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Responsible Leadership for Sustainability in Uncertain Times

Social, Economic and Environmental Challenges for Sustainable Organizations

Springer

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Contents

Chapter 5
Integrating Simplification in Integrative Contracting to Navigate VUCA: The Case of De Rechtmakers

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Abstract VUCA (volatility, uncertainty, complexity, and ambiguity) perceptions encourage the search for inter-organisational collaborations within and between different sectors and can be positioned as a theme of partnerships for the Sustainable Development Goals (SDGs). In this chapter, a special case of inter-organisational collaboration is presented: De Rechtmakers, which is focused on contracts. The literature on contracts shows the need for a new mindset in contract governance and presents developments towards including elements such as trust, reciprocity, relationship building, and long-term orientation. These latter are usually labelled as psychological contracts and are additional to formal contracts. The new contracting approach can be termed Integrative Contracting and is inspired by the Integrating and Simplification of collaboration processes, to pursue a higher purpose in partnership. Integrative Contracting incorporates the new elements found in other approaches, but it starts with a fundamental view of the world, and especially of human beings. Here, the intention of aligning the partners' different perspectives and purposes forms a key starting point for partnerships. This alignment inherently creates space to realise human nature's potential in the midst of uncertain, volatile, and unpredictable developments. When VUCA levels are high, a basic set of guiding principles form the root of partnership. These lead to the simplification of processes in partnerships, such that everyone involved feels ownership and the processes become interwoven, which prevents their disintegration. The pattern that emerged is described in five steps, using the metaphor of stepping stones. The principles of Integrative Contracting are Serving, Attuning, Trusting, Needing, Rethinking, and Common Sensing. They take place within the spaces of actions (Doing), interactions (Interbeing), and values (Being).

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The higher the speed at which a culture develops, the more we slow down the internal clock of our mind – otherwise, our system breaks. While the outside world races on faster and faster, the inside world of our mind builds a philosophical system of fixed points at rest. The faster the world changes, the more philosophical humanity will become – otherwise it will not be able to continue existing. That philosophical system begins with the understanding that everything is energy, as it always has been. The human mind converts energy into logical possibilities.

(Arnold Cornelis, De vertraagde tijd: Revanche van de Geest als Filosofie van de Toekomst (The Delayed Time: Revenge of the Mind as Philosophy of the Future). 1999, p. 52, citation translated from the Dutch).

5.1 The Relationship Between VUCA-Phenomena and Contracts

In their edited book *Managing VUCA Through Integrative Self-management*, Nandram and Bindlish (2017) ask and answer the following questions:

What do we know about VUCA? Volatility: changes occur at high speed. Uncertainty: deterministic models that were appropriate for developing solutions do not work. Complexity: global access has made it easy to connect to every part of the world, yet this has also made the world very complex. Ambiguity: several views give meaning to things that happen around us. There is not simply one way to explain a certain event – people also bring their cultural backgrounds to the table (2017, p. 3).

The connectedness and multiple perspectives they ascribe to the VUCA phenomenon call for more institutional partnerships that take an integrative viewpoint. The literature alludes to the growing degree of intra- and inter-organisational collaboration needed to achieve this, as a result of the effects of VUCA; for example, in higher education programming (Seow et al. 2019), in policy-making (Sturmberg 2021), and management (Krawchuk 2017). In the same vein, contracting, as the structural enabler of many joint efforts (Thouvenin 2015, p. 235), needs to respond to this requirement to enhance the extent and scope of collaboration.

Looking more closely at the origins of this need, Gilson et al. trace it back to the fact that organisations are adapting to increasingly complex market demands, through what the authors call 'vertical disintegration' (2015, p. 158). This means that institutions rely on partnerships to fulfil market needs, rather than producing all aspects of a product or service themselves—something that increases the value of permanent relationships in contracting (Lamoreaux et al. 2003). Developments towards delivering value through networks increase the necessity of establishing healthy co-dependent partnerships and cross-organisational collaboration, which, in turn, demand negotiation and contracting approach that differs from the traditional, single-organisation-centric, risk-management stance (Gilson et al. 2009, 2015; Lamoreaux et al. 2003). For example, VUCA-compatible contracts need to ensure reoccurring

collaboration against a backdrop of constant uncertainty, by focusing on defining the process rather than the outcome. Furthermore, contracts need to induce behaviour that appreciates the mutual dependency involved, to curb individual-entity-driven, opportunistic behaviour (Alchian and Woodward 1988).

In addition to enabling inter-organisational partnerships, the elements of uncertainty, which are so prevalent today, demand that contract theory and practice move from a focus on minimising risk to one on accepting uncertainty. The majority of contracts in use today are based on the logic of mitigating risks. For example, the risk that the other party will not fulfil their obligations, which is why the expected outcomes are often defined in as much detail as possible in the formal agreement (Hart 2017; Erikson and Knockaert 2021). In today's, VUCA-heavy business climate, uncertainty is a prominent challenge for organisations, and one markedly different from simply mitigating risks, because it is often impossible to define results that can be committed to in advance. As a result, contracts must adapt to enable organisations to respond to uncertain, complex, and volatile environments (Frydlinger et al. 2021).

Contract theory and practice have developed approaches to bridge the gap between the current focus on risk mitigation and the need to focus on uncertainty management; and between a unilateral and a network-centric view of contracting (Gilson et al. 2010; Howell and Potgieter 2021).

One such type of agreement is the relational contract, based on the eponymous theory by MacNeil, which understands contracts as relationships rather than transactions (1969). This kind of contract defines principles that the participants commit to, as well as a unanimously agreed arbitration approach, which can be initiated unilaterally whenever one party feels the principles have been violated (Howell and Potgieter 2021, pp. 552–553).

Another contracting approach called '*braiding*' (Gilson et al. 2010, p. 1383) aims to enable inter-organisational collaboration in VUCA times by adding a formal governance component to the relational agreements[1]: '*(…) braiding is used to achieve these outcomes by relying on formal contracting to establish processes that make behaviour observable enough to support informal contracting over the substance of the (uncertain) collaboration.*' (Gilson et al. 2015, p. 159).

Both of these approaches enable cross-institutional collaboration in uncertain environments by focusing on the process rather than defining the outcomes while relying on building and maintaining healthy relationships.

Introducing this human factor invites thinking about how one views the role of humans in contract negotiations. It may be said that the demands of VUCA call for a new mindset in contract governance.[2] At least, the mechanisms of relational

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[1] Another form of combining formal and relational contract execution is '*formal relational contracting*', see, for example, Frydlinger et al. (2021).

[2] As Grundmann et al. define contract governance: '*As an umbrella term, contract governance, therefore, covers various and very diverse issues of governance in contract law and contract practise – just as corporate governance does for company law and finance. In this context, governance is defined as 'the institutional matrix within which transactions are negotiated and executed'* (2015, p. 3).

contracting and braiding welcome a change of mindset by which to approach contract matters.

5.2 The Need for a New Contract-Governance Mindset That Can Respond to VUCA

Magen (2015), for example, considers how contract governance changes depending on the concept of humans that is applied. In other words, it makes a difference to the approach taken to contracting if humans are understood to be exclusively rational and selfish, as in the concept *homo economicus*, or if they are seen as being context-dependent, cooperation-driven, *homo reciprocans*. Looking through a *homo economicus* lens, contract negotiations are focused on gaining the most benefit for oneself, whereas if humans are understood as *homo reciprocans*, contracts will be designed according to the particular context and with fairness in mind (Magen 2015).

As mentioned, economies are increasingly dependent on horizontal partnerships that create networks of value creation. The underlying worldview of a network economy is an organic one, in which the main principle of cooperation is collaboration, not competition (Ims and Jakobsen 2006). In an organic worldview '(…) the partners are perceived as integrated, through dialogical processes, and they share common long-term values and interests' (Ims and Jakobsen 2006, p. 23). There is a sense of the interconnectedness of individuals and societies, and an appreciation of values as an inherent part of what it means to be human. This awareness directs attention to what people have in common and leads to behaviour that is in line with their shared goals (Ims and Jakobsen 2006).

This appreciation of values and interconnectedness can also be found in the work of pioneers of transformational legal approaches, who expand the understanding of humans further, including spirituality. As the Belgian law professor, and former legal practitioner, Prof. Dr. Eric Lancksweerdt put it:

> Looking for a deeper and broader awareness is indeed what we have to do, in the legal world too. That may not be spectacular, but it is revolutionary. It is, on the one hand, an awareness of who we are as human beings and of what our human capabilities are, and, on the other, an awareness of our connection with the other and with all life. (Lancksweerdt 2014)[3]

In 'Spirit of the Law: How Lawyers, Judges, Law Professors, and Legal Staff Bring Spirit to Work', Sullivan (2013) interviews Kim Wright, Linda Alvarez, and several other pioneers of bringing spirituality into law. One reason for their integrating spirituality was the desire to transform contract law. As quoted by Sullivan, Alvarez

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[3] Translated from the original: 'Op zoek gaan naar een dieper en ruimer bewustzijn is inderdaad wat ons te doen staat, ook in de juridische wereld. Dat is misschien niet spectaculair, wel revolutionair. Het gaat enerzijds om een bewustzijn van wie wij zijn als mens en van wat onze menselijke vermogens zijn, anderzijds een bewustzijn van onze verbondenheid met de ander en met alle leven. Het is een hele zoektocht om zulk bewustzijn ook in de wereld van het recht een plaats te geven' (Lancksweerdt 2014, p. 19).

states: 'How much more wonderful if we can offer not only a frame of reference but also a framework for interaction that evokes, supports, and sustains interactions that are based in love, in spirit, and integrity' (2013, p. 324). She highlights the potential to create trusting environments within the legal process: 'If you shift your legal approach to helping clients discover the underlying needs and interests of everyone involved (whether it is in deal-making or conflict resolution), you can help them align their values so you can help create sustainable relationships and real safety' (2013, p. 321). Acknowledging the spirituality of all people involved can create a space of trust, as all are allowed to be present with the values that are important to them (Sullivan 2013, p. 323).

The demands of VUCA, essentially to make a necessary paradigm shift, call for new applications in contract practice that put trust-based and integrative approaches at the centre, while appreciating the interconnectedness of humankind and the need to simplify processes. In the following sections, we discuss the Rechtmakers Method as an alternative approach that can address these demands.

5.3 Methodology

A qualitative research approach was followed to understand the case of De Rechtmakers, which for convenience will be labelled here as the Rechtmakers Method. The Rechtmakers is an organisation with its own methodology and it is a case for the new, needed way of doing contracts (connecting to the previous paragraph as a bridge). The context of De Rechtmakers is one of the inter-organisational formal collaborations through contracts. Governmental organisations, companies, investors, and public–private partnerships, can all be De Rechtmakers clients. The principles, in this case, were inspired by the Integrating Simplification Theory, which emerged from Buurtzorg Nederland based on a Classic Grounded Theory Methodology. This theory has been validated in a recent study (Nandram 2021). This current study is another validation of the theory. Following the Classic Grounded Theory Methodology for the processes and the Formal Grounded Theory Methodology for the principles (e.g., Glaser 2002), the Integrating Simplification Theory is applied to the case of De Rechtmakers, to further validate the theoretical framework found in previous studies of Buurtzorg Nederland. Several inputs have been used as is allowed by the Grounded theory. For Sect. 5.4.1 (Contract and Integrative Roles), three interviews with the founder of De Rechtmakers and one interview with the founder of Buurtzorg were used.

In addition, the founder of Buurtzorg has performed both the roles of co-creator and client and has also applied the Rechtmakers Method in seven contracting projects with insurance companies[4] and in a collaboration between a BuurtzorgT (a mental health provider) and an investor. Magazine articles on these contracting projects have

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[4] These seven contracts for healthcare insurance companies and Buurtzorg Nederland focus on a three-year integrative contract, which involves a total investment of about €1.5 million.

been used for the analysis given in Sect. 5.4.2 (Steps in the Rechtmakers Method). Furthermore, observations of two processes of contracting cases were used.

5.3.1 Process-Related Sources and Analyses

To understand the process two contracting cases were studied. One online session, with international parties who were willing to collaborate and wanted guidance in establishing their collaboration through contracts; here, only the first session was observed. The second case consisted of the following four online working sessions (which took place on 21 April, 12 May, 26 May, and 9 June 2021) and two working sessions at a central location (on 28 June and 12 July 2021). To understand the partners' motivations for collaboration, in this case, their websites were also studied.

We provide a brief description of the context. Due to confidentiality issues, we cannot mention too much about the setting. It is about a long-term contract between an insurance company in healthcare and a nursing home. The client, in this case, the nursing home, gets money from the insurance per patient residing in this home. Patients pay the insurance and based on several cycles of medical intake interviews it is decided by an external party which patient is eligible and which one is not. Those who stay in a nursing home have a variety of social and medical reasons to shift to a nursing home. In addition to the payment which is taken care of by the insurance company, the patient pays a certain amount per month. The contracts are made per year based on the number of patients that is expected and that depends on the availability of places. Since the number of patients is growing in the Netherlands partly due to ageing, the costs of health care are increasing. The insurance companies who get money through the government per patient have to reduce their costs. This puts pressure on rethinking the way nursing homes are organized and the type of services they provide. Instead of a yearly contract, it is more beneficial for the nursing homes to have longer-term, for example, 3–5 years contracts with these insurance companies. That will give them time to experiment with new services and new ways of organising which is humane driven and cost-driven. Yearly contracts will not help them in the transformations which they wish to make. The Rechtmakers is facilitating these kinds of long-term contracts. Such contracts are more integrative as more perspectives and purposes are taken into account than solely the law perspective.

During the sessions, only notes were taken, as recordings were not allowed. Before each working session, the facilitator of De Rechtmaker shared preparatory documents by email; these were analysed too.

The notes and documents were coded by ascribing keywords, using an open-coding procedure, to the phrases that appeared in them. The notes and documents were then read for a second time and reordered according to specific topics. After this, summary documents were prepared. The codes were then sorted and categorised, which led to the emergence of a five-step process. The process is explained in the next section, using the metaphor of building a journey through stepping stones.

5.3.2 Principles Related to Sources and Analyses

In the second part of the analysis, the data collection was aimed at understanding the principles behind the worldview that the Rechtmakers Method embodies. Here, the main question was 'What are the basic principles that underlie the approach taken in the Rechtmakers Method, and how is it shaped by them in practice when used to create contracts for cooperation between parties?'.

In total, six sessions took place with the founder of De Rechtmakers and the first author of this book chapter, to understand the concept before beginning field observations. These consisted of three email exchanges, involving a list of questions developed from the initial meeting, and three video calls, on 11 January, 5 March, and 22 April 2021.

Several magazine articles on the method were also shared. On 16 April, a session was held with the founder of the community-healthcare organisation Buurtzorg Nederland, as the approach taken in the Rechtmakers Method draws on his organisational philosophy, which has been termed Integrating Simplification (Nandram 2015). In addition, the founder has performed both the roles of co-creator and client and has also applied the Rechtmakers Method in seven contracting projects with insurance companies[5] and in a collaboration between a BuurtzorgT (a mental health provider) and an investor.

The analyses in the second part also started by applying open coding following the Classic Grounded Theory Methodology of Glaser and Strauss (1967) and Glaser (2002, 2007). Both elements of the methodology were used: open coding and coding based on an existing template. The latter followed the formal, Grounded-Theory Methodology, where the six principles identified in the Buurtzorg Nederland organisational approach, under the label of Integrating Simplification (Nandram 2021), were developed into a template to sort and organise the open codes that were found. The six principles consisted of perspectives and purposes that express the worldview behind the approach. There were three perspectives: Serving, Attuning, and Trusting; and three purposes: Needing, Rethinking, and Common Sensing (see Nandram 2021, in press).

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[5] These seven contracts for healthcare insurance companies and Buurtzorg Nederland focus on a 3-year integrative contract, which involves a total investment of about €1.5 bn.

5.4   Results: The Case of De Rechtmakers[6]

Rechtmaker is a one-person company dedicated to a new way of contracting in the Netherlands. The founder of Buurtzorg Nederland (an award-winning social entrepreneurial foundation, which is known for its pioneering work in self-managed organisational innovation, and employs 14,000 people in community healthcare in the Netherlands) and the participants in the two cases of inter-organisational collaboration were examined for sharing their views on the new way of contracting. Here, we use the term The Rechtmakers Method to explain this way of contracting, which is a result of collaboration between, and co-creation by, both the founders mentioned above.

The analyses for this chapter focused on the contract, the processes, and the principles involved in complex contracting situations, where partners intend to collaborate and express what they need, to: (1) be guided in building trust and grow in building relationships based on an understanding of what it means to work towards a common goal and (2) develop a formal written contract which is clear for everyone involved.

The results of the analyses of the contract and roles, and the processes and related principles, are discussed in the next three sections.

5.4.1   Contract and Integrative Roles

To understand the contracts and roles, two interviews were important: one with the founder of De Rechtmakers, and the other with the founder of Buurtzorg Nederland. In the Rechtmakers Method, two aspects of contracting are acknowledged and aligned: searching for, and agreeing on, the elements of a formal written contract, and creating an atmosphere to build a psychological contract. The final contract in the Rechtmakers Method aligns both the formal and the psychological contract into a single written contract. In other contracting processes, which result in 'traditional contracts', a lawyer carries out a type of 'filling-in exercise' based on a previously determined, legal framework. People, then, are led to think only about the content of the written document, not what was exchanged or discussed beforehand. Once the contract is finalised, it functions as 'the manual'. Compared with such contracts, the Rechtmakers Method has several key differences, because it ensures:

- Simple language: The language chosen should be understood by all partners. As a result, contracts are typically written mindfully, in six to ten pages, including only information that is needed and focused, and in such a way that they are understood by all stakeholders. Information that does not serve any purpose or

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[6] The Dutch name De Rechtmaker implies: (i) mending something that is not right and (ii) making and developing the contract afresh based on the social needs of participants, (iii) with an integrative intent to increase integration and simplification, focus on societal purpose, and decrease perspectives of disintegration that evoke wrong incentives to collaboration that is driven only by the instrumental orientations of participants.

is not meaningful to stakeholders is not shared. Usually, traditional contracts are at least ten times longer and can contain many details seen as irrelevant by the parties involved.

- Generic agreements: By focusing closely on what the stakeholders need, space is created to agree on an open architecture that can generate a roadmap that expresses generic agreements and avoids including details of actions that relate to possible scenarios which are imagined at the start and framed in terms of 'if this, then that has to be followed'-type formulations; in this spirit, the future is accepted as uncertain and unpredictable.
- Long-term relationships: The writing of the contract provides the space to grow with future developments and build trust.
- Integrative intent: The collaboration as expressed in the contract starts with an intention to work out things together, even if conflicts arise. This integrative mindset is an important starting point and is distinct from a competitive intent to gain as much as possible for oneself at the expense of the other participants.
- Equality-orientated collaboration: The collaborators who come to the table define the main elements of the contract together. They can be domain experts in their respective fields and can represent several levels of hierarchy in the organisation—without making any field or level more important than another, including the role of the facilitator.

The common ground is that a framework is set for how the partners will deal with real future circumstances; therefore, the Rechtmakers Method provides space for new scenarios to emerge that cannot be anticipated, or planned for, in advance. The written contract states in clear and binding language what has been exchanged during the process and what has emerged, as the essential building blocks of the collaboration.

This way of working invites the integration of two different roles performed by the lawyer:

1. Acting as the legal expert who knows what the law dictates, and the relevant rules and regulations that must be incorporated.
2. Being the coach who guides the partners in finding common ground to build the relationship and develop trust for collaboration. This role takes a holistic approach that includes the expertise, experience, and observations of the coach, and the perspectives and purposes of the stakeholders involved in the contracting process.

The roles of both legal expert and coach can be integrated under the label of facilitator. Therefore, when we explain the Rechtmakers Method, we use the term 'facilitator'. The facilitator needs to take a neutral stance because they are tasked to serve all the partners. In some circumstances, the facilitator of De Rechtmaker works closely with lawyers from both partner organisations.

The concept of the psychological contract was originally studied in an employment context, but it also seems to be applicable in the context of integrative contracting. Rousseau (1995) explains that an employment relationship consists of two parts:

the formal employment contract and the psychological contract. The latter includes the mutual expectations and promises of employees and employers. Furthermore, Rousseau distinguishes between transactional contracts and relational contracts. In transactional contracts, the emphasis is on the short-term and monetary exchanges. In relational contracts, the emphasis is on the open-ended relationship. Fulfilling each other's mutual expectations and promises is important, especially in a long-term employment relationship—if the willingness to invest in that employment relationship is to be maintained. When we apply psychological contracting in its original spirit to Integrative Contracting, the long-term orientation at the start of the collaboration, as well as the willingness to maintain the long-term relationship, are important. The facilitator of the Rechtmakers Method aspires to both during the process, as is explained in the section that follows.

In the sections that follow, the process and principles used in The Rechtmakers Method are discussed in more detail.

5.4.2   Steps in the Rechtmakers Method—Walking the Stepping Stones

The results of the analyses of the Rechtmakers Method are presented using the metaphor of walking across stepping stones. The five steps that emerged are illustrated with examples of the questions and issues discussed during the steps:

- Preparatory work to define the horizon and stepping stones for collaboration;
- Being empowered to walk the stepping stones with a solution-driven mindset;
- Creating awareness of language to become attuned to the path set out by the stepping stones;
- Summarising the possible elements of the contracts while walking the stepping stones;
- Preparing to deal with stones that become flooded.

5.4.2.1   Preparatory Work to Define the Horizon and Stepping Stones for Collaboration

All the working sessions began with 'homework', to help participants prepare, and ensure the sessions were effective. Here, the facilitator asked the participants a series of questions aimed at clarifying:

- The interests of each participant;
- The common interests of the participants;
- The conditions that would facilitate the collaboration;
- Any tensions or concerns.

The questions were designed to open up these areas for discussion, to find ways through the challenges and link them to the shared vision the participants had defined. The questions also serve to create a 'holding space', where concerns can be shared. In addition, the facilitator leads people to agree on the ground rules that will make this possible and the conditions required for people to be open in a safe environment.

The participants receive the 'homework' questions a week before the first session starts. If they have not submitted their answers 48 h before the session, they get a reminder asking them to submit at least 24 h before. In this way, the participants can read and think about others' positions beforehand. The preparation sets a clear focus on content, vision, and strategy. It also helps ensure that time is not wasted on 'power plays', because the terms of the discussion are already set and all participants start from common ground.

A range of issues arises including values, basic prerequisites for collaboration, core ideas, vision, common ground, nuances in language, opinions, alignment or misalignment on what should be achieved, specific interests, etc. These all serve as stepping stones that need to be arranged to lead in a particular direction.

5.4.2.2 Being Empowered to Walk the Stepping Stones with a Solution-Driven Mindset

During the process, participants draw on guidance, in the form of short notes that serve as the minutes of the meetings.

They are also reminded of the next steps and asked what they need and from whom.

A reminder to participants of the status of discussions after two sessions:

1. The contract facilitator tells them: 'Let's see how it goes when we meet again and how everyone feels. If everyone has a positive feeling, we can have additional meetings so that there is no pressure to get things done too quickly. The process needs to take its course and we shouldn't force it. Pushing (and pulling) is generally counterproductive'.
2. The facilitator reminds the participants of the possibility of exchanging ideas on several themes, in subgroups.
3. The facilitator encourages the sharing of the results of the homework in the following session.
4. The facilitator reminds participants that the process is dynamic and open and that this requires an open and curious attitude if they are to find the best solution.
5. The facilitator asks whether other important stakeholders should be involved in the process.

6. The facilitator reminds the participants that in addition to her guidance, a lawyer has been assigned to represent both parties.
7. The facilitator discusses the contract framework.
8. The facilitator also explains what is different about the process being followed compared with traditional contracting so that participants can take a view on whether they have made good progress or not.

5.4.2.3 Creating Awareness of Language to Become Attuned to the Path Set Out by the Stepping Stones

Participants are also given feedback on the perceptions and feelings that the facilitator experiences in the sessions, which address areas that relate to trust between the collaborators. Specifically, participants receive feedback on the kinds of language and words they used; for example: 'commitment', 'trust', 'partnership', 'develop customer demand', 'give technology a place', 'simple agreement', 'the urgency to act', 'aspire to a higher goal', 'no option to go back to the old way of working', 'the ambition to agree on a good deal where both organisations win', 'shared image', 'exemplary behaviour and inspiration for others', and 'embed strategic partnership in agreements'. Such feedback serves as an alternative input when addressing the minutes of the previous session.

5.4.2.4 Summarising the Possible Elements of the Contracts While Walking the Stepping Stones

To continue the dialogue between the collaborators, the facilitator of De Rechtmaker summarises the possible elements of contracts over several sessions. Below is an example summary, which also serves as a list of actions.

This is the facilitator checking whether we can agree on the following homework for the coming sessions:

1. Take an in-context view of the process so far: What's the current situation? How far along the road have we progressed?
2. What are the challenges? What are you up against now? Where are the points of tension? What leads to noise and/or irritation on both sides?
3. What are the perspectives and inspirations? Where would we like to go? What's the ambition and how can we make it concrete? How, and in which areas, can we take a major step forward? How do we make this practical

and create the conditions to achieve it? Is there room for experimentation? How do we measure the effects together?

5.4.2.5 Preparing to Deal with Stones That Become Flooded

Here, the facilitator further explains some of the conditions that need to be addressed to set up a draft contract and addresses the types of questions discussed below. The facilitator of De Rechtmakers, and the lawyer representing both organisations, propose an agreement on the collaboration process, by setting out the following 'boundaries':

Addressing future setbacks:

'How do we deal with setbacks?'.

1. It's very important to have timely discussions with each other as soon as there are signals or tendencies that are difficult to explain, or where everyone appears to have a different interpretation.
2. In these situations, it's important that you analyse things together: What is going on here? What is causing this situation? Who can influence it? Has it developed autonomously, or is something else going on? You may also want to seek expert guidance when doing this.
3. If you can agree on a diagnosis, the next step is to see if something needs to be done; and, if so, what and by whom.
4. The main pitfall is that, instead of being a dialogue, the analysis becomes an opportunity for confrontation by one party based on a particular representation of the facts; and then the other's role becomes to refute this. This is not an equal conversation, and, worse, becomes simply about who is to blame and who should pay. In a setting of sustainable cooperation, you will want to avoid this. You need to ensure that you take individual responsibility, recognise that there may be different perceptions, and try to reach mutual understanding of them.
5. The bottom line is that if you can't agree, or if, despite a positive discussion, you can't find a way out of the resulting impasse, you may have to fall back on the traditional way of working.
6. Before proceeding to this step, it's worth:

   - Reading the agreement again and reminding yourself how you started this journey together;
   - Reflecting on what you may gain or lose by holding to the 'new line'; and perhaps even a slightly modified or supplemented version of it;

- Understand what you may gain or lose by falling back on the traditional way of working;
- Realise the impacts these choices may have on different stakeholders.

7. The above requires that you are aware of the old, existing patterns and that you always try to engage in a different, more equal way when talking to each other. In doing so, you have to be able to hold each other accountable for the manner, or a lack of, communication.
8. It always comes down to working from a different paradigm and letting go of old patterns, instead of punishing, and looking for a stick to beat the other party with or hold it financially responsible. Taking joint responsibility; being curious about what is going on; exploring how we can do this better (and not sparing yourself in the process); problem-solving and working from the content.

The five steps explained above are followed in iterative cycles, to ensure that all partners are fully engaged and convinced that they have to work together if they are to be successful on the journey. The steps can be positioned within the Appreciative Inquiry Process, which is explained in the next section.

5.4.3 Using Appreciative Inquiry to Position the Process in the Rechtmakers Method

Appreciative Inquiry has been developed by Dave Cooperrider, Ronald Fry, and their mentor, Suresh Srivastva (Grieten et al. 2018). The approach's methods and philosophical underpinnings stem from an inherently strengths-based and social-constructivist understanding of knowledge creation and change (Cooperrider and Whitney 2005; Reed 2007), which are two sides of the same coin for Appreciative Inquiry practitioners (Bushe and Kassam 2005, p. 166). Appreciative Inquiry shifts the focus from a problem-solving approach to one that centres on discovering the 'positive core' (Cooperrider and Whitney 2005, p. 75) of the situation, the parties involved, or the matter at hand—to then envision the development that is aspired to and plan its implementation as an answer to the guiding question. The following process expresses this positive orientation of the approach.

Appreciative Inquiry uses the 4-D Cycle, which is an iterative four-step process that leads the participants from discovering their positive core, through the envisioning of potential states and choosing the best state for the specific question being addressed, to planning the concrete steps needed to reach the agreed future state (Ludema and Fry 2008). Bushe and Kassam summarise it as follows: 'The cycle begins with discovery (appreciating what is), then goes on to dream (imagining what could be), which is followed by design (determining what should be), and then by destiny (creating what will be)' (2005, p. 167).

The discovery and dreaming steps can be positioned within the first step of the Rechtmakers Method—'Preparatory work to define the horizon and stepping stones for collaboration'. The third step of the Appreciative Inquiry corresponds to the fourth step of the Rechtmakers Method, which is 'Summarising the possible elements of the contracts while walking the stepping stones'. The fourth step of Appreciative Inquiry did not emerge as a significant separate step in the Rechtmakers Method as the process of 'creating what will be' is part of each of the steps in the Rechtmakers Method: In each session and step, the destiny is being addressed in the search for building blocks that are meaningful to the collaborative partners and can be included in the contract.

Apart from the four steps corresponding to Appreciative Inquiry, three additional steps were found in the Rechtmakers Method:

- Being empowered to walk the stepping stones with a solution-driven mindset;
- Creating awareness of language to become attuned to the path set out by the stepping stones;
- Preparing to deal with stones that become flooded.

Appreciative Inquiry creates an environment of sincere conversation in which there is no need for hierarchical power structures and where existing negative frames can be replaced by dialogue-encouraging and relationship-building conversations that create meaning and interpersonal connection (Hung et al. 2018). The additional steps of the Rechtmakers Method reinforce the need for a sincere conversational environment.

5.4.4 The Worldview Principles in the Rechtmakers Method

The integrative approach to dealing with VUCA (Bindlish et al. 2017) provides a foundation to approach Integrating Simplification Theory (Nandram 2015, 2021). This foundational base can be best described using the Serving-Attuning-Trusting principles to describe how the 'world' is perceived (perspectives), and the Needing-Rethinking-Common Sensing principles to describe how to deal with the 'world' (purposes). In the context being discussed here, inter-organisational collaboration is the 'world'. This basis can be described in more detail using these elements, which are set out in the sections that follow.

5.4.4.1 Serving Principle—Attuning Principle—Trusting Principle

1. Intrinsic motivation towards achieving coherence as a starting point—thus the intent, not the goal. This falls under the Serving principle.
2. Open to a dynamic process of interactions that form a continuous journey of adaptation, because the anchor is the intention. This falls under the Attuning principle.

3. Building trust by developing an openness to being vulnerable. This is the basis of the intention of coherency—showing vulnerability towards others in the relationship, by trusting that the others will do what is being expected. This falls under the Trusting principle.

5.4.4.2 Needing Principle—Rethinking Principle—Common Sensing Principle

1. Focus on the content: What do you want to achieve together? This invites us to look at what is needed and falls under the Needing principle. It also invites the elimination of distractions that could lead to the disintegration of team dynamics, such as focusing on formal job positions and related roles in the organisations. In the contracting process, these are pushed into the background because the content is used as the starting point.
2. Building the ability to respect the outcome that emerges, which is based on the thinking process of the inter-organisational collaboration. It acknowledges a dynamic outcome rather than a pre-formulated mission approach, which fosters the development of good relationships. This falls into the Rethinking principle.
3. Allowing pragmatism using common sense, in addition to existing approaches for decision-making and ways of working that stresses the notion of collaborating as equal partners. Here, the emphasis is on acknowledging that the intent to achieve coherence lives on holistically, as it is based on experiences from the past and present, with a continuous link to a shared vision about the future.

5.4.4.3 Doing—Interbeing—Being

In an inter-organisational context, the interactive process is the foundation of the outcomes. These interactions can consist of explicit words and tacit cues that are expressed in the sessions. Following the Rechtmakers Method, such interactions can best be expressed using the framework of an iterative process of doing—Interbeing—Being. The interactions that take place in the sessions, and the type of questions asked by the facilitator, address the issues of what will we do, how and when, and the various cognitions that emerge when dealing with them (Doing); feelings that participants develop while working together (Interbeing); and deeper values such as trust and the addressing of deeper layers behind the images in the minds of participants (Being).

In the interview, the founder of Buurtzorg Nederland[7] stated:

> In the Rechtmakers Method, the agreement about the process for the inter-organisational exploration of collaboration, and the consequences of this process, are key foundational aspects; these evoke a different kind of relationship between the partners and more in-depth experiences of interactions than when things start with the partners' positions and power. This makes space for the human aspects, and together with the content of collaboration, for

[7] The Rechtmakers Method was inspired by the Integrating Simplification Theory at Buurtzorg Nederland and therefore studying this case is part of validating this theory.

contracts based on a clear vision. Everyone considers each other as human beings rather than representatives of organisations in certain defined roles.

The interaction is a continuous process and it builds up relationships and opens up space for interventions. This was expressed by the Buurtzorg founder as follows: '*There's a need to keep the flame of interaction burning as, during the process, several issues will come up, such as vested interests and financial issues. But the important questions are: What do you need and where do you need each other?*'.

This integrative stance can foster interaction of Doing—Interbeing—Being, and the skills of the facilitator of De Rechtmakers serve to oversee the process. This requires a combination of knowledge about the legal aspects of contracts, the ability to understand and nurture the inter-relationships among the partners, and a personal state of mind that integrates the facilitator's personal life experiences to connect to the level of one's own 'being'. This expresses itself by being present for the partners and connecting to the dimension of one's own inner life. This inner life serves as a constant fuel for a detached perception of what is going on; to address the undercurrent of what is not being explicitly said by the participants in the sessions and to listen and address tacit knowledge and experiences that may be relevant for keeping the flame of interaction burning. The facilitator of De Rechtmakers explains as follows: '*Identifying the undercurrent is part of the work I do as a facilitator; sharing observations about what I see happening and what it means. I do this to provoke a reaction and make more explicit what might (still) be holding people back from really stepping into the collaboration. I discuss the question: What do you need to do that?*'.

In one session, the facilitator of De Rechtmakers remarked: '*Not knowing is inherent in this process. It's a different way of talking; it takes time and you have to be present*'.

The facilitator of De Rechtmakers creates a conducive atmosphere during the sessions so that participants feel invited to share what they think should be included in the contract, what vision they have, and what they need to achieve that vision. The founder of De Rechtmakers expresses it as follows: '*When you philosophise or dream about the future, the idea isn't to pin it down. Remember, what you need is to allow yourself the freedom to speak*'. There is space for humour and laughter, and, if required, meditation practices are introduced to evoke other levels than just the thinking mode of collaboration. The facilitator reminds the participants that the whole person is being considered so that conversations do not just take place at the cognitive level. These approaches bring more interconnectedness, and feelings of safety, which enable participants to express what they think and feel, what they care about, and what ener + gises them.

The facilitator of De Rechtmakers co-creates the homework for the next meetings based on the needs that come up in the session but reminds the participants that it is their process and they should feel good about it. Over several sessions, the participants are reminded of the process of diagnosing and monitoring things together and agreeing on a shared vision. This detached position taken by the facilitator,

which lets the participants take the lead rather than prescribing what they should do, encourages the participants to take ownership and prioritise tasks themselves.

Interactions between the Doing—Interbeing—Being levels require a long-term commitment, which is discussed over several sessions. As a result, the contracts aim at longer term agreements, varying from three to five years. On average, the facilitation process for collaboration takes place over three to six months. It consists of four to six plenary sessions with all collaborators, and bilateral sessions on particular topics to arrive at the specific elements of the contract.

5.4.5 Positioning of the Rechtmakers Method in the Academic Field of Appreciative Inquiry

Here, we compare the foundational principles that have emerged from the analyses of the Rechtmakers Method with the principles of Appreciative Inquiry.

The Constructivist Principle: Reality, as we perceive it, is constructed by each person; for example, the perceived experience of a situation. But it is also constructed collectively; for example, through narratives of historical events. Hence, there is no 'single truth' out there, but diverse views of individuals that need to be listened to (Reed 2007). In the Rechtmakers Method, there is room for this principle, which falls under the *Rethinking principle.* The facilitator expresses the importance of deciding who will be at the table in the collaboration: '*I would like people at the table who have knowledge of the content; so not (only) someone from Finance or Legal, or a senior manager who actually has no understanding of the essential content issues*'.

The Principle of Simultaneity: As Schein put it: '*Everything you do is an intervention*' (Schein 1999, p. 22, No. 4). The synchronicity of action and effect stands in contrast to other research processes, such as in the action research process in which the effect is an outcome of the linear process of diagnosis, planning, action—and, only then, an effect (Bushe and Kassam 2005). In the thinking of Appreciative Inquiry, even a planning conversation can result in change. In the Rechtmakers Method, this principle occurs in another form: in the interactive principle of *Doing-Interbeing-Being*. However, in the Rechtmakers Method, it is not positioned as an intervention; instead, it inherently follows the integrative intent, to align towards coherence among the perspectives and purposes of the partner organisations.

The Poetic Principle: The Appreciative Inquiry approach understands organisations as books ready to be interpreted and collectively rewritten. Cooperrider and Whitney explain: '*Pasts, presents, and futures are endless sources of learning, inspiration, and interpretation—like the endless interpretive possibilities in good poetry'* (2005, p. 84). In the Rechtmakers Method, this principle occurs in the Common Sensing principle. In this method, however, there is space for the creative development of phrases or slogans to describe the underlying atmosphere of inter-organisational collaboration. Some examples that were given by participants in the

Rechtmakers sessions were: *'Get out of it what's in it'* or *'It's time for life to go on'* or *'Let's go out together and see'.*

An example from Buurtzorg Nederland is 'eerst buurten dan zorgen', which means first getting acquainted and then following the required tasks. In the Rechtmakers Method, these are linked to the specific inter-organisational partnership and they emerge during the process of collaboration. The poetic principle falls under the *Common Sensing principle.*

The Anticipatory Principle: People and groups develop in the direction their attention gravitates towards. If a company bases its development efforts on its failings only, measures of improvement will always be tied to the negative frame of shortcomings, which may prevent the organisation from fulfilling its full potential (Reed 2007). In the Rechtmakers Method, there is a continuous focus on finding common ground and operationalising what the partners need to put the vision of the common ground into practice. This anticipatory principle falls into the *Needing principle.*

The Positive Principle: Effecting and maintaining change requires healthy relationships and a shared, positive, emotional environment (Cooperrider and Whitney 2005). Additionally, positively worded questions aim to engage participants longer and more profoundly than neutral or negatively connotated prompts (Reed 2007). In the Rechtmakers Method, there is no dominance of the positive principle as it follows an integrative worldview inviting both positive and negative emotions and experiences. The use of language is an important aspect of the process of meaning-making about what is going on during the sessions. Interestingly, it is not only about paying attention to positive experiences and developments. The facilitator of De Rechtmakers proactively invites descriptions of the undercurrents in the conversation. If these are not expressed in the process of preparing and walking across the stepping stones, several stones may become flooded, which disturbs the coherent outcome of the inter-organisational collaboration.

Comparing Appreciative Inquiry principles with Integrating Simplification Theory principles reveals that the Principle of Simultaneity and the Positive Principle are lacking in the health forms described in Appreciative Inquiry Theory. The perspective of Integrative Simplification Theory, which is expressed in the Serving-Attuning-Trusting and the Doing-Interbeing-Being principles, are additional essential principles for inter-organisational collaboration in a VUCA context.

5.5 Conclusion

The Rechtmakers Method provides insights on how 'inter-organisational collaboration' happens where the motivations are the foundations of a contract that has been developed consciously, together with the users, in a stepwise manner. It may serve as an alternative to formal, traditional ways of developing contracts between partners who have to operate in a high-VUCA context. The method confirms the principles of the Integrating Simplification Theory which were developed in a context of 'intra-organisational collaboration'.

Analysis of these findings reveals that the Appreciative Inquiry Approach, which is often used in understanding transformations in organisations, provides some additional understanding of the Rechtmakers Method. The 4-D process and Appreciative Inquiry principles open up new perspectives on partnership and its potential:

Appreciative Inquiry involves, in a very artful and disciplined way, the craft of asking questions that elevate a system's cooperative capacity, to apprehend strengths and positive potentials, unite around greater meanings and shared goals, and activate the kind of generative designs that serve to open those systems to better and more valued possibilities (Barrett et al 2005; Cooperrider and Fry 2020, p. 267).

The Rechtmakers Method has its own expressions of the Appreciative Inquiry process and principles. In terms of inter-organisational collaboration, Appreciative Inquiry can contribute to the strengthening of cooperation by valuing the strengths that lie in partnership, rather than mapping shortcomings of 'the other', as well as by being as inclusive as possible in the journey of discovery. Both appreciation and multi-perspective conversation are aspects that nourish the partnership and foster collaboration (Laszlo and Cooperrider 2010).

The Rechtmakers Method has been presented as an alternative to formal contracting. The method intends to navigate VUCA, making the process of building a contract for inter-organisational collaboration a more conscious engagement. To do so, it applies principles that encourage a worldview that is integrative by nature, because it is initiated by the coherent intent of inter-organisational collaboration.

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