

Nonnegotiable Problems for a Negotiation Framework of Morality

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Abstract The contractualist approach to morality holds a great deal of promise. However, it is not clear how it applies to situations in which the idea of negotiation is itself morally abhorrent. In particular, it is not clear how it applies to the thick relationships that exist between friends and family, which form a large part of the moral universe.

About a decade ago, NBC News reported on a couple with a strange arrangement: If they both wanted the same thing, or did not want to do some thing, they negotiated. With dollars. If Bethany had an important deadline and wanted Daniel to pick up the children but Daniel couldn't be bothered, they would bid. Bethany might bid \$100, Daniel \$40, indicating Daniel didn't mind doing this chore as much. So Bethany would pay Daniel \$40 to take the kids (Popken, 2014). This dynamic was not held up as an admirable moral example. It was a curiosity displayed to amuse, both funny-weird and funny-haha.

By the contractualist moral framework put forward in Levine et al., we should all be aspiring to something like Daniel and Bethany's relationship. And the fact that we don't engage in such negotiations is not because they are morally repugnant or laughably transactional, but because we lack the resources. Had we but world enough and time, coyness might be worth a dime. But I think even with all the time and space to negotiate, some things are morally non-negotiable. This is not because their rejection is the deontological approximation of an ideal negotiation process that would end up in the same place. It is because the very invocation of a negotiation would sometimes be undesired, outlandish, or unacceptable. While this problem relates to several moral issues, I focus in particular on the issue of negotiation in thick-vs-thin relationships, which I will clarify in a moment.

Before that, another clarification: I think Levine et al. are making a major contribution, and their formal framework charts a path towards peace between warring tribes in the psychological and cognitive study of morality. I largely accept that much of our moral reasoning can be seen as approximations of a situation in which we would talk things over, and that different directions of approximation lead to different kinds of moral ideals that might otherwise be seen as being in opposition. The extension of these ideas to moral flexibility and re-negotiation also holds a lot of promise.

However, I do not think this framework currently handles cases in which the act of negotiation is itself judged morally incorrect. This perhaps falls under the general notion of rejecting taboo tradeoffs (e.g. Fiske and Tetlock, 1997; Lichtenstein et al., 2007), but I mean to sharpen the focus on "thick relationships". Thick relationships refer to strong bonds of obligation and affection. They often hold between family members, close friends, or romantic partners. They have been the subject of work in anthropology, sociology, philosophy, and cognitive development (Margalit, 1996; Margalit, 2011, Rai and Fiske, 2011; Ullmann-Margalit, 2011; Thomas, Saxe, and Spelke, 2022). Such relationships are not simply on the far end of a continuum that spans from strangers through acquaintances and up to one's child. Thick and thin relationships also define our relationship to the formation, maintenance, and annulment of contracts and negotiations. Contracts and their enforcements are necessary for the maintenance of agreements between thin relationships based on thin trust: If I signed a contract to supply a stranger with fine-quality copper ingots and failed to deliver, I am in breach of contract. If I abandoned my debilitated wife to pursue a newfound fancy, I am committing a betrayal (Margalit, 2011).

The morality of thick relationships is not easily found in the picture painted by Levine et al., when the very idea of negotiating over these relationships and their obligations or affections seems repugnant. There

is no view-from-nowhere from which we can consider a good-faith negotiation over the obligation towards a sick father, or what we owe our down-and-out brother, from which our actual thick obligations are derived as approximations. This is not to say that negotiations do not happen inside a thick relationship. Levine et al. consider two friends that need to share a cab, or partners that need to share chores, but these tradings are not the hallmarks of a thick relationship, and it is much less clear how the two friends or partners are meant to share secrets, trust, or a life.

Levine et al. rightly posit that people can engage in virtual bargaining, and by that token I'll engage in virtual arguing on their behalf. First, Levine et al. may respond that they explicitly marked out things that their framework does not apply to, including things such as the moral duty to provide for one's child. To this counter, I would counter-counter that if a theory of morality leaves out the particulars of thick relationships, it is akin to a bird guide that focuses on sparrows while conceding that certain "non-sparrow birds" exist but are outside its immediate concern. Second, Levine et al. may face the challenge more directly, and suggest that the sense of moral outrage that one feels at the idea of negotiating over the particulars of thick relationships is itself exactly explained by the contractualist theory. They may say it is akin to their view of anger – a bargaining position within a negotiation. I suppose that's possible in theory, but to me the repugnance seems more like a logical loop or the set that contains sets that do not contain themselves: how does one proceed in an idealized negotiation when one or both of the sides assert that because they care about each other, negotiation is abhorrent?

In short, I'm in favor of Levine et al.'s overall approach. But I'm not sure how it proceeds in cases where bargaining is itself morally wrong, particularly over thick relationships. I'm open to hearing counter-offers.

REFERENCES

- Clark, M. S., & Mills, J. (1979). Interpersonal attraction in exchange and communal relationships. *Journal of personality and social psychology*, 37(1), 12.
- Fiske, A. P., & Tetlock, P. E. (1997). Taboo trade-offs: reactions to transactions that transgress the spheres of justice. *Political psychology*, 18(2), 255-297.
- Lichtenstein, S., Gregory, R., & Irwin, J. (2007). What's bad is easy: Taboo values, affect, and cognition. *Judgment and Decision making*, 2(3), 169-188.
- Margalit, A., (1996). *The decent society* (Vol. 1). Cambridge, MA: Harvard University Press.
- Margalit, A. (2017). *On betrayal*. Harvard University Press.
- Popken, B. (2014). The couple that pays each other to put the kids to bed. *NBC News*, 8.
- Rai, T. S., & Fiske, A. P. (2011). Moral psychology is relationship regulation: moral motives for unity, hierarchy, equality, and proportionality. *Psychological review*, 118(1), 57.
- Thomas, A. J., Woo, B., Nettle, D., Spelke, E., & Saxe, R. (2022). Early concepts of intimacy: Young humans use saliva sharing to infer close relationships. *Science*, 375(6578), 311-315.
- Thomas, A. J., Saxe, R., & Spelke, E. S. (2022). Infants infer potential social partners by observing the interactions of their parent with unknown others. *Proceedings of the National Academy of Sciences*, 119(32), e2121390119.
- Ullmann-Margalit, E. (2011). Considerateness. *Iyyun: The Jerusalem Philosophical Quarterly*. 205-244.