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Negotiation

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Negotiation is one of a number of approaches to conflict resolution. It may be the oldest form with accounts of negotiating dating back to at least the Bronze Age where diplomacy occurred between emissaries of the ancient kingdoms as described in the Amarna Letters (Cohen and Westbrook, 2000). Because it is traditional, however, does not mean that it is the only or most frequently-used approach for resolving conflicts. The third-party approaches of mediation and arbitration also have long histories. Other forms of third-party intervention such as facilitation, problem-solving, good offices, and peacekeeping have shorter histories but are quite popular in contemporary domestic and international affairs. We will not restrict our definition of negotiation to exclude these activities. Indeed, many of these approaches include negotiation and negotiation includes many of these activities as well. A distinguishing feature of negotiation is that it is carried out by the disputing parties themselves, referred to as principals, rather than third parties.

Negotiation as Art and Science

The study and practice of negotiation is both art and science. It is an ever-present activity often taken for granted. While we may not be able to negotiate everything, as many of the popular books claim, we do negotiate many things. It is an art form in practice, in the sense that negotiators do not like precision, preferring obfuscation and vagueness instead. It is a science to the extent that analysts can explain outcomes in

causal terms. A rich metaphorical language used to describe negotiation highlights the art. A technical language used in analyzing and modeling negotiation emphasizes the science. Various approaches to learning about negotiation attempt to bridge art and science. They do this by using findings from research to better understand complex cases and to improve negotiating effectiveness. Effective execution of strategies during the course of a negotiation depends, however, on learning and practice.

What is Negotiation?

Webster's dictionary defines negotiation as "to hold intercourse with a view to coming to terms; to confer regarding a basis for agreement." This definition is quite general and perhaps not very helpful. In fact, we know negotiation more in terms of its practice and forms. It is practiced face-to-face and at a distance; it occurs between two (bilateral), three (trilateral), or many (multilateral) parties; it is practiced in domestic, regional, international, and global contexts; it occurs over security, trade, environmental, and relational issues; it is more formal when representatives of governments deliberate, or when it occurs in institutional contexts, it is less formal when individuals attempt to settle disagreements without implications for organizations or other constituencies. This variety in practice renders negotiation a multi-faceted activity that cannot be reduced to a single definition. The various forms, settings, and issues are considered as variables in research. They are factors regarded as influences on negotiating behavior, negotiating processes, outcomes, and implementation of agreements. The research completed to date, and reported in published literature, sheds light on the impact of these and other influences as I will discuss in the sections to follow.

Metaphors for Negotiation

The varied forms taken by negotiation can be captured in the form of metaphors. A metaphor is a kind of analogy suggesting likeness between one thing and another. Similar to the activity itself, the research on negotiation has taken many forms. For some investigators negotiation is construed as a game, for others as a discourse, and for yet others as a problem in managing organizations. Each metaphor reflects a community of research or even an academic discipline. I have identified ten metaphorical approaches to the study of negotiation and these can be summarized.

One metaphor is that negotiation is a *puzzle* to be solved. Researchers working in this tradition emphasize those aspects of negotiation related to preferences and choices. Models of conflict are represented by games where “players” choose usually between cooperating (compromise) and competing (winning). The most popular game structure is the prisoner’s dilemma, but other games have been designed to represent such conflicts as the Cuban Missile crisis and the Iran hostage crisis. Key concepts in this literature are the structure of the game or payoff matrix, equilibrium solutions (a solution that minimizes losses), optimal outcomes (a solution that maximizes payoffs for both players), and interdependence (outcomes are the results of choices made by both players in sequence or simultaneously). The theoretical foundation for this research is game theory. (See Avenhaus and Zartman, 2007, for examples of game-theory applications to negotiation.)

A second metaphor is *the bargaining contest*. Researchers working in this tradition emphasize those aspects of negotiation that involve exchanging offers and demands, concessions, and interests in the context of distributable, tangible issues. Attempts by negotiating parties to resolve their conflicting interests -- preferences for

different outcomes -- are made through repeated moves, which reflect convergence in the direction of a compromise agreement. Key concepts are initial positions, resistance points (distance from initial positions willing to settle on), bargaining range (between the parties' resistance points), target points (desired outcomes), tactics, and situations that influence the exchange process and outcomes. This kind of bargaining is usually studied with laboratory games. (See Pruitt and Carnevale, 1993, for an example of this research approach.)

A third metaphor is negotiation as *organizational management*. Researchers working in this tradition emphasize those aspects of negotiation related to, or embedded in, organizations or bureaucracies. An important concept is the boundary role dilemma, which refers to the challenge of balancing demands made by constituents and by the opposing negotiating team. A good deal of the research focuses on tactics that can be used to resolve this dilemma, especially in the context of labor-management talks. The tactics are often attempts to navigate between the intra-organizational negotiations that reflect different interests within each party's organization and inter-organizational negotiations for resolving differences between the parties' organizations. Emphasized by this tradition is the role of representative and a large research literature has studied the factors that influence the way that those role obligations are enacted during the process of negotiating. (See Walton and McKersie, 1965, for analyses of intra- and inter-organizational bargaining.)

A fourth metaphor is negotiation as *diplomatic politics*. Researchers in this tradition pay particular attention to the larger context or system in which negotiation occurs. With regard to the international context, this includes events, atmosphere,

institutional structures, cultures, national perspectives, regimes, and linkages to other negotiations. Students of negotiation, unlike international relations scholars, focus their attention on these as influences on the negotiation process. Negotiation is a conflict-management “tool” that is also viewed as a microcosm of the larger game of diplomatic politics (Hopmann, 1996). Large research literatures have developed around these contextual factors, particularly with regard to the role of culture (e.g., Carnevale and Leung, 2002). One of the more interesting research issues is the extent to which a negotiator’s national culture or her professional culture is a stronger influence on negotiating behavior .

Together, these perspectives provide a more complete picture of negotiation than any one taken alone. Advances in game and decision theory contribute to strategic thinking about negotiation. Using simple bargaining games as tools for understanding, experimentalists have identified concession tactics that influence the others’ responses leading toward or away from acceptable outcomes. Organizational theorists have made evident the importance of boundary role dilemmas confronted by negotiators. And, international relations scholars have emphasized the negotiating context, particularly the diplomatic politics among nations with stakes in the outcomes and the linkages that are made among the issues discussed in different negotiating venues.

Three other metaphors are negotiation as *identity politics*, as *discourse analysis*, and as *social orders and regimes*. Although these metaphors have received less attention in the research literature, they are gaining popularity due to changes in world conditions, politics, and scholarly frameworks. The identity metaphor refers to negotiations in the context of ethnic-group struggles for nationhood or autonomy. Issues are intangible,

emotional, ideological and, thus, often regarded as being “non-negotiable.” An emerging literature on this topic emphasizes the way identity influences and is influenced by a negotiation process (Zartman, 2001). The discourse metaphor refers to analyses of the communication process, rhetoric, and meaning transmitted and interpreted during the course of negotiation. Scholars working in this tradition emphasize the importance of the way meaning is constructed by the negotiators (Putnam, 2005). It shares some features with the identity metaphor. The social-order metaphor focuses on the negotiation of cooperative arrangements or regimes that serve to regulate relations in such areas as trade, the environment, and security. The emphasis is on the structures or institutions being created rather than on the interaction process (Strauss, 1978). It is similar in some ways to the diplomatic politics metaphor. Other metaphors that have been suggested are negotiation as *family* with an emphasis on sustaining long-term relationships (Cohen and Westbrook, 2000), as *side effects* with an emphasis on functions served other than reaching agreements (Ikle, 1964), and as a *cognitive conflict* (Hammond, 1965).

Research Traditions

A very large research literature has developed dating roughly from Siegel and Fouraker’s 1960 book titled *Bargaining Behavior* (New York: McGraw-Hill). This forty-eight year period has seen a number of important contributions to the way we think about and practice negotiation. Siegel and Fouraker’s experimental approach to the study of levels of aspiration stimulated an active community of researchers to focus attention on the processes that occur during negotiation and the features of the negotiating situation that influence those processes. The progress made only fifteen years later was captured in

Rubin and Brown (1975) and, six years later, in Pruitt (1981): By this time over a thousand experiments appeared in the published literature.

A comparable research tradition of case studies had taken off with Zartman's *50% Solution* (New York: Anchor Books, 1976) and with Walton and McKersie's *A Behavioral Theory of Labor Negotiations* (New York: McGraw-Hill, 1965) landmark contribution on labor negotiations. Other notable contributions during this period were Winham's (1977) work on international trade, Haskel's (1974) study of Scandinavian market negotiations, Gulliver's (1979) treatment of negotiations in different cultural settings, and Strauss's (1978) analysis of international regimes. This approach to research has benefited more recently from developments in comparative methodologies. Sophisticated analyses have been conducted on arms control (Druckman and Harris, 1990), multilateral negotiations (Zartman, 1994, Hampson with Hart, 1994), internal negotiations to end civil wars (Zartman, 1995), an evaluation of Ikle's (1964) framework on types of negotiation (Druckman et al., 1999), and on turning points in security, trade, and environmental talks (Druckman, 2001). These studies have illuminated disciplinary perspectives on negotiation as well as the way that processes (such as reciprocity dynamics) are conditioned by the contexts within which the talks occur.

Laboratory studies have provided insights into the impact of preparing, framing, problem solving, and bargaining exchanges as well as constraints imposed by role demands. Case analyses have illuminated sequences of events in terms of stages and turning points, showing how certain contexts and processes create impasses, while other processes provide the momentum needed to forge agreements. The laboratory studies

have been useful in documenting various forces impinging on the negotiating process; the case analyses have provided a more detailed understanding of the unfolding processes.

A third research tradition is modeling. The aim of this approach is to discover the best solutions based on negotiators' preferences. Raiffa's *The Art and Science of Negotiation* (Cambridge: Harvard University Press, 1982) introduces the concept of the bargaining frontier, which illustrates how different proposed agreement packages are evaluated for "optimality." It has been used as a problem-solving tool for several high-profile cases including the Panama Canal talks, trade talks in the context of GATT, and a variety of base-rights negotiations. The usefulness of these tools does not depend on practitioners' understanding of the mathematics involved in generating solutions to their conflicting preferences.

Developed by researchers for practitioners, decision models are one type of tool that bridges the gap between researchers and negotiators. Another example comes from the working relationships between scholars and professional diplomats to produce lessons from past experience that are valuable to future generations of negotiators (Bendahmane and McDonald, 1986). Further, new information technologies have been tailored to assist negotiators in evaluating alternative options and diagnosing various situations (Kilgour and Hipel, 2005). In addition, the research on the effects of emotions, values, and cultural factors provides insights into the non-analytical aspects of negotiation. These and other findings gain relevance as they are incorporated into the development of training packages (Druckman, 2006).

Key Concepts

A number of concepts reappear in the literature on negotiation. Many of them refer to processes and tactics. A full understanding of the practice as well as the theory and research depends on knowing the meaning of these terms.

Alternatives to a negotiated agreement: Alternatives refer to the situation that exists if no agreement is reached. They are often used tactically as “walk-away” prices against which to evaluate proposals. When several alternatives are available, it is the “best” one that is often used for leverage. But, what if there are no attractive alternatives? How can a dependency relationship be avoided?

Boundary roles: The negotiator who represents an organization operates in the boundary between his or her own organization or constituents and the organization(s) represented by the other negotiator(s). In this role, the negotiator must balance competing demands made by his or her own organization with those made by the other representative and his or her constituents.

Decision dilemmas: Negotiators are often faced with the dilemma of choosing between accepting the terms on the table, rejecting them in favor of alternatives (an impasse), or continuing to negotiate which, if there is deadline, means arranging another forum.

Diagnosis, formula, detail: These are considered to be three stages of a negotiation. The diagnosis stage consists of clarifying the problem and the issues at stake. The formula stage consists of developing a framework or principles to guide the discussion of details of terms and trades. The details stage is the give-and-take of bargaining refers to bargaining over the issues toward an agreement.

Distributive bargaining: This refers to the process of bargaining over divisible, and usually tangible, issues, also depicted as bargaining over a fixed pie. Related terms include a bargaining range (acceptable or likely outcomes), target points (desired outcome or position of minimum movement), and resistance points (maximum movement from initial positions in order to secure an agreement).

Integrative bargaining: This refers to a search for agreements that satisfy the interests of all the parties and, by doing so, renders the outcome better than a compromise. It is based on an information-exchange process and is also referred to as positive-sum negotiation

Linkages: Connections made between issues in order to build a negotiating package. Refers also to tactical connections made to other negotiating forums in order to justify a particular position or procedure.

Log rolling: This is a process of trading on different preferences where, for example, a negotiator concedes on a low-priority issue (high for the other) in return for a concession from the other on a high priority issue (low for the other).

Pre-negotiation: This refers to discussions held outside formal talks, usually prior to them. The discussions are often exploratory and are intended to facilitate the more formal part of the process.

Reciprocity: This is a kind of exchange in which negotiators make equal concessions, referred to also as tit-for-tat. Various types of reciprocity include simple (equal concessions move-by-move), trend (equal concessions averaged over several moves), and comparative (adjusting to reduce the disparity in concessions made in a previous move).

Side effects: Negotiations may be conducted to serve functions other than getting an agreement. These functions include obtaining information, showing a willingness to be cooperative, or to prevent one or another party's organization or nation from making unilateral decisions. When any of these purposes are the primary reason for negotiation, the parties avoid reaching an agreement that would bring them to a conclusion.

Situational levers: These refer to aspects of the negotiating situation that can be manipulated or changed for impact. Levers may include the choice of location, media coverage, time pressure, channels for communicating with constituents, configurations of the space for discussions, and sequencing of issues.

Turning points: Departures in the process that signal progress on a path toward an agreement but which may also signal downturns away from agreements. Examples are agreements in principle, reconvening after an impasse, and progressing to a new stage.

Two faces: A well-known tactic in which one delegate on a negotiating team hangs tough while another conveys flexibility. The hard delegate serves to restrict movement from one's own desired positions while the soft delegate encourages movement from the other's positions.

These concepts have become part of a lexicon shared by researchers and practitioners. They have played an important role in the development of our understanding of the way problems are addressed and solved through negotiation. They will continue to be important as we look forward toward a more complex world characterized by global diplomacy and rife with intractable internal conflicts.

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