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Dispute resolution themes abound in “Hamilton: An American Musical”

By Jill I. Gross

Robust dispute resolution themes run through *Hamilton: An American Musical*, Lin Manuel-Miranda’s award-winning Broadway play about the United States’ first treasury secretary. Alexander Hamilton, one of the country’s founding fathers, was also the New York delegate to the Constitutional Convention and a prolific author. He practiced criminal and civil law, and his civil practice included both mediation and arbitration. He is perhaps best known for dying in a duel with Aaron Burr in 1804.

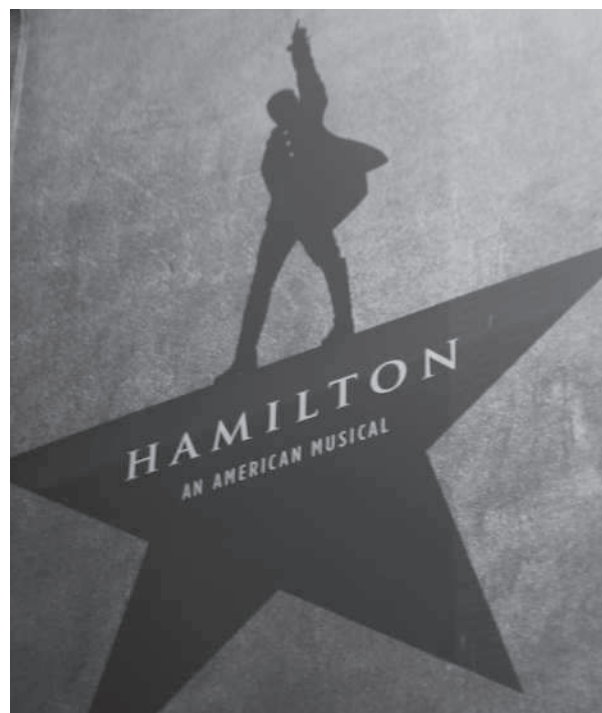
Many songs in *Hamilton* revolve around dispute resolution mechanisms that weave throughout Hamilton’s life. “Meet Me Inside,” for example, tells of Hamilton’s patriotic desire to fight in the Revolutionary War as George Washington’s “right-hand man” but describes how Washington, after reading letters from Hamilton’s pregnant wife, Eliza, orders Hamilton to go home to be with her — just as an arbitrator might. “Yorktown (The World Turned Upside Down)” lyrically describes the bloody war, a mechanism to end the conflict with England and secure the colonies’ independence. In “Cabinet Battle #1,” Hamilton raps using persuasive oral advocacy to address a conflict among George Washington’s cabinet members regarding pressing political issues. In “Say No to This,” Hamilton plaintively sings of the conflict between his loyalty to his wife and his desire for a mistress, a struggle that leads to a blackmail scheme by the mistress’ husband. “One Last Time” has President Washington lamenting to Hamilton that he must step down from the presidency to allow the new nation to move on and stop its partisan fighting.

Two songs in particular resonate with me as highly relevant to today’s dispute resolution field, “The Ten Duel Commandments” and “The Room Where It Happens.”

“The Ten Duel Commandments”

By Alexander Hamilton’s time, dueling, which dates back to the Middle Ages, was unlawful in most jurisdictions. “The Ten Duel Commandments” is about a duel between Lt. Col. John Laurens and Maj. Gen. Charles Lee that followed disparaging remarks by Lee about George Washington. In the show, Hamilton is Laurens’s “second”; Aaron Burr is Lee’s “second.” (In the actual duel, Maj. Evan Edwards, not Burr, was Lee’s second.) Laurens “won” the duel, after wounding Lee.

The song counts off the ten rules of dueling in that era, a dispute system design that evolved over time to reduce the chance of participants’ death, validate and articulate norms, and promote apologies. In addition to the biblical Ten Commandments, Miranda drew inspiration from the rap song “Ten Crack



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Commandments," which served as a guide to illegal activities during the 1990s.

The "Duel Commandments" lyrics establish three opportunities for peaceful resolution in which the alleged offender can apologize.

Number one

*The challenge, demand satisfaction
If they apologize, no need for further action*

...

Number three

*Have your seconds meet face to face
Negotiate a peace
Or negotiate a time and place
This is commonplace, 'specially 'tween recruits*

...

Number eight

*Your last chance to negotiate
Send in your seconds, see if they can set the
record straight*

These lyrics also recognize that negotiation resolves most disagreements:

Most disputes die, and no one shoots

Other duel commandments offer de-escalation opportunities. Step two calls for a "second," a representative to serve as a negotiator for the principal fighting in the duel. Step four calls for a doctor who is paid in advance, treated with civility, and does not watch to avoid liability as a participant. Steps five through seven describe the necessary preparation for the duel, including selecting a time ("duel before the sun is in the sky"), location ("pick a place to die where it's high and dry"), and the requirement to confess one's sins. Finally, step nine

*Look 'em in the eye, aim no higher
Summon all the courage you require
Then count
One two three four
Five six seven eight nine*

and ten ("Fire") spell out the final procedures.

The "Ten Duel Commandments" brilliantly evokes principles of dispute systems design, including building in feedback loops and repeated opportunities to settle, focusing on values and interests (dignity, reputation), providing low-cost rights and power

backup mechanisms (the role of the seconds, the doctor), arranging the procedure in a low- to high-cost sequence (talk first, then "seconds" try to negotiate, then the principals duel), and providing disputants with the necessary motivation, skills, and resources (including witnesses).

The Room Where It Happens

Hamilton devised a plan to stabilize the nascent American economy via a centralized banking system and the federal government's assumption of the states' Revolutionary War debt. To persuade the government to adopt this controversial plan, Hamilton struck a deal with Thomas Jefferson, then secretary of state, for Jefferson's and the Southern states' support in exchange for his agreement to move the capital of the United States to the banks of the Potomac, on land we now call Washington, DC.

In "The Room Where It Happens," Burr expresses regret that he was not a party to that compromise and expresses the well-understood view of dispute resolution that you have to be at the table — in the room — to participate meaningfully in a negotiation.

Miranda wrote this "show-stopping" number in a jazz-inspired style, complete with banjo, to evoke classic back-room politics where shady deals get made. The lyrics include dispute resolution terminology such as "getting to yes," "the art of the trade," and "how the sausage gets made," all references to integrative bargaining as a means to achieve a resolution of the dispute. The song also recounts the importance of carefully selecting the setting, location, and parties present when negotiating.

When you have the pleasure of seeing *Hamilton: An American Musical*, listen carefully and take the time to read the lyrics later. In this fast-paced, wonderful work, you'll find the theme of dispute resolution just about everywhere. ■



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