

John Lande, Taming the Jungle of Negotiation Theories, in Negotiation Desk Reference (Christopher Honeyman & Andrea Schneider, eds., forthcoming).

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You are probably familiar with the fable of the seven blind men and the elephant. Each man touches a different part of the elephant, such as the trunk, tusk, or ear, and is convinced that he knows the true nature of the beast. Of course, the moral of the story is that the whole animal reflects a combination of all their perspectives.

Theoretical analysis of negotiation is like seven tribes describing an animal ecosystem. Unlike a single elephant species, negotiation ranges from children swapping toys on a playground to lengthy multi-national processes producing detailed treaties – and everything in between. Unlike a small number of individuals describing elephants, there are numerous negotiation theorists who belong to various disciplines including anthropology, business, communication, crisis intervention, economics, labor, law, international relations, organizational behavior, political science, psychology, and sociology, among others. Although there are different disciplinary “tribes,” they “intermarry” so that negotiation theory in any of the disciplines includes features of others.

This chapter surveys theoretical literature about negotiation from various disciplines to identify the range of issues they address. I surveyed recent books that focused specifically on negotiation, excluding books that were primarily practice guides. This chapter does not include all significant issues or analyze any of the issues in detail, but I hope it is a useful way to explain why the whole field looks so different to different people, and will provide a summary of major issues addressed by contemporary negotiation theorists.

This chapter demonstrates that, although there is considerable overlap between the texts, there is nothing approaching a consensus about the structure and content of negotiation theory or even a definition of negotiation. (Of course, the book this chapter appears in might be viewed as an attempt, at least, at a truly rounded view.) Even in the thirteen books I reviewed that were devoted to negotiation generally, including eight legal texts, the structure and content varied dramatically. Table 1 is a general framework synthesizing the content of the books in this survey and it provides an outline for this chapter.

Table 1. General Framework of Negotiation Issues

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In General

Definition of Negotiation

Nine of the thirteen general negotiation books included definitions of negotiation (including one book that provided three definitions from different sources). Of these eleven definitions, six indicated that negotiation is interpersonal (i.e., involving two or more people) (Goldman and Rojot 2003; Rau, Sherman, and Peppet 2006; Gifford 2007; Korobkin 2014; Lewicki, Saunders, and Barry 2015), and six indicated that it involved communication (Goldman and Rojot 2003; Spangle and Isenhardt 2003; Rau, Sherman, and Peppet 2006; Folberg and Golann 2011; Lewicki, Saunders, and Barry 2015). Five books indicated that negotiators were interdependent as they could not achieve their goals without the others (Menkel-Meadow,

Schneider, and Love 2014; Rau, Sherman, and Peppet 2006; Folberg and Golann 2011; Korobkin 2014) and five books indicated that the negotiators had differing interests (Rau, Sherman, and Peppet 2006; Carrell and Heavrin 2008; Korobkin 2014; Lewicki, Saunders, and Barry 2015). Other definitions stated that negotiation involves matters of common concern (Gifford 2007), reasoned discussion and problem-solving processes (Spangle and Isenhardt 2003), shared understandings (Spangle and Isenhardt 2003), efforts to reach agreement (Rau, Sherman, and Peppet 2006), goals of coordinating behavior or allocating scarce resources (Korobkin 2014) or changing people's relationships with others or objects (Goldman and Rojot 2003).

Some of these factors are trivial or problematic as definitional elements. For example, since people do not negotiate with themselves or negotiate without communicating, it seems unnecessary to include them in a definition. Although people often have differing interests when they negotiate, this is not necessarily the case, such as when they are not aware of each other's interests. Similarly, people may be able to accomplish certain goals without others, but negotiation may enhance the process or outcome. Certainly, negotiation does not always involve reasoned discussion or problem-solving. This analysis shows that there is no general theoretical consensus about the essential nature of negotiation and that some conceptions are problematic.

Disputes, Transactions, and Decision Making

Theorists often distinguish between negotiation of disputes and transactions (Mnookin, Peppet, and Tulumello 2000). In a dispute, parties begin negotiation with different claims or understandings about past events. In deal-making, parties seek to make a transaction and typically do not begin the process with claims against each other. Michael Carrell and Christina Heavrin (2008) suggest a third category, decision-making negotiation, where individuals and/or entities jointly decide on a course of action other than resolving disputes or planning transactions.

Complexity, Uncertainty, and Risk

Negotiation is an extremely complex phenomenon. Although the simplest negotiations involve only two individuals, one issue, and a short timeframe, many negotiations involve organizational entities that engage in internal negotiation as well as negotiation with other parties; multiple parties and issues; and processes that last for extended periods. Negotiation involves processes within individual negotiators, social-psychological dynamics between negotiators, and broad contextual factors such as social roles, norms, values, stereotypes, rules, communication media, resource differentials, technical complexity, political situations, stakeholder constituencies, audiences, and epistemologies (Olekalns and Adair 2013).¹

The complexity of negotiation situations contributes to negotiators' uncertainty. As a result of the complexity, parties have difficulty processing information and emotions, understanding the reality of the situation, and gathering information about counterparts' interests and intentions. Negotiators often use heuristics to simplify their analysis and decision-making (Olekalns and Adair 2013). They may also deal with uncertainty by using formal decision analysis to manage their risks by estimating the likelihood of various outcomes (Mnookin, Peppet, and Tulumello 2000).

Theoretical Perspectives

Negotiation theory is derived from multiple disciplines including the following theoretical perspectives. Identity theory is based on symbolic interaction and society's shaping of

social behavior. Social interaction theory focuses on individuals' perceptions, expectations, and skills based on symbols, rules, and values. Field theory focuses on systemic forces creating psychological climates affecting individuals' cognition and behavior. Human needs theory asserts that everyone has biological and social needs driven by their emotions and values. Rational choice theory assumes that people's behavior reflects choices driven by desires to maximize gains and minimize losses. Transformation theory analyzes how struggles are fundamentally transformed in the process of conflict. Mutual gains theory grows out of rational choice and human needs theories and posits that negotiators reach agreement because they believe that it is better for them than not reaching agreement (Spangle and Isenhardt 2003; Olekalns and Adair 2013). This is not an exhaustive accounting of theories underlying negotiation, but it illustrates the wide range of factors affecting negotiation.

Negotiation Structure and Process

Motivations, Goals, and Interests

The structure of negotiation is defined by the configuration of the negotiators' motives. The basic structure is illustrated by the "dual concerns" model, which analyzes negotiation based on the combination of negotiators' concern for their own outcomes and concern for their counterparts' outcomes. Negotiators use a "contending" strategy when they are highly concerned about their own outcomes and have little concern about counterparts' outcomes. Conversely, they use a "yielding" strategy when they have little concern for their own outcomes and high concern for counterparts' outcomes. They use a "problem-solving" strategy when they are concerned both about their own and counterparts' outcomes. There is "inaction," or no real negotiation, when they are unconcerned about either party's outcomes. A more complex variation of this model contemplates negative interest, i.e., a desire for some harm. This model includes negative approaches identified as martyr, masochist, sado-masochist, sadist, and competitive strategies depending on the combination of the party's concerns. Positive approaches in this model are called altruistic, cooperative, or individualistic corresponding to the yielding, problem-solving, and contending labels (Carnevale and De Dreu 2006).

These orientations reflect the perspective of a single negotiator. The structure becomes more complicated when considering the motivations of counterparties, negotiation agents, team members, leaders, constituents, and audiences, among others.

Peter J. Carnevale and Carsten K. W. De Dreu (2006) developed a taxonomy of five types of motivations. Aspirations are the desired negotiation outcomes. Social motivations are the preferences about distribution of outcomes, as illustrated by the dual concern model. Identity motivations reflect desired images resulting from negotiation, such as being strong or respectable. Epistemic motivations are desires for understanding about the issues and negotiators' interests. Initiation motivation are the motivations at the outset of negotiation. Negotiators often have multiple motivations and the strength and priority of particular motivations may change over time.

Goals are negotiators' conscious and intentional "needs, wants, purposes, desires, predispositions, and motives" (Carnevale and De Dreu 2006: 55). Negotiators have interests, which they may not be aware of or seek to satisfy. For example, negotiators may have an interest in maintaining good relationships with their counterparties but may not recognize or try to satisfy those interests.

Negotiation Models

Much negotiation theory embodies two general models of negotiation based on the dual concern model. Texts often refer to distributive and integrative models, but some use other terms for the same essential concepts. [Batra, Integrative and Distributive Models] For example, the distributive model sometimes is called positional, zero-sum, competitive, adversarial, or hard negotiation. The integrative model sometimes is called interest-based, win-win, cooperative, problem-solving, or principled negotiation. In the extreme version of the distributive model, “negotiators exchange offers trying to get the best possible outcome for themselves, assume that one side’s gain is necessarily the other side’s loss, make legal arguments to gain partisan advantage, act tough, and use hard-bargaining tactics to gain advantage over their adversaries.” In the ideal version of the integrative model, “negotiators seek outcomes benefitting both parties, explicitly identify their interests, generate numerous options that might satisfy the parties’ interests, consider various factors in negotiation (such as the parties’ interests, values, and the law), and seek to build cooperative relationships” (Lande 2015: 68). [Liao, Negotiation Styles]

Some theorists have proposed hybrids or alternatives to the two common models. For example, Charles B. Craver (2012) describes a “competitive/problem-solving” strategy in which negotiators use problem-solving techniques to advance their interests by maximizing the counterparts’ satisfaction as long as the negotiators get favorable results for themselves. Lande (2015) describes an “ordinary legal negotiation” approach in which counterpart lawyers seek agreements satisfying both parties based on typical settlement and trial outcomes. I also argue there that the two negotiation models do not fit many situations very well because they posit false dichotomies, assume that component variables are highly correlated, and assume that all negotiators use the same model in a given situation.

Alternatives to a Negotiated Agreement and Bargaining Zone

Negotiators typically evaluate potential agreements by comparing them to possible alternatives to a negotiated agreement (ATNA). Texts typically suggest that negotiators compare offers with the best alternative to a negotiated agreement (BATNA) (Korobkin 2014). This makes sense when negotiators are certain what the alternative would be. For example, if an employee is satisfied with her job and receives another job offer, her BATNA is her current position. When negotiators are not certain about what would happen without an agreement, as normally happens in disputes, they typically compare offers to estimates of their *most likely* alternative to a negotiated agreement (MLATNA). When considering the risk of unfavorable results, they may consider their *worst* alternative to a negotiated agreement (WATNA). Negotiators set “reservation points” (or “bottom lines”), which are the limits to what they are willing to agree to. In setting these limits, in addition to considering the ATNAs, negotiators consider factors such as risk tolerance, transaction costs, and tradeoffs with other goals such as interests in relationships, reputation, privacy, or publicity (Lande 2015).

If the negotiators’ reservation points overlap, the space between them is known as the “bargaining zone” or “zone of possible agreement.” It represents the “cooperative surplus” created by negotiation, which the negotiators allocate between them (Korobkin 2014). The reservation points may change during negotiation as negotiators learn new information and change their assessments: thus the bargaining zone is not a fixed space. Moreover, even if there is a zone of possible agreement, negotiators may not reach agreement if they cannot agree on how to divide the cooperative surplus (Lande 2015).

Criteria of Success

Marc Galanter (1988) identifies three general categories of potential benefits for evaluating the quality of settlements in the legal context, though many of the factors can be adapted in other contexts. The first category involves satisfying parties' preferences in that they choose negotiated agreement over alternatives. The second set of criteria involves saving of time and expense by the parties and the courts. The third set of benefits involves the quality of the outcomes, including that (1) agreements represent intermediate resolutions between parties' initial positions, (2) parties have more knowledge of the facts and their interests than the courts, (3) settlements reflect the parties' norms, which are much broader than legal norms used by courts, (4) parties can invent solutions that courts could not order, (5) parties are more likely to comply with their own agreements than court decisions, and (6) agreements have general effects "radiating" to non-parties. Of course, these do not result in every negotiation, and may be considered in evaluating the success of particular negotiations.

Stages of Negotiation

Many theorists identify specific stages of negotiation, though there is no consensus about the number or content of the stages. Pamela S. Chasek (2001) analyzes stage theories of seven analysts, finding theories ranging from three to eight stages. She places those stages into four categories: diagnosis, formula-building, negotiation of details, and implementation, and proposes a six-stage framework including precipitants to negotiation, issue definition, statements of initial position, drafting or formula building, bargaining over details, and ratification and implementation. Donald G. Gifford (2007) argues that social scientists and legal scholars have found a general pattern of the following four stages: orientation and positioning, exploration of issues, bargaining, and final stage of agreement or termination of negotiation. Instead of defining stages, some theorists focus on "tasks" including assessing the situation, taking positions, making concessions, and closing the deal (Lewicki, Saunders and Barry 2015). Some writers caution that negotiations often do not follow a regular sequence of stages (Chasek 2001; Gifford 2007).

Negotiation Strategy and Planning

Theorists often analyze strategy in terms of whether to use an integrative or distributive model (Gifford 2007; Rau, Sherman, and Peppet 2006). Robert H. Mnookin, Scott R. Peppet, and Andrew S. Tulumello (2000: 227-248) provide a variation of this approach, suggesting that negotiators may choose "net-expected-outcome" and "interest-based" approaches in the same legal negotiation. The net-expected-outcome approach involves increasing the value to the parties, saving transaction costs, taking advantage of differences in parties' interests, and using legal norms and values. The interest-based approach focuses on identifying parties' interests (including some not directly related to the dispute) and relying on non-legal norms.

Roy J. Lewicki, David M. Saunders, and Bruce Barry (2015) define strategy as the overall plan to achieve negotiators' goals. The strategy ideally leads to a planning process, which may include (1) defining the negotiation goals, (2) identifying issues related to the goals, (3) ranking the priority of the issues, (4) defining one's own interests, (5) understanding the alternatives to reaching agreement, (6) understanding the resistance points to further negotiation, (7) analyzing the counterparty's goals and resistance points, (8) setting targets and initial offers, (9) assessing the context of the negotiation, and (10) presenting the issues to the counterparty.

Information Bargaining

Information is needed to understand the subject of the negotiation as well as parties' interests, strategies, priorities, and openness to particular arrangements. Negotiators have varying degrees of "epistemic motivation," i.e., a desire to get an accurate understanding of the situation. Negotiators may especially want information when they feel personally invested in the matter, are in competitive situations, feel weaker than their counterparts, feel uncertain about their knowledge, and will be held accountable (Koning and van Dijk 2013).

Negotiators receive, disclose, and sometimes conceal information. Their approach generally varies depending on whether they are using a competitive or cooperative strategy. When competing, they are likely to gain advantage by learning their counterparts' interests and bottom line, disclosing information that casts doubt about the attractiveness of the counterparts' alternatives to a negotiated agreement, and concealing information that casts doubt on the attractiveness of their own alternatives. When cooperating, negotiators generally are more open about seeking and disclosing information because this enables the negotiators to identify options that create value by trading on differences in interests and priorities (Gifford 2007).

Escalation, Impasse, and Failure to Agree

Negotiators encounter emotional, cognitive, and behavioral barriers to agreement that can lead to escalation of conflict, impasses, and ultimate failure to reach agreement. Specific barriers include negative feelings based on parties' history due to violation of expectations, misunderstandings, distrust, desire for retaliation, conflicting values, unrealistic expectations, lack of negotiation skill, zero-sum assumptions, influence of others, unsatisfied interests, and not feeling "in sync" (Spangle and Isenhardt 2003; Druckman and Olekalns 2013).

Daniel Bar-Tal, Eran Halperin, and Ruthie Pliskin (2015) describe dynamics of intractable international conflicts, which sometimes occur in other contexts. When parties suffer through prolonged struggle, they may develop an ideology of conflict reflecting their version of history. This ideology provides an ethos of conflict based on beliefs about victimization, delegitimization of their counterparts, positive self-image, need for security, and the justice of their cause. Parties develop a "culture of conflict" including extensive sharing of the conflict narrative woven into their lives, which may satisfy psychological needs for such things as predictability, safety, identity, mastery, and positive self-esteem, and may be related to strong negative emotions such as fear, hatred, and anger. This configuration of beliefs and emotions contributes to freezing of beliefs, which helps negotiators resist inconsistent information and counter-arguments. In international conflicts, membership in a community of protagonists reinforces the ideology and culture of conflict.

Conflict can escalate through negative perceptions of the counterparts' actions and intentions, perceptions of harm, accusations, distrust of counterparts' statements and ideas, hardening of positions, threats, harassment, attacks, counterattacks, and withdrawal (Spangle and Isenhardt 2003).

Negotiators may fail to reach agreement because of differences in definition of the problem, uncertainty, inaccurate information, secrecy, deception, cultural or other misunderstandings, mistrust, overconfidence, demonization of counterparts, inflammatory communication, negative interpersonal "chemistry," hostile negotiation tactics, fear of being perceived as weak, cognitive biases, lack of preparation, ineffective or counterproductive strategies, inability to react effectively to changing situations, power imbalances, dominance of "hard-liners," internal disorganization or conflict within one or more parties, lack of risk-taking

spirit, problems arising from principal-agent relationships, lack of hope, unrealistic goals or expectations, lack of mutually acceptable options, insistence on unnecessary demands, high transaction costs, differences in interests regarding timing, lack of sense of urgency or of the historical moment in the conflict, reputational concerns, pressure from others, media coverage (or lack thereof), lack of effective external control mechanisms, failure to use mediators, and ineffectiveness of mediators (Faure 2012; Faure and Zartman 2012).

Overcoming Barriers to Agreement

When negotiators are at an actual or anticipated impasse, they sometimes reach a turning point where they reconceptualize the situation (Druckman and Olekalns 2013). This may not occur until they experience a “hurting stalemate” where negotiation is the only or best “way out.” [Zartman, Timing and Stages] This requires a credible new idea leading to an “unfreezing” of their perspectives and consideration of alternatives to the status quo. Negotiators’ acceptance of the new idea may be facilitated by the counterpart’s confidence-building measures, recognition of the costs of continued stalemate, and/or third-party intervention (Bar-Tal, Halperin, and Pliskin 2015).

Tactics for overcoming barriers include analyzing outcomes resulting from the failure to agree; understanding the counterparts’ background, perspectives, and interests; resisting impulses to react negatively to counterparts’ statements and actions; de-escalating emotional interactions; making conciliatory gestures; acknowledging understanding of counterparts’ perspectives; giving apologies; building a climate of trust; developing an effective negotiation strategy; identifying benefits from reaching agreement; inviting counterparts to make suggestions; “splitting the difference” and trading concessions (“logrolling”); combining elements into a “package” deal; reaching agreements contingent on specified conditions; making credible threats to withdraw from negotiation; developing suitable mechanisms and incentives promoting performance of agreements; and engaging mediators (Spangle and Isenhardt 2003; Folberg and Golann 2011; Cede 2012)

Legal and Ethical Constraints

Laws may affect negotiators’ behavior. When legal processes are the alternatives to negotiated agreements, negotiators “bargain in the shadow of the law,” influencing what they are willing to accept in negotiation (Mnookin and Kornhauser 1979). The law regulates the ability of agents to enter agreements binding on their principals. In collective bargaining labor negotiations under US law, for example, parties have a legal duty to bargain. Some laws create incentives for negotiation by limiting admissibility in court of statements in negotiation and by allocating litigation expenses following failures to settle. Contract law governs interpretation and enforceability of agreements. In some cases, such as those involving minor children and class action settlements, agreements are enforceable only with judicial approval (Menkel-Meadow, Schneider, and Love 2014).

Professional regulation may create additional constraints. Lawyers in the US, for example, are subject to rules establishing duties of diligence and loyalty, requiring lawyers to protect confidentiality of communications with clients, avoiding impermissible conflicts of interest, allocating decision-making responsibility between lawyers and clients, and being truthful with counterparts (Lande 2015). These rules often are referred to as “legal ethics,” which are distinct from ethics generally, referring to social standards about right and wrong.

Negotiators may seek to comply with ethical duties, community norms, and/or their own consciences (Lewicki, Saunders, and Barry 2015). [Hinshaw, Legal Ethics]

Individual Negotiators

Individual Qualities and Skills

Negotiators may use default approaches such as to compete, accommodate, avoid, compromise, or collaborate in negotiation. They may have general dispositions to be more or less “prosocial,” trusting, confident, attentive to interpersonal cues, sensitive to threats to their public image, or “Machiavellian” (i.e., cynical about others’ motives, selfish, and unwilling to change positions under pressure). Psychologists have identified the “big five” personality factors, which also may affect negotiation: extraversion, agreeableness, conscientiousness, emotional stability, and openness (Lewicki, Saunders, and Barry 2015).

General skills that can affect negotiation include cognitive abilities, use of emotional intelligence, perspective-taking ability, and ability to function well in different cultural settings (Lewicki, Saunders, and Barry 2015). More specific skills include developing a helpful reputation, preparation, eliciting trust, questioning, listening, managing emotion, displaying integrity, acting courageously, building relationships, using creativity, giving apologies, and exercising power (Spangle and Isenhardt 2003; Menkel-Meadow, Schneider, and Love 2014). Important skills for professional negotiators include learning clients’ needs, interviewing, counseling, and developing good relationships with counterparts (Menkel-Meadow, Schneider, and Love 2014; Lande 2015).

Identity

Negotiation may be affected by people’s identities defined in terms of demographic characteristics such as gender, race, ethnicity, national origin, religion, and culture. More broadly, people’s identities may reflect a wide range of elements in how they think of themselves and how others perceive them, such as age, political identification, sexual orientation, socio-economic level, and educational level. This may be particularly relevant as negotiators identify others as being similar to or different from themselves based on particular characteristics. Some analyses of culture focus on general worldviews and values, such as preferences for individualism or collectivism, egalitarianism or hierarchy, and direct or indirect modes of communication. Perceptions of negotiators may affect factors such as trust, listening, and reciprocity (Menkel-Meadow, Schneider, and Love 2014; Folberg and Golann 2011). Professional cultures of professional negotiators may serve as a bridge or cause rifts in negotiation, depending on the perceptions and actions of the counterparts (Sjöstedt 2003).

Perception, Cognition, and Emotion

Negotiators’ perceptions of others and the negotiation context affect what issues are negotiated, how they are discussed, and the outcomes reached. Negotiators perceive things through “frames” defining the subject of the negotiation, desired outcomes, process to be used, identity in negotiation, characterization of others, and risks and rewards of various options. Negotiators may conflict because of differences in how they frame the situation such as whether they perceive a conflict in terms of parties’ interests, rights, or power. Conflict can aggravate problems in properly processing information. Negotiators make systematic errors due to irrational escalation, failure to consider possible mutual-gain options, “anchoring” their assessments on irrelevant facts, framing of issues positively or negatively, availability of

information, perception of the ease or difficulty of negotiation, overconfidence, extrapolation based on limited information, self-serving biases, overvaluation of things negotiators feel that they own, failure to consider others' perspectives, and reactive devaluation of counterparts' ideas (Lewicki, Saunders, and Barry 2015).

People's emotions affect negotiation dynamics which, in turn, can affect their emotions. Positive feelings may lead to a positive attitude about counterparts, persistence, use of an integrative approach, and successful negotiation. Conversely, negative feelings may lead to reduction in negotiators' analytical abilities, definition of situations as competitive, retaliation, escalation of conflict, distributive tactics, and unfavorable outcomes. Negotiators are likely to have positive emotions when they believe that negotiation involves fair procedures and when they think that they received favorable outcomes compared with others in their situation. Negotiators are likely to have negative emotions when they feel uncertain, have a competitive mindset, and experience impasse in negotiation (Lewicki, Saunders, and Barry 2015).

Negotiation Relationships

In General

Negotiations occur in the context of relationships which may be a major source of conflict in themselves. Before negotiation, parties may or may not have been in a relationship with each other. During negotiation, one or more parties may wish to have (or continue) a relationship in the future. Even when there has been no prior relationship and there is no expectation or desire for a future relationship, the parties are in a relationship during negotiation. Interactions in negotiation may affect the relationship, prompting parties to seek a closer relationship, a cautious relationship, or no continuing relationship.

Relationships can be categorized into four major types (or some combination). Communal relationships, such as in families and tribes, are based on group membership, common identity, and feelings of belonging. Authority relationships involve asymmetric ranking based on status, power, and deference. Equality relationships, such as in teams, involve reciprocity and equality of contributions and distribution. Market relationships involve calculated exchanges of commodities based on cost-benefit analyses. The distinctions between types of relationships reflect differences in parties' motivations and illustrates that many negotiators do not focus solely on market exchanges, as commonly assumed (Lewicki, Saunders, and Barry 2015).

Reputations

Negotiators' reputations are "lenses" focusing people's perceptions and expectations of others, which can affect people's emotional reactions and negotiation behaviors. One's reputation is a reflection of others' perceptions of characteristics, behaviors, and accomplishments over time, which may be based on direct experience and/or communications from others. [Tinsley et al, Reputations] Once reputations are set, they can be hard to change, especially negative reputations. Although a person may have a particular reputation with some people, he or she may have a different reputation with others (Lewicki, Saunders, and Barry 2015).

Agents, Teams, and Leadership

Principals regularly employ agents, such as lawyers, real estate agents, and government officials, to represent them in negotiation. Agents can provide benefits due to their skills,

knowledge, relationships, emotional detachment, and ability to use tactics like good cop-bad cop gambits. Agents and their principals often have somewhat different interests, which can affect negotiation. At least in theory, agents have an interest in “shirking,” i.e., not working as hard as possible to achieve the principals’ goals. Because principals often are aware of this risk, they may incur “agency costs” to monitor and control agents to behave as desired. There is no foolproof way for principals to control their agents, and this dynamic can affect the negotiation process and the net outcome for principals (i.e., the benefits for principals after deducting any agency costs). (Lewicki, Saunders, and Barry 2015).

Negotiations sometimes involve teams of individuals representing one or more parties. Typically, there are negotiations within teams (“behind the table”), which may affect the negotiation with other parties (“across the table”). [Sally et al, Teams] Teams use more or less formal methods for reaching decisions, such as voting or processes designed to reach consensus. Group dynamics within teams may affect decisions based on emergent norms and roles. Teams may assign negotiation tasks based on the formal position of team members and/or skills related to particular tasks. Given these phenomena, negotiators may have more uncertainty and challenges when negotiating with a team than with an individual (Goldman and Rojot 2003).

Team leaders may have the authority to make unilateral decisions for their teams but even in those situations, they may seek guidance or support from their teams (Goldman and Rojot 2003). Leaders’ effectiveness may depend on their personality, motivation, and ability to rally relevant constituencies to cooperate, as well as the ripeness of situations for negotiation (Rubin 2002).

Multiple Parties and Coalitions

Multi-party negotiations are more complex than two-party negotiations. Increasing the number of parties increases the range of information, perspectives, and interests to be accommodated and decreases the average proportion of time that parties can express themselves. Larger negotiation configurations can make it more difficult to reach agreement in some situations but also can lead to “groupthink” in other situations. An increased number of parties may require additional procedural negotiation to manage the process, and may create additional logistical challenges in convening parties. An increased number of parties complicates the strategic dynamics as parties consider more counterparts’ interests and the interaction of parties’ strategies. Parties may form coalitions to gain advantage through coordinated action. Coalitions may focus on a specific issue for a limited time and/or focus on a range of issues over an extended time (Lewicki, Saunders, and Barry 2015).

Negotiation Audiences

Negotiators’ actions may be observed by various audiences who may or may not physically attend negotiations or be directly involved, or give feedback of approval or disapproval. Negotiators’ awareness of audiences may affect their behavior, for example by prompting them to seek audience approval by working hard or demonstrating “toughness” (Lewicki, Saunders, and Barry 2015).

Negotiation Interactions

Communication Modes

Negotiators communicate through face-to-face communication, postal letters, telephone, conference calls, videoconferences, email, text messages, and software applications. Face-to-face

interaction permits real-time non-verbal communication, including offstage encounters during breaks. Telephonic communication includes audible cues such as tone of voice, inflection, volume, and pauses. Written communication generally lacks non-verbal communication and thus is prone to misunderstandings about sensitive matters and attempted humor. Online communication generally does not lend itself to “small talk” to build rapport, though negotiators who build rapport in advance may promote respect, trust, information-sharing, cooperation, reciprocity, and agreement. Because of the rapid proliferation of multiple communication modes, the choice of mode itself may be a source of difficulty, especially considering that various age cohorts may be more or less comfortable using particular modes (Folberg and Golann 2011).

Communication Units and Sequences

Units of verbal communication can be categorized as substantive, strategic, persuasive, task-related, affective, procedural, attacking, defending, integrating, creating value, claiming value, pushing for closure, managing the process, providing or seeking information, substantiating claims, making offers, reacting, expressing mutuality, clarifying, relating to others, asserting interests, asserting rights, and asserting power, among others. Non-verbal communication can be distinguished in terms of vocal pitch, expressiveness, volume, fluency, engagement, mirroring, and emphasis, as well as body language involving posture, head movement, hand movement, eye gaze, and facial expression. Communication tactics can be combined into reciprocal, complementary, or structural sequences. Reciprocal sequences involve direct matches of counterparts’ tactics. Complementary sequences are consistent with their counterparts’ moves, but are not exact matches. Structural sequences reflect a shift from the counterparts’ moves. More broadly, communication sequences can be analyzed in terms of more or less routine scripts rather than intentional combinations of tactics or sequences (Adair and Loewenstein 2013).

Trust

The level and nature of trust between negotiators can have a major impact on the process and outcome of negotiation. Trust is associated with information sharing, cooperative behavior, good communication, and greater understanding. Integrative negotiation processes are likely to engender more trust than distributive negotiation (Lewicki, Saunders, and Barry 2015).

Trust and distrust are distinct and somewhat independent, so it is possible for negotiators to both trust and distrust each other in various ways. [Lewicki, Trust and Distrust] Trust is confident positive expectations about another’s conduct and distrust is confident negative expectations. They may be calculus-based (i.e., based on calculations about likely costs and benefits) or identification-based (i.e., based on compatibility of values, goals, and emotional attachment). The levels of trust and distrust in negotiation may depend on negotiators’ general dispositions in trusting others, the history of their relationship, and situational factors. Negotiators may use strategies to manage trust and distrust based on whether they are calculus-based or identification-based. Over time, as negotiators’ relationships develop, their orientation of trust (and/or distrust) as calculus-based or identification-based may shift from one to the other (Lewicki, Saunders, and Barry 2015).

When trust has been broken between negotiators, they may repair the breach through apologies, reparations, and arrangements to prevent recurrence. Apologies include some or all of the following elements: expression of regret, explanation of the incident, acknowledgment of responsibility, expression of repentance, offer to repair the problem, and request for forgiveness.

The effectiveness of apologies in regaining trust may be related to promptness, sincerity, acceptance of responsibility, whether the incident was an isolated event or part of a pattern, and whether the problem was caused by deceptive behavior (Lewicki, Saunders, and Barry 2015).

Fairness and Justice

Negotiators feel that they are treated fairly when they believe that their counterparts: treat them sincerely and respectfully (interactional justice), provide factually-supported explanations (informational justice), use unbiased and ethical criteria for their demands (procedural justice), and do not make demands that exceed their needs or impose hardships (substantive justice). Negotiators may increase their counterparts' perceptions of being treated fairly by justifying their demands using credible standards of comparison, providing generous offers, listening carefully, using fair procedures, treating them with respect, behaving in trustworthy ways, and offering timely, credible, and sincere accounts. When negotiators feel that their counterparts have treated them unfairly, they may feel distrustful and seek vindication. They may be less likely to negotiate at all, and if they do negotiate, they may be less likely to make concessions, reach agreement, or comply with their agreements (Conlon and Ross 2012).

Power and Influence

Negotiators sometimes use power to influence their counterparts to reach a desired agreement. Power is the *potential* to alter counterparts' attitudes and behavior and influence is the *actual effort* to do so. Both concepts are complex and have been conceptualized in multiple ways. Negotiators may have power to coerce counterparts ("power over") and/or cooperate ("power with"). Actors derive power from information, expertise, ability to dispense rewards and punishments, legitimacy derived from official positions and affiliations, and their personal characteristics. People targeted for influence are likely to act based on their perceptions of the actors' power rather than the actual power. When negotiators have comparable levels of power, they may negotiate more cooperatively than when there are significant disparities. Nonetheless, more powerful parties may limit their use of power so that counterparts will engage in the process, be more satisfied, maintain good relationships, and implement agreements without constant monitoring (Lewicki, Saunders, and Barry 2015).

Actors may use a "central route" to influence counterparts or a "peripheral route" to do so less explicitly. The central route involves explicit messages designed to elicit agreement by making attractive offers, framing messages favorably, appealing to accepted norms, and suggesting agreements in principle. [Shestowsky, Psychology & Persuasion] These messages may include rebuttal of counterarguments, "fractionating" arguments into understandable pieces, repetition, vivid language, threats, and encouragement of participation. The peripheral route to influence may be affected by factors such as whether key points are at the beginning or end of statements (rather than the middle), messages are conveyed in an appropriate communication mode, and the presence of distractions. Actors are more likely to influence counterparts if they have credibility because of their qualifications, expertise, reputation for integrity, confident presentation, status, apparent motivations, positive affiliations with others, and persistence. Actors' "attractiveness" can also affect persuasion due to their friendliness, ingratiation, likeability, assistance, perceived similarity, and positive emotional expression. (Or just their good looks, and a perceived rise in one's social status by associating with such good-looking people.) [O'Connor & Ormiston, Faces] Contextual factors may also affect persuasion, such as

reciprocity between the negotiators, use of commitment techniques, social validation, perceived scarcity, and rewards and punishments (Lewicki, Saunders, and Barry 2015).

Conclusion

Although there is some overlap in coverage and perspectives about negotiation theory between disciplines and individual theorists, there is little overall coherence. Indeed, theorists are even far from a consensus on the definition of negotiation.

This chapter synthesizes a general framework of issues in negotiation theory by stitching together work from multiple disciplines. It provides only brief summaries of key issues, omitting deep analysis of those issues and any discussion of some important issues. (As noted above, however, many of the topics thus lightly treated are the subjects of more detailed analyses elsewhere in this book.) Nonetheless, it provides a general framework that could help provide greater coherence in negotiation theory across disciplines, thus helping the different academic “tribes” to manage problems of the blind men and the elephant and develop more useful theory.

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¹ Many of these categories or topics, as well as others noted briefly throughout this chapter, are the subject of detailed treatment by other contributors—so many, however, that I will not cite all possible references internal to this book, lest the chapter become unreadable. A quick review of the table of contents will alert the reader to many such resources, however.