relinquished, and negotiators should place considerable weight on ritualistic and symbolic gestures with regard to values.

Negotiation theory has often been cast as based on rational choice models in which parties should work out their options to determine a positive bargaining zone and seek settlements that optimize their self-interest (Thompson 1998). Following Roger Fisher and William Ury (1981), parties may be encouraged to consider trading off both monetary and nonmonetary interests. At times, though, bargainers act in apparently irrational (or less rational) ways that lead to impasse even when settlement options are available because of issues involving core values.

Christopher Moore (2003) has noted that values are *tiered* and *plural*: that is, we care more about some values than others, and we may hold dissonant beliefs, requiring us to balance our multiple interests. He suggests a three-level typology. At *a surface level* lie fairly trivial sets of everyday norms manifested as manners: individuals behave in ways they think best and tolerate some variance in others. At the *second level*, some values are more important than others but may be compromised under certain circumstances: for example, individuals may care deeply about clean air and at the same time recognize the benefits that come from road and air travel, or they may trade the aesthetic value of a view for money from a developer. The *third level* involves self-definitional core values that may include religious convictions, ethical standards,

and political beliefs, among others, which are essential to our personal identity.

In an important article, Philip Tetlock and his colleagues used the term “sacred” to describe “any value that a moral community implicitly or explicitly treats as possessing infinite or transcendental significance that precludes comparisons, trade-offs, or indeed any other mingling with bounded or secular values” (Tetlock et al. 2000: 853).

Values at this level are trickiest for negotiators as they resist commodification or concession. Moreover, research indicates that the gesture of offering material exchanges for compromises in these values can lead to deep offense and insult (Tetlock et al. 2000). When some negotiators encounter such deep value conflicts, they use tactics such as avoiding the value conflict by emphasizing more tangible issues, promoting mutual tolerance, or simply leaving the difficult issue aside until other, usually easier issues, are settled (Moore 2003).

Other negotiators typically deny that sacred values exist and claim no trade-offs will be taboo, given the right incentives. For example, Leigh Thompson (1998: 266) wrote

Truly sacred values cannot exist because, by definition of the utility function . . . everyone “has their price.” With sufficient compensation, people are willing to trade-off a “sacred value.” The critical issue is not how much it takes to compensate someone for a sacred issue, but, instead, what factors allow trade-offs to occur on sacred issues. The term “sacred” describes people’s preferences on issues on which they view themselves as uncompromising. It immediately becomes obvious, however, that labeling an issue as sacred may be a negotiating ploy, rather than a reflection of a heartfelt value. By anointing certain issues as sacred, and removing them from bargaining consideration, a negotiator increases the likelihood of a favorable settlement.

In a marked contrast, though, Scott Atran and Robert Axelrod (2008) acknowledged the existence and importance of sacred values and advocated the benefits of symbolic concessions in cases in which core values are at stake.

Two Cases

Two examples are particularly helpful in discussing the nature of the sacred: the Anangu and the Mayans. The Anangu case concerns Uluru, otherwise known as Ayers Rock, a spectacular monolith that rises dramatically from the surrounding plains in the Northern Australian outback. After the Second World War, transportation to the area improved, leading to a dramatic increase in tourism. The native aboriginal tribes, known as the Anangu, have been hunters and gatherers in the region for thousands of years. They believe the world was created by beings who left some of their

spirits behind in landscape features, including Uluru. They regard the site as sacred, and no one but senior initiates are allowed to visit certain areas or follow the trail to the top.

By the 1960s, commercial development had driven the Anangu away, but a decade later, they returned and established a camp at the rock to reassert their claim of ownership, and subsequently it was deeded back to them by the federal government. After a series of lawsuits, the Anangu leased the site back to the Australian Nature Conservancy Agency for the next ninety-nine years, under the condition that tourists be allowed to climb the rock.

The Anangu believe that their sacred site is being desecrated. The climb is fairly difficult, and some thirty tourists have died over the past twenty years, mainly as a result of heart disorders aggravated by exertion. The Anangu attach great significance to these deaths. As a concession to Anangu sensibilities, the conservancy agency built a cultural center at the base of the rock that informs visitors about the cultural and religious significance of the site along with posted signs that asks them to refrain from climbing, exploring, or taking photographs. There have been moves to ban tourists from the rock, but it remains open, and about a third of the visitors make the climb, some asserting that the aboriginals' beliefs should not preclude rights to enjoy a unique panorama (Popic 2005; Polidor 2010).

Sacred values are clearly at stake in the Uluru case, and yet the Anangu have made compromises. Max Bazerman, Ann Tenbrunsel, and Kimberly Wade-Benzoni distinguished the “pseudosacred” — something traded when an impasse is a relatively unattractive option — from “truly sacred issues” in which “the impact of focusing on them should be consistent, independent of structural factors such as the attractiveness of one’s alternative” (Bazerman, Tenbrunsel, and Wade-Benzoni 2008: 116). To illustrate the distinction, the authors drew on a case in which the Mayans in Mexico were faced with harvesting of their sacred forest. They ultimately agreed to selective felling, despite the belief that doing so would cause stars to fall from the sky, on the grounds that the agreement was the best option to keep as many stars in the sky as possible. The researchers concluded that negotiators need to distinguish “important issues from truly sacred ones and be willing to make trade-offs on the important ones” (Bazerman, Tenbrunsel, and Wade-Benzoni 2008: 116).

Reflection on these two cases, though, leads to an alternate conclusion. Negotiation requires mutual voluntary exchange, and it appears that in both these cases, the conceding party had little leverage and may actually have been bargaining under duress. Thus, what we find are parties who are trying to maintain their core beliefs in a situation in which their best outcome seems to be the least bad of poor alternatives. In fact, efforts to retain the sacred may involve some compromise if the other party has so

much power that resistance is essentially futile. It seems wrong to describe the Anangu's belief system as "not sacred" and merely "important" on the grounds that they made compromises in the face of limited influence over the central government — they may not have believed that they had much of a choice. Similarly, the Mayans did not give up their worldview but may have been struggling to minimize the impact of what they must have perceived as a sacrilegious act.

Nevertheless, the cases still present an apparent puzzle: it seems that either a set of values are sacred and trade-offs are taboo, or those values are not sacred in the first place. To reconcile these apparently contrary beliefs, I will briefly discuss the language of the priceless and intrinsic worth.

The Priceless

The term "priceless" can be used in two ways: one is to say that something is extremely expensive. In this sense, the crown jewels of England might be said to be priceless, but we can imagine that in a debt crisis, some pieces could be traded for a large sum to a multibillionaire with a taste for the unique. They are an asset whose value could be calculated, like most other objects, according to what someone would be willing to pay to obtain them. In this sense, the items might better be described as "pseudopriceless" because they turn out to be fungible after all.

Alternatively, priceless can be used as a placeholder term that says the item is not a commodity. That is, it is inappropriate to put it on the market, and the language of economics will not apply. Hence, it would be out of place to pay children to love or respect their parents, for example. Love and respect are not marketable, and we would be suspicious of anyone who claimed to respect someone because they were paid to do so. We could extend this sense to say that the crown jewels are priceless in that they are literally beyond price because they are more than big pieces of jewelry — no one could or should put a price on the unique heritage that they represent. This second sense initially appears to be a "trump card" in that it gives certain items or attitudes privileged status — market immunity. The quality that is said to make an object priceless in this second sense is that it has intrinsic value.

Intrinsic Value

Following Ludwig Wittgenstein, it is probably less useful to ask for a definition of intrinsic value from the party than it would to determine how the concept is manifested or operationalized (Wittgenstein 2001).

Dale Jamieson (2008) has identified four ways that the concept is used. The first sense of intrinsic value is an "end in itself," in which it is distinguished from instrumental action. This end might be described as human flourishing or happiness. Thus, accumulating wealth is an instrumental means to achieve a higher goal (unless one is a miser), or studying hard is

a path to academic achievement. In this sense, intrinsic values are aspirational and purposive — they provide overarching goals for our lives.

Intrinsic value can also be used as a rhetorical label to connote moral significance. In effect, the phrase becomes a placeholder for particular qualities that distinguish the necessary and sufficient conditions for moral consideration. Hence, humans attribute moral value to animals because of their capacity for suffering, or the ability to reason, or some other distinctive quality. In the case of historical or sacred sites, it may be because they evoke special feelings of the numinous in visitors. Here, perception becomes reality in the sense that what matters most in these arguments is that the perceiver believes some condition is fulfilled and will advocate for the entity as a result.

The third sense is often associated with an aesthetic and was popularized by the philosopher G. E. Moore in his *Principia Ethica* (1903/1966). Moore perceived that the quality of beauty was a property of objects. He suggested that the quality inhered in beautiful things, and any discerning human would recognize it, but nonetheless it remained very difficult to describe or to analyze.¹

Lastly, intrinsic value might refer to a quality that exists independent of any human observers. Champions of this view have often turned to a thought experiment that has become known as the “last man argument” to prove their position. Briefly, the situation is that through some awful circumstances, a sole human survivor is left on the planet and has a limited time to live. He chooses to irrevocably destroy the remaining flora and fauna, which would likely live on without him, and then we are asked to judge his action. If we condemn him, then the conclusion is drawn that nature has value in and of itself, independent of human assessment.

Both G. E. Moore’s position and the hypothetical are less persuasive than they initially appear. Moore’s theory has been subjected to criticism, not least on the grounds of cultural relativism and social construction. What we believe to be beautiful may be a function of our cultural background rather than of some quality that objects possess. For example, in the case of the “last man,” one might judge the survivor’s action as bad because he or she feels that the environment still has value or simply because he is being wantonly destructive, a behavior many would normally disapprove of. That is, when we are asked about his behavior, we are reflecting our complicated personal views and not necessarily asserting intrinsic value. The importance of these distinctions is that parties may speak of intrinsic value but mean different things by the phrase. For example, protesters might object to development of a pristine forest on the grounds that the forest has some form of noninstrumental value. Once we parse out the phrase, however, it turns out that they do not mean that there is some mysterious quality inherent in the woodland but that some human valuers believe that preservation of nature, in general, or this forest, in particular, ought to figure into the decision process.

Hence, it turns out that *there are no valuable objects, only objects that are valued*. Thus, humans are the originators and arbiters of value. This is not to say that we may not value some things greatly, perhaps more than our own lives. Importantly, though, we should distinguish valuation from price allocation: economists will claim that we put a price on things we care about — which is usually correct. The converse implication, however, is that if we fail to use quantifiable metrics, it means we do not value them, which is not true. But the objects themselves are neutral unless we invest them with some value and meaning (Baxter 1974). A flag is merely an embroidered cloth, or an amulet an artifact unless humans believe the object has value and behave accordingly — for example, soldiers facing withering enemy fire to retrieve a regimental standard. These values are historically and culturally relative — if housed in a museum centuries later, they may arouse only curiosity.

To say that only humans endow value and it is not inherent in objects is not to deny that believers treat some objects as sacred. Take the case of a religious icon. It could be described as priceless, as it is not a commodity and followers endow it with ultimate value — quite literally, they would lay down their lives to preserve it. Shimon Huberband (1987), for example, relates cases during the Second World War of *Kiddush Hashem*, the duty of Jews to sacrifice life to preserve faith. There are documented episodes where the Nazis tried to force Jews to tear up the Torah and those who refused were beaten to death or shot. These cases illustrate the power of human conviction and the symbolic power with which humans endow some artifacts, rather than the intrinsic value of the objects. These individuals ranked their faith as ultimately more important than their material welfare, and the scrolls were a physical representation of that faith.

Contrasting cases also illustrate the belief/object distinction, for example, when someone is willing to forsake a sacred artifact in order to survive, perhaps in the hope of restoring it once the threat has ceased. In another situation, it is routine for consecrated buildings to be adapted for other uses, such as a church made into a restaurant once it has been abandoned by its congregation; the venue for believers may change, but that need not imply they have compromised their values.² The point is that objects may take on symbolic and reverential value, to be sure, but the sacredness resides in the minds of people and therefore may be transferred, adapted, or modified.

The distinctions developed for intrinsic value can also be applied to objects denoted as priceless or sacred. Parties may use the terms, say, to show the object is of moral concern or to describe a personal set of core beliefs. The variation in usage also explains the semantic oddity of parties describing both a real forest and an abstract value, such as equality or justice, as being sacred. Consequently, it is important for negotiators to

distinguish object and beliefs and understand that compromise on material grounds does not necessarily imply abandonment of core values.

The Value of Life Paradox

Semantic clarification of value statements could be useful to negotiators because each party may have distinct connotations for the claims they make. Nevertheless, one or more parties may simultaneously maintain two apparently contradictory beliefs about the sacred. As we have seen, the standard negotiation analytic approach to sacred issues tends to bifurcate the concept, saying either that objects ought to be treated as commodities or to be completely removed from the table. Consequently, a rational person could not consistently say that something sacred is simultaneously worth limited and almost infinite amounts, with the implication that parties ought to rationalize their beliefs and create a positive bargaining zone. Here, I suggest that this apparent dissonance need not be pernicious, and, paradoxically, might be instructive for negotiation theory. To explore the issue, I will turn to the parallel issues of intrinsic value and the preservation of life.

The rallying point for much of the discussion about intrinsic value has been about whether a price can be put on human life. On one hand, human life is considered sacred, and yet at the same time, communities routinely make decisions about resource allocation that effectively put lives at risk. The two views seem incompatible. In this section, I will suggest that the incompatibility is sometimes both useful and desirable.

Governments and regulators regularly calculate the “social value of life” when consumers choose one product over another based on safety considerations, rather than cost or other utilities. Rational quantitative analysis reflects how we develop policy. Thus, Ezra Hauer (1994) gives an example of the Federal Highway Administration (FHA) deciding whether to replace stop signs with yield signs, with the effect that drivers will save time, but safety will be compromised. The FHA put the price of a fatality at \$1.5 million and the cost of delay to drivers at \$6.71 per hour. Accordingly, if the accumulated benefit of time gained had exceeded the cost of the potential loss of life, then it would have considered recommending replacing the signs. One implication of this kind of strictly quantitative view is that the government should be maximally efficient: there should be standard valuations on life and adjustments in spending to get the optimal marginal benefit. If it turned out, say, that routine blood pressure testing of the general population was relatively inexpensive and would save a great number of preventable deaths, whereas Coast Guard rescues were very expensive and saved relatively few lives, then it would be reasonable to allocate limited resources to save more people.

To work, utilitarian analyses should be based on realistic amounts with some underlying justification. In a recent ruling, for example, *Arpin v.*

United States (2008), an appeals court overturned a damages award for wrongful death. The lower court had declared "It is difficult to put a value on something that is priceless. Mrs. Arpin is far more dependent on her husband than are her children. Her children have suffered the loss of a father that is great and the devastation to the family is immeasurable" (*Arpin v. United States* 2008: 776).

Nevertheless, the plaintiff was awarded more than seven million dollars in damages. On appeal, the amount was overturned as having no rational basis, as the figures were "plucked out of the air." The judge was instructed to look at the reasons given for damages in comparable cases, such as lost wages or medical expenses to justify the award. Even though it is hard to quantify something like loss of companionship, the courts have determined that judgments should nevertheless not be arbitrary, and the amounts generally emerge by reaching some kind of equilibrium with prior judgments and settlements.

Nevertheless, calculating standard numbers for assigning values to life seems to minimize qualitative elements. Some researchers argue that it is possible to generate a more sophisticated analysis that would include intrinsic factors. Amartya Sen (1997) moved to incorporate the social utility derived from other-regarding interests, such as the psychological satisfaction we gain from donating to charity in our calculations, and goes so far as to describe individuals who neglect commitments to outside interests in their choice models as "rational fools" (see also Bazerman and Messick 1998). Thus, any full account of potential life-saving options would have to integrate those factors as well by balancing the benefits of saving lives against giving up the psychological rewards of participating in communal welfare (e.g., how much would we pay to avoid thinking of ourselves as capable of ignoring someone's potential death?).

The ways that people express their preferences and the values they assign to intangibles, including lethal risks, suggest significant questions (Krutilla 1967; Schelling 1968; Loewenstein, Thompson, and Bazerman 1989; Savage 1993; Sagoff 2004; Rolfe 2006; Navrud and Ready 2007). Clearly, sums awarded in a tort case do not represent free economic exchanges because to be compensated after the fact is not the same as willingly accepting a deal beforehand: it is not as if people are being offered these amounts in exchange for forsaking their lives. Moreover, consistent with other attempts to ascertain personal preferences, the way the issue is framed is critical. If we asked individuals if they would put their lives at risk to shave a few seconds off the drive time on a stretch of highway, we will get different results than if we ask if they would prefer to have a quicker commute with an associated low risk of more accidents. Proponents of statistical risk analysis often admit that there are problems in calculating exact cost/benefit ratios as a basis for policy but at the same time question whether there are any other practical alternatives (Dorf 2001).

Rather than look at the particular advantages and shortcomings of quantitative analysis, I want to point out that as a society, we actually fail to consider these issues in a consistent way, and efficiency is clearly not always the prime guiding principle. For example, in the United States, a number of federal government agencies have the mandate to protect life, but each uses different amounts to calculate the value of a saved life. The Environmental Protection Agency (EPA) uses \$7.2 million, the Federal Drug Administration about \$5 million, and the Department of Transportation \$3 million (Robinson 2007). These agencies also actively compete for resources. At first glance, the absence of a single overriding standard value appears odd, insofar as a standard amount could ease policy decisions and reduce interdepartmental rivalry.

Moreover, despite policies that assign actual economic value on potential lives saved, striking cases occur in which vast resources are expended by public agencies in rescue attempts to save trapped miners, or find hikers lost in the wilderness, or sailors adrift at sea — with little or no public discussion of the costs of such efforts or suggestion that they be terminated once a certain cost level has been reached (Dugan 2009; Alfano 2010; Barrionuevo 2010). The amount of money spent in these cases is inconsistent and inefficient to *homo economicus*. Research suggests that people react more forcefully to dramatic cases than when presented with data that document courses of action that will benefit more people but in less dramatic ways (Loewenstein, Small, and Strnad 2006). One reason could be that in these cases, which typically attract intense media attention, we are confronted with narratives of real flesh-and-blood people, not statistical probabilities. The systems set up for rescues and heroic intervention, however, are not immediate responses to face-to-face encounters but rather deliberate policies to allocate resources disproportionately, which suggests that such inefficiencies are conscious and planned.

The Function of Ritual

Claudia Mills and Doug MacLean (1992) suggest why communities choose to accept inefficiencies at the policy level even before dramatic cases occur. They assert that government agencies and others are not only charged with protecting life but publicly championing sacred values, which may involve public debate and symbolic action. According to Mills and MacLean (1992: 94), the defining characteristic of the sacred lies less in how much we value it and more in how that value is expressed

In every culture, sacred values are attended by special ceremonies and rituals. We might characterize rituals as irrational or irrelevant behavior, actions in which the relationship between means and ends is deliberately inefficient. This aspect of rituals indicates their symbolic meaning and draws attention of the community to

objects, relationships, or roles that have a special place in the life of the group.

The point is that these ritual actions — which include heroic rescue attempts and religious rites — are deliberately economically inefficient but useful to society in that they remind us that particular lives matter and their value cannot be reduced to statistical probabilities without loss. This leads to a dynamic tension in which we both acknowledge the utility of economic analysis and simultaneously choose to override it in cases in which society deems it important to assert the sacredness of human life. Accordingly, society does not strive for an overarching agency that determines a single abstract basis to value life. Instead, the varying standards of different departments publicly compete to promote values that express diverse human interests such as safety, liberty, and welfare.

Economic inefficiencies thus turn out to have a ritualistic function. In the case of wrongful death suits, for example, it is perhaps useful to have a public discussion about the loss in personal and human terms instead of simply employing an efficient common standard. Similarly, various government agencies, such as the EPA and the Occupational Safety and Health Administration, do not merely duplicate work done by the Office of Management and Budget but actively champion their causes in a public forum, reflecting issues that citizens care about. As Mills and MacLean (1992: 96) note, “When the administrator of the EPA appears at a press conference to announce a regulatory decision, people are not primarily concerned with knowing the agency has found an ideal cost/benefit ratio. People want to know that things they value deeply — our health, our environment, our natural resources — are being guarded and valued by the agency we have created to be a trustee of these values”.

The picture that emerges, then, is one of a deliberate dissonance. If we apply the finding more broadly to concerns that fall under the umbrella term of sacred, the term would also serve multiple purposes. Like intrinsic value, it can refer to the idea that certain concerns ought to be the object of moral consideration, as well as being held in very high regard, sometimes as more valuable even than an individual’s own life. Furthermore, these functions may be complementary, not competitive, insofar as they function in different ways: some to demonstrate that something is highly regarded, but ultimately fungible, whereas others serve a vital ritualistic purpose in a public demonstration of the basic values we espouse.

The Values Impasse

The analysis suggests several ways to anticipate and avoid impasse generated by conflict over sacred values. A negotiating impasse signals that the parties are deadlocked and believe they cannot reach an agreement. In a

seminal article, Roger Fisher (1978) described three potential causes of impasse: substantive problems such as too few options, inappropriate procedures, and problems involving people's behavior, such as displays of strong emotions or miscommunication. Appreciation of the nature of values claims and anticipating how they arise could help negotiators avoid impasse in all three areas.

First, not all values issues are reducible to substantive trade-offs, and therefore negotiators should be sensitive to actions that reflect value commitments. When parties assume that all negotiations are essentially transactional and everything is on the table and can be traded, they will likely encounter frustration when the other party remains unmoved by increasing substantive offers. For instance, when economists Dan Vадnjal and Martin O'Connor (1994) conducted research in New Zealand to see what amount it would take for people to accept development on a pristine island near Auckland, they found many respondents either refused to give a number or simply gave it as infinity. They concluded

People want to find, and often do find, something of the transcendent in their environment . . . The message we often got, presenting our "development" scenario, was of grief and a strong sense of loss when such things in the world become reduced to their commercial, monetary value . . . There are dimensions of life that are beyond money . . . So what is the value of Rangitoto? It exists (Vадnjal and O'Connor 1994: 378-379).

Unwillingness to compromise in such a case may reflect a personal and communal commitment to preserving the environment rather than a bargaining ploy for a greater payoff. This is not to say that policy makers could not, in principle, impose a cost/benefit analysis, say, by looking at the amount that is actually spent when residents are forced to choose options that exclude preservation. But two distinct and dissonant conceptual frameworks are at work in such conflicts, and values cannot always be reduced to prices. Hence, parties should attend to the beliefs that lead to some objects (and places) being highly treasured and work within those constraints.

Further, because we have diverse attitudes toward intrinsic value, some claims may be perceived as irrational or inconsistent, such as someone claiming that life has infinite value while being willing to take on high-risk employment such as heavy construction or mining. In another case, an individual might forego routine medical check-ups because of the immediate expense. As noted, however, these differing actions, may in fact reflect the various functions of claims of intrinsic value rather than a common economic baseline, and therefore should not be dismissed preemptively.

Jeanne Brett (2000) has pointed out that the nature of the dispute should govern the process, and she distinguished transactional negotiation

from disputes in which a claim has been rejected, as well as conflicts that involve perceived goal ambiguity. Some values disputes may eventually turn out to be intractable. Those that are open to settlement, though, depend on the adoption of an appropriate procedure and are likely to require more articulation of individual beliefs and how these are manifested.

For example, the Aspen Institute's Program on Energy, the Environment, and the Economy has developed a deliberate process that promotes value-based dialogue by inviting participants to reflect on their most deeply held values and share them with other participants (Wade 2004). Similarly, the Getty Foundation has done studies on the management of cultural heritage sites. Traditionally, these were the province of economically powerful actors and technical experts, but their solutions often led to perceptions of unfairness and to protest. More recently, these processes have included value-based discussions among many stakeholder groups, based on agreement on the overarching principle of sustainability. The process has required more initial investment in time and resources, especially as many people initially find it difficult to put their values into words. Nevertheless, articulation and acknowledgment of diverse underlying values among the various parties has led to more sophisticated and binding agreements (Mason, MacLean, and de la Torre 2003). Along the same lines, a dispute over values will likely involve sensitivity to varying beliefs by all parties and a significant exploration of common ideals.

Third, values discussions are inevitably personal, leading to difficulties in communication and heightened emotion. Many people have a hard time expressing their most basic values but nevertheless feel them to have a strong pull, which leads to a charged and sometimes unclear negotiating environment. Some parties may have differing communication styles that foster misunderstandings, especially when there are cross-cultural issues (Brett 2000). In some cases, values talk can be deeply challenging to core beliefs, and parties may react by rejecting any further attempt to negotiate (Anderson 1993).

For instance, in one study, Bruno Frey and Felix Oberholzer-Gee (1997) used the opportunity of a Swiss national referendum on the placement of toxic waste sites to see what difference compensation would make. People were informed about the necessity of the sites, the benefits and risks, and their civic responsibilities. In the absence of talk about compensation, half those surveyed agreed to having the site placed in their community. But when the same question was asked with the promise of significant financial payment, the rate declined to a quarter. The authors concluded that the economic incentive was perceived as a bribe and crowded out social and ethical motivations. Thus, in cases that involve core values, people may appear irrational or give counterintuitive responses that can only be uncovered by sensitive discernment.

Negotiators face the risk of miscommunication and even insult to parties who see themselves as having higher motives or beliefs that invest certain objects with symbolic value.

Conclusion

The standard wisdom in negotiation is that discussion of sacred values can quickly lead to impasse and thus should be avoided or reframed. The conceptual framework I have outlined, however, has several practical implications.

First, discussing sacred objects is typically a shorthand way of talking about the values of particular individuals or groups, with the consequences that values may remain constant, while the manifestation of the values may change; consequently, we should not automatically conflate objects and beliefs in our discussions. This is not to say that some objects are not held in great esteem and may be valued by people more than life, as in the case of those who sacrificed themselves to preserve the Torah. At the same time, these are symbolic acts representing the values that people place on the objects, not evidence of a metaphysical quality in the object itself. Drawing on the distinctions in usage of the term intrinsic value, it is incumbent on a negotiator faced with a claim that some entity is sacred to one party to determine exactly what the term means: it could be that the person is merely asserting that the object ought to have moral standing in the conversation. Alternatively, it could mean that it has great symbolic and representational value to the person. In either case, bargaining will be facilitated by conceptual clarification.

The distinction between object and belief may allow for the reframing of a position so that values are preserved even in the face of some material concession. Someone could thus maintain a sacred value, perhaps an abstract quality such as equality, or preserve a sense of self-identity, even if the way those values are manifested changes. The Anangu and the Mayans, for example, still hold their sacred values, even though the sites representing them have been subject to concessions. Hence, people may hold consistent sacred values even in the face of trade-offs or compromises, and negotiators should not reason *post facto* that making material concessions necessarily demonstrates that the party's values were not ultimate or have been relinquished (contra Hoffman et al. 1999; Bazerman, Tenbrunsel, and Wade-Benzoni 2008).

Finally, a direction for future research is to examine in more detail the role of symbolic and ritualistic values. Considerable work has been done in the symbolic value of an apology (see, e.g., Goldberg, Green, and Sander 1987; O'Hara and Yarn 2002; Pavlick 2002; Brown 2003), whereas actions dealing with ultimate values have largely been unexplored. From the discussion of the ways in which we value life, it appears that significant weight ought to be placed on ritualistic and symbolic gestures. Thus, building on

the recent insights of Atran and Axelrod, negotiators should actively engage in claims of ultimate value as a potentially productive means of moving beyond impasse.

NOTES

Funding for this article was provided in part by the Way-Klingler Faculty Research Award.

1. Like its converse, pornography, perhaps, we know it when we see it. See Justice Potter Stewart, concurring opinion in *Jacobellis v. Ohio* 378 U.S. 184 (1964).

2. See, for example, the Mission Grille, available at <http://missiongrille.com/about.php>. Accessed September 4, 2010.

REFERENCES

- Alfano, S. 2010. Abby Sunderland rescue bill no big deal, France and Australia say. *New York Daily News*. June 17. Available from http://www.nydailynews.com/news/world/2010/06/17/2010-06-17_abby_sunderland_rescue_bill_no_big_deal_france_and_australia_say.html.
- Anderson, E. 1993. *Value in ethics and economics*. Cambridge: Harvard University Press.
- Arpin v. United States*. 2008. 521 F.3d 769 (7th Cir.).
- Atran, S. and R. Axelrod. 2008. Reframing sacred values. *Negotiation Journal* 24(3): 221-246.
- Barriounevo, A. 2010. Facing long mine rescue, Chile spares no expense. *New York Times*, August 26. Available from <http://www.nytimes.com/2010/08/27/world/americas/27chile.html>.
- Baxter, W. 1974. *People or penguins: The case for optimal pollution*. New York: Columbia University Press.
- Bazerman, M. and D. M. Messick. 1998. On the power of a clear definition of rationality. *Business Ethics Quarterly* 8(3): 477-480.
- Bazerman, M., A. Tenbrunsel, and K. Wade-Benzoni. 2008. When sacred issues are at stake. *Negotiation Journal* 24(1): 113-117.
- Brett, J. 2000. Culture and negotiation. *International Journal of Psychology* 35(2): 97-104.
- Brown, J. 2003. The role of apology in negotiation. *Marquette Law Review* 87: 665-673.
- Dorf, R. C. 2001. *Technology, humans and society: Towards a sustainable world*. New York: Elsevier.
- Dugan, R. 2009. Hikers rescued for free in Arizona. *The Arizona Republic*, November 21. Available from <http://www.azcentral.com/news/articles/2009/11/21/20091121rescue1121.html>.
- Fisher, R. 1978. *International mediation: A working guide*. New York: International Peace Academy.
- Fisher, R. and W. Ury. 1981. *Getting to yes: Negotiating agreement without giving in*. New York: Houghton Mifflin.
- Frey, B. and F. Oberholzer-Gee. 1997. The cost of price incentives: An empirical analysis of motivation crowding-out. *American Economic Review* 87(4): 746-755.
- Goldberg, S., E. Green, and F. Sander. 1987. Saying you're sorry. *Negotiation Journal* 3(3): 221-224.
- Hauer, E. 1994. Can one estimate the value of life or is it better to be dead than stuck in traffic? *Transportation Research A* 28A(2): 108-118.
- Hoffman, A., J. Gillespie, D. Moore, K. Wade-Benzoni, L. Thompson, and M. Bazerman. 1999. A mixed-motive perspective on the economics versus environmental debate. *American Behavioral Scientist* 42: 1254-1276.
- Huberband, S. 1987. Kiddush Hashem. In *Kiddush Hashem: Jewish religious and cultural life in Poland during the holocaust*, edited by D. E. Fishman, J. S. Gurock, and R. S. Hirt, pp. 247-265. New York: KTAV Publishing House/Yeshiva University Press.
- Jamieson, D. 2008. *Ethics and the environment*. Cambridge: Cambridge University Press.
- Krutilla, J. V. 1967. Environmental effects of economic development. *Daedalus* 96(4): 1058-1070.
- Loewenstein, G., D. A. Small, and J. Strnad. 2006. Statistical, identifiable, and iconic convictions. In *Behavioral public finance*, edited by E. Mcaffery and J. Slemrod, pp. 32-46. New York: Russell Sage Foundation Publications.
- Loewenstein, G., L. Thompson, and M. H. Bazerman. 1989. Social utility and decision making in interpersonal contexts. *Journal of Personality and Social Psychology* 57(3): 426-441.

-
- Mason, R., M. MacLean, and M. de la Torre. 2003. *Hadrian's wall world heritage site: A case study*. Los Angeles: The Getty Conservation Institute.
- Mills, C. and D. MacLean. 1992. Risk analysis and the value of life. In *Values and public policy*, edited by C. Mills, pp. 91-97. Orlando, FL: Harcourt Brace Jovanovich.
- Moore, C. 2003. *The mediation process*. San Francisco: Jossey-Bass.
- Moore, G. E. 1903/1966. *Principia ethica*. Cambridge: Cambridge University Press.
- Navrud, S. and R. Ready. 2007. *Environmental value transfer: Issues and methods*. Dordrecht: Springer.
- O'Hara, E. and D. Yarn. 2002. On apology and consilience. *Washington Law Review* 77: 1121-1192.
- Pavlick, D. 2002. Apology and mediation: The horse and carriage of the twenty-first century. *Ohio State Journal of Dispute Resolution* 18: 829-866.
- Polidor, A. 2010. Uluru to remain open to climbers. Available from <http://www.sacredland.org/uluru-to-remain-open-to-climbers/>.
- Popic, L. 2005. Should you climb Uluru? *The Guardian* (UK), December 17. Available from <http://www.guardian.co.uk/travel/2005/dec/17/climbingholidays.australia.guardiansaturdaytravelsection>.
- Robinson, L. 2007. How US government agencies value mortality risk reductions. *Review of Environmental Economics and Policy* 1(2): 283-299.
- Rolfe, J. 2006. A simple guide to choice modeling and benefit transfer. In *Choice modelling and the transfer of environmental values*, edited by J. Rolfe and J. Bennett, pp. 10-27. Cheltenham: Edward Elgar.
- Sagoff, M. 2004. *Price, principle and the environment*. Cambridge: Cambridge University Press.
- Savage, I. 1993. An empirical investigation into the effects of psychological perceptions on the willingness to pay to reduce risk. *Journal of Risk and Uncertainty* 6(1): 75-90.
- Schelling, T. 1968. The life you save may be your own. In *Problems in public expenditure analysis*, edited by S. Chase, pp. 127-162. Washington, DC: The Brookings Institution.
- Sen, A. 1997. Rational fools: A critique of the behavioral foundations of economics. *Philosophy and Public Affairs* 6(4): 317-344.
- Tetlock, P. 2003. Thinking the unthinkable: Sacred values and taboo cognitions. *Trends in Cognitive Science* 7(7): 320-324.
- Tetlock, P., O. Kristel, S. Elson, M. Green, and J. Lerner. 2000. The psychology of the unthinkable: Taboo trade-offs, forbidden base rates, and heretical counterfactuals. *Journal of Personality and Social Psychology* 78(5): 853-870.
- Thompson, L. 1998. *The Heart and mind of the negotiator*. Upper Saddle River, NJ: Prentice Hall.
- Vadnjal, D. and M. O'Connor. 1994. What is the value of Rangitoto Island? *Environmental Values* 3: 369-380.
- Wade, S. O. M. 2004. Using intentional, values-based dialogue to engage complex public policy conflicts. *Conflict Resolution Quarterly* 21(3): 361-379.
- Wittgenstein, L. 2001. *Philosophical investigations*. Oxford: Blackwell.