

A PRACTICAL THEORY OF NEGOTIATION FOR PLANNERS

by

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(ABSTRACT)

Negotiation is gaining recognition as a vital tool in both public and private urban planning. Planners need special knowledge for the formal roles of negotiator or mediator, and for informal roles as advocate or facilitator, in interactions with government agencies, developers, community organizations, and other special interest groups. A review of the negotiation literature was conducted to formulate a "practical theory" for practicing planners, trainers, and researchers seeking to understand how to negotiate more effectively.

The theory statement is presented on two levels. First, two general conceptual frameworks for understanding the process and dynamics of negotiation are formulated. Key and sub-variables identified in the literature are divided into: a) those considered in each of seven developmental stages, and b) those consistently monitored throughout the negotiation. Second, a detailed model of negotiation is developed with

tests to measure adequacy of the variables and recommendations for action, if needed.

The complete model provides the planner/negotiator with a useful guide for addressing the complex, multi-issue, multi-party conflicts that too often thwart public and private efforts needed for community progress. The model also serves as an elaborate statement of theoretical propositions that can stimulate academic discussion and the formulation of future research designs.

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TABLE OF CONTENTS

Chapter One - The Challenge of Producing Practical Negotiation Theory 1

 Planner's Roles in Formal and Informal Negotiations 3

 Formal Roles 3

 Informal Roles 4

 "Active" Mediation 5

 Providing Alternative Dispute Resolution Mechanisms 6

 Two Hypothetical Negotiation Cases 8

 Case One - A Regional Shopping Center 8

 Case Two - A Regional Growth Management Plan 9

 Guidelines for a Practical Theory of Negotiation 12

 Guidelines from the Negotiation Literature 13

 Insights From the "New Planning" or "Pragmatic" Theorists 21

 Guidelines for Practical Theory from the Planning Theorists 25

Chapter Two - Research Methodology 34

 Principles for a Qualitative Literature Review 35

 Procedure 36

 The Plan of the Study 38

Chapter Three - A Conceptual Framework for Negotiation 50

Table of Contents v

Variables in Practical Theory	51
Outcome (Key) Variables	51
Action Variables	54
Intervening Variables	54
A Conceptual Framework for Considering Key Variables	55
Stage-Specific Variables	55
Consistently Monitored Variables	57
A Conceptual Framework for Understanding How Variables	
Change	58
Chapter Four - Stage Specific Variables	63
1.0 Choice to Engage in Conflict Resolution (Triggering	
Event)	64
2.0 Choice of Conflict Resolution Method	77
3.0 Adequacy of Preparation for Negotiation	84
4.0 Develop an Understanding of the Issues	95
5.0 Generation of Options for Settlement	103
6.0 Degree of Agreement (Final Bargaining)	113
7.0 Sense of Closure (Formal Settlement)	128
Chapter Five - Consistently Monitored Variables	131
A.0 Satisfaction of One's Interests	131
B.0 Is the Negotiation Climate Adequate?	145
C.0 Quality of Communications	166
D.0 Adequacy of One's Negotiation Theory	189

Chapter Six - Conclusions and Recommendations	. . .	199
Strengths of the Study	. . . . .	199
Questions and Issues to be Addressed in Future Research		204
Evaluation of the Conceptual Frameworks and the De-		
tailed Model	. . . . .	204
Evaluation of content	. . . . .	206
Evaluation of the methodology	. . . . .	207
Future Applications of this Study	. . . . .	209
Appendix A. Initial Key Variables	. . . . .	214
Appendix B. Developmental Theories of Negotiation	.	216
Appendix C. Learning Cycle Theories of Conflict	. .	222
Appendix D. THE DETAILED MODEL OF NEGOTIATION	. . .	225
Part I - Stage Specific Variables	. . . . .	225
1.0 Choice to Engage in Conflict Resolution (Trig-		
gering Event)	. . . . .	225
2.0 Choice of Conflict Resolution Method	. . .	228
3.0 Adequacy of Preparation for Negotiation	. .	230
4.0 Understanding of the Conflict	. . . . .	235
5.0 Generation of Options for Settlement	. . .	238
6.0 Degree of Agreement (Final Bargaining)	. .	242
7.0 Sense of Closure (Formal Settlement)	. . .	247
Part II - Consistently Monitored Variables	. . . .	248
Table of Contents		vii

A.0	Satisfaction of One's Interests	248
B.0	Is the Negotiation Climate Adequate?	251
C.0	Quality of Communications	259
D.0	Adequacy of One's Negotiation Theory	266
 Bibliography		269
 VITA		285
	ACADEMIC BACKGROUND	285
	WORK EXPERIENCE	286
	PUBLICATIONS and PRESENTATIONS	287
	PROFESSIONAL ASSOCIATIONS	289

LIST OF ILLUSTRATIONS

Figure 1. The Negotiator's Psychological Field . . . 52

Figure 2. Psychological Field When Others Scream . . 53

Figure 3. A Conceptual Framework for Key Variables . 59

Figure 4. A Conceptual Framework for How Variables
Change 61

Figure 5. Dovetailing Interests 144

Figure 6. The Growth of Trust in Negotiation . . . 159

Figure 7. The Communication Process 168

LIST OF TABLES

Table 1.	A Typology of the Modern Negotiation Literature	15
Table 2.	Guidelines for Practical Theory - A Summary	33
Table 3.	Integrative Research Review Stages and Products	38
Table 4.	The Plan of the Study	39
Table 5.	Resolution Method Considerations	81
Table 6.	Intrinsic and Instrumental Interests . . .	135
Table 7.	Examples of Bottom Lines and Acceptable Ranges	140
Table 8.	Requirements for Climate by Approach and Stage	149

CHAPTER ONE - THE CHALLENGE OF PRODUCING PRACTICAL
NEGOTIATION THEORY

Negotiation is gaining recognition among planners as a valuable aid to the overall planning process (Bingham 1986; Levitt and Kirlin 1985; Susskind and Ozawa 1984). Negotiation is defined here as a process of interpersonal interaction where parties address a mutually perceived conflict and attempt to reach consensus on an agreeable resolution. These interactions may be unassisted or may involve a neutral third party (a mediator, facilitator, or meeting manager). The process may be formally recognized as negotiation, mediation, consensus building, or policy dialogue, or may occur in informal phone conversations, during day-to-day operations, or as part of a task force problem solving effort. The term "planners" refers to individuals in public agencies, on legislative staffs, and in traditional planning departments, as well as those in the private sector who interact with other private and public actors in the process of pursuing their individual purposes (e.g., developers, interest group representatives, and neighborhood advocates).

The purpose of this study is to formulate a practical theory of negotiation for planners. Chapter One includes a de-

scription of different ways planners negotiate, two hypothetical cases, and guidelines for practical theory. Guidelines will be drawn from two sources: a) articles on the "practical/theoretical" split in negotiation and b) the recommendations of the "new planning" or "pragmatic" theorists. Chapter Two describes the literature review methodology used to identify sources, evaluate data, and synthesize a practical theoretical model of negotiation. The review includes both academic and practitioner sources from various fields of study. Chapter Three presents a conceptual framework for understanding and organizing the variables identified in the literature that are stage specific and those that are consistently monitored throughout the negotiation. A second conceptual framework uses learning cycle theory to explain the dynamics of negotiation episodes. These frameworks provide the structure for the detailed model discussed in Chapter Four and Five and presented in Appendix D. This model specifies the appropriate actions to be taken if the current levels of key and sub-variables are inadequate or are threatened. These prescriptions are drawn from academic research, practitioner recommendations, and the experiences of this author. Chapter Six provides an evaluation of the methodology, the resulting model, and recommendations for use by researchers, practitioners, and trainers.

Planner's Roles in Formal and Informal Negotiations

The title taken by a planner varies, depending on the role and degree to which a conflict is formally acknowledged. The term "negotiator" or "representative" is used when the planner only acts on behalf of one party. "Mediators," "facilitators," and "meeting managers" are neutral third parties that assist other parties in resolving their conflicts. The titles "negotiator" or "mediator" are usually used when the stated purpose of the session is conflict resolution (e.g., contract negotiations or community mediation), while the terms "representative," "facilitator," or "meeting manager" are used when the session is for problem solving or planning even though much of the effort may be to resolve conflicts. Litigation, administrative procedures, or arbitration are not considered negotiation because the decision is made by a third party rather than by the involved parties.

Formal Roles

A planner may formally take the role of a negotiator or representative for a government agency, private client or community group in conflicts over development projects, facility sitings, policy formation, and other issues. Planners may

also act as mediators, helping to resolve inter-agency, developer/community, community group/community group, and other conflicts, or as facilitators of community consensus building processes to develop a growth management plan, create a downtown tax district, or address other concerns involving multiple parties with conflicting interests (Bingham 1986). Negotiator or facilitator roles may be taken by planners in negotiations of legislative or agency policy, regulations, or operating procedures (Bacow and Wheeler 1984; Vessels 1987).

Informal Roles

Negotiations also occur informally as an integral part of most planning activities (Bolin 1980, Forester 1982, de Neufville 1987). Planners are constantly negotiating for their agency, client, special interest groups, and the public interest -- in staff meetings, plan reviews, budget meetings, program development, and contracting. Planners often do not see themselves as negotiators or take the responsibility the role implies. Decisions about: who to involve and when, what information to give and withhold, and what type of group process to use, reveals a tacit negotiation strategy that has a definite impact on the outcome. Planners need a conceptual framework to help them understand the impact of their actions

on others. This awareness will allow them to formulate more effective strategies for interaction rather than just performing "standard technical procedures". For example, a planning director's decision to present a rezoning proposal to the planning commission without prior input from citizens follows standard procedures but is a strategy that may escalate anger and distrust and make an eventual mediation more difficult.

"Active" Mediation

Negotiation by planners is somewhat unique because as a professional, there is also a responsibility to the public. In most cases, the planner is negotiating on behalf of a government body, a client, or a special interest group rather than for personal interests. Although it may be ideal to be an "impartial expert" representing a constituency, in actuality it is difficult to exclude one's own interests, beliefs, and biases. This needs to be reflected in the statement of theory. Even in cases where planners are mediators, they cannot be completely value free. Ethical issues involving balance of power, fairness of outcomes, and the impact on uninvolved parties and the public often force the planner/mediator to step out of the impartial facilitator role to advocate/negotiate for others. It has even been re-

commended that the planner combine negotiator and mediator roles as an "active" mediator, and actually provide information, suggest and develop solutions, and advocate the interests of those not involved (Susskind 1980).

Providing Alternative Dispute Resolution Mechanisms

Both the formal and informal roles of the planner/negotiator represent responses to conflicts that otherwise may end up in court. The results of negotiation, mediation, consensus building, and policy dialogue show great promise for resolving many types of conflicts more efficiently and effectively than litigation. In a study by Bingham (1986) the median duration of mediated environmental disputes was five to six months with ten percent of the cases taking over eighteen months. The median for cases that went to trial was twenty-three months; ten percent took longer than sixty-seven months, and this does not consider the appeal process. When a conflict is not adequately resolved (by mutual agreement), the dissatisfied parties may attempt to prolong the dispute, hoping to change the outcome. Public disputes offer parties many opportunities to appeal through administrative procedures, litigation, and political action. Ideally negotiated approaches can avoid the interminable controversies that

threaten to erode public confidence in our basic institutions (Susskind and Cruikshank 1987).

More than improving efficiency, these alternative dispute resolution methods (ADRs) represent a new paradigm of public leadership and decision making. The traditional decision making role of gathering information from all interested parties and then rendering a decision often leads to a "Solomon trap" -- having everyone angry at the decision maker (Carpenter and Kennedy 1988). In negotiation, all parties share responsibility for shaping a resolution and the leadership role changes to one of process manager or authorizer. The problems faced by planners are complex; success is often determined more by the ability to work with others than by being the sole source of solutions. There is a growing trend towards decentralization and more participation in public decision making (Naisbitt 1982). The success of these trends will depend, to a large degree, on the ability of planners and the general public to negotiate effectively. The practical theory of negotiation presented here can contribute to the research and education needed to achieve this end.

Two Hypothetical Negotiation Cases

Two hypothetical negotiation situations presented here provide a basis for discussing concepts considered throughout this text. The first is a site specific conflict over the development of a shopping mall and the second involves the development of a community-wide growth management policy, an example of conflict anticipation and management.

Case One - A Regional Shopping Center

Shopping Center Associates (SCA) proposed a regional shopping mall on land that included a marsh, adjacent to an established suburban, upper-moderate income neighborhood. Residents and environmentalists successfully opposed the required re-zoning request. Rather than take a large loss on their initial investment, SCA brought in a private planning consultant to attempt a mediated settlement. The mediator facilitated a series of eight meetings where the developer, residents, the City, environmentalists, and others, presented their concerns, explored alternatives and ultimately reached an agreement. The final agreement addressed resident concerns about traffic and property values by eliminating access to the mall from neighborhood streets and by guaranteeing compensation to residents who were unable to sell their homes

for their predevelopment value. Screening and lighting controls were also provided. Most of the marsh was retained and an observation center was developed for customers and the community. Retention ponds controlled runoff from the site that might have adversely affected water levels and flows in the marsh. The City was concerned about inadequate waste treatment in the area and the developer agreed to provide on-site treatment for the mall and overflow from the surrounding neighborhood with compensation from the City.

This situation is based loosely on the White Flint Mall Case (Rivkin 1977) and the Fox Ridge Mall Case (Madigan, et.al. 1986). Although these are private developments, the situation and process is similar for public facilities such as hazardous waste sites and dams (Bingham 1986; Bacow and Wheeler 1984; Sullivan 1984; Konkel 1987). In these cases the planner may play the role of formal mediator or may be a representative for the city, residents, environmental groups or other interested parties.

Case Two - A Regional Growth Management Plan

The second hypothetical case involves an historic community experiencing rapid industrial, commercial and tourist related growth. Complications resulted from poor coordination be-

tween the two adjoining municipalities and two county governments. In addition to recurring conflicts between various interest groups there was a general feeling that the qualities that had drawn people to this community were being lost. Outside planning consultants conducted a series of four forums, met with idea groups, and held an all-day conference to identify key issues, develop recommendations, and determine the best way to implement them. The product was a twenty member commission representing the four jurisdictions and private sector actors charged with implementing the recommendations of the four idea groups: Housing and Balanced Development, Public Service Capacity, Visual Quality and Urban Design, and Environmental and Historic Resources. The recommendations for action were produced by representatives of conflicting interest groups (actual planners and those taking a planning role) after hundreds of hours of deliberation. Actions were taken on four levels: within each jurisdiction, the contiguous region, the larger bio/cultural region, and at the state level. Many of the issues required regional action such as standardizing codes, transportation planning, limiting building permits, steering growth to areas with available public facilities, allocating low and moderate income housing, and establishing area-wide green belts. The regional commission guiding these efforts will evolve with

ongoing input from a community that now has experience in conflict resolution, problem solving, and consensus building.

This case is an example of using negotiation and consensus building to address recurring conflicts at a policy level and thus avoiding the energy expenditure and litigation associated with reacting to individual conflicts as they arise. Suits about who is polluting the streams can be addressed in a regional water control plan, for example. The key is to develop community consensus on a course of action that will have the broad-based political and financial support where none seemed possible before. Planners can take many different roles in initiating and implementing these community negotiation processes.

This situation is based on a community consensus building process conducted in Virginia (Leckrone 1987). The Kettering Foundation has sponsored similar efforts in a number of communities using what they call "Negotiated Investment Strategies" (Kettering 1982; Madigan, et.al. 1986; Moore and Carlson 1984).

Guidelines for a Practical Theory of Negotiation

Kurt Lewin (1951, p.169) has been quoted as saying, "There is nothing so practical as a good theory." He believed that "theory should do more than advance knowledge: it should also provide the sort of understanding required for action" (Johnson and Johnson 1982). Although there have been attempts to produce a practical theory of negotiation (Raiffa 1982; Zartman and Berman 1982) there is still a recognized split between practical and theoretical perspectives in modern negotiation literature (Martin 1988). The challenge is to formulate a theory that can guide practitioners enmeshed in the unpredictable dynamics of heated negotiation and also satisfy the scientific theorist's desire for deterministic hypotheses. The objective here is to produce guidelines for developing and evaluating a practical, theoretical model of negotiation. These guidelines will be drawn from two sources: a) discussions of the practical/theoretical split in the negotiation literature, and b) recommendations of the "new planning" or "pragmatic" theorists in the planning literature.

Guidelines from the Negotiation Literature

The methodology of the scientific (theoretical) scholars in the negotiation literature has been largely experimental, utilizing game theory (Young 1975; Rubin and Brown 1975; Schelling 1960). The focus tends to be on single issue conflicts between two individuals and the strategic actions they use to divide a limited resource. In the traditional prisoner's dilemma game, each party has two choices, to remain silent or testify against the other party in exchange for leniency (granted only if the other party does not choose to testify). The information on the reward value of each alternative, the relationship and the situation are varied and the results studied. The extensive experimental literature using this game is summarized in Rubin and Brown (1975). The recommendations from this research is potentially useful but verification is needed to assure generalizability to the situations where planners negotiate.

The practical scholars draw on historical case studies (Mernitz 1980), interviews with practitioners (Zartman and Berman 1982), personal experience (Fisher and Ury 1981) and materials developed for training programs (Nierenburg 1973; Cohen 1980). The emphasis is on "interpersonal skills, the ability to convince and be convinced, the ability to employ

a basket full of bargaining ploys and the wisdom to know when and how to use them" (Raiffa 1982, p. 8). They also address conflicts that occur between members of the parties. The practical scholars focus is on substance rather than process, and the conflict arena is often limited (e.g., labor, environmental, or international); therefore, conclusions that apply to specific conditions may not be generalizable to all negotiations. The preferred method of reaching agreement is integrative, using interest-based bargaining to maximize satisfaction of needs and minimize required concessions. The negotiation process is seen as incremental rather than strategic -- achieved through trial and error interchanges that cannot be broken into clearly delineated stages. Table 1 on page 15 is adapted from Martin (1988). It shows how practical and theoretical scholarship varies in seven different dimensions.

The major criticisms of the work of the scientist/theoreticians is that the conflicts examined are too simplistic for the results to be generalizable, that the resulting recommendations are too deterministic, and that many important aspects of negotiation dynamics are not considered (e.g., negotiator needs and underlying interests, interpersonal communications, psychological factors that affect perception, etc.) (Zartman and Berman 1980; Weiss-Wik

Table 1. A Typology of the Modern Negotiation Literature

DIMENSIONS OF NEGOTIATION	CHARACTERISTICS OF "PRACTICAL" SCHOLARSHIP	CHARACTERISTICS OF "THEORETICAL" SCHOLARSHIP
Number of parties	Multiple	Two
Char. of parties	Groups	Individuals
Concern	Substance	Process
Method	Integrative	Distributive
Means	Incremental	Strategic
Procedure	"Trial-and-error search"	"Concession convergence"
Lessons	Idiosyncratic	Generalizable

1983). In the prisoner's dilemma experiments, for example, the parties do not know each other, there is little information on past and future relationships, there is little or no time allowed for exploring the values personally assigned to the alternative rewards and there is only one issue/variable -- the severity of the punishment.

Practical scholars are criticized for the absence of clear-cut definitions, failure to specify the relative significance of their prescriptions, lack of internal consistency, inability to generalize from anecdotal information, and most importantly, lack of supporting, valid evidence. The following guidelines for a more comprehensive, effective conceptualization of negotiation (a practical theory), are based on an analysis of the strengths and weaknesses of the prac-

tical and theoretical literature. Guidelines one, two, and three are based on weaknesses in the theoretical works; four and five relate to the practical works, and the remainder apply to both. **Guidelines From the Negotiation Literature**

1. A practical theory should consider multiple party as well as two party conflicts.

Many conflicts that planners encounter involve more than two parties and this additional complexity: a) reduces the utility of the exchange-of-concessions approach, b) calls for more formal procedures for idea generation and decision making, and c) may require analysis of coalition formation and other variables that affect the relative power of the parties (Raiffa 1982). In the shopping mall case there were four primary parties and every interest group in the region could be considered a party in the growth management case.

2. Consider the need for negotiations within as well as between parties.

The parties in many planning situations may be large, amorphous, constituencies, such as environmentalists, neighborhoods residents, welfare mothers, or others. The theorists

seldom address this issue and, if they do, it usually is assumed that the same general negotiation principles can be applied (Martin 1988). In addition to managing the intra-group conflicts, the mediator and/or representative must assure that: a) the organizational structure and strength is adequate, b) there is adequate authorization for the representatives to act without limiting their ability to negotiate creatively and c) internal and external negotiations are coordinated so that adequate consensus and involvement is maintained (Moore 1987).

3. Include interpersonal communications skills used in negotiation.

These involve: the ability to build trust, communicate feelings, listen empathically, elicit creative input, and so on (Fisher and Davis 1987). The theory should specify when and how to use these skills and how to evaluate their effectiveness.

4. Identify generic stages of negotiation.

Negotiators need a basic conceptual framework that describes the behaviors appropriate in each stage (Gulliver 1979; Zartman and Berman 1982). These stages should include: a) activities leading up to the actual negotiations and b) actions needed to implement agreements, not usually included in the scientific studies. This framework should be useful in conflicts of differing length, complexity, and type, and will provide a basis for incorporating concepts and research results from a wide range of disciplines and perspectives.

5. State the theory in a format that is testable.

Practitioner prescriptions often fail to specify predicted outcomes in measurable terms or specify assumptions about when certain actions are appropriate. Action variables (independent), outcome variables, (dependent) and conditional variables (intervening) should be operationalized using perceivable or describable phenomena and the hypothesized relationships between them should be specified. When available, research results should be cited, and special attention should be given to internal and external validity and the relative importance of the hypotheses.

6. Incorporate both cooperative and competitive negotiation approaches.

Martin (1988) points out that practitioners tend to emphasize cooperative approaches that integrate the parties' interests into a mutually acceptable solution, while theoretical scholars consider how limited resources are distributed among the parties. There is also a body of work by social psychologists that considers "competitiveness" a personality preference (Blake and Mouton 1964; Thomas 1976). In actuality a negotiator's intentions and behaviors usually have both cooperative and competitive aspects; practical theory should indicate when each is appropriate and how they can be effectively combined (Folger and Poole 1984; Pruitt and Rubin 1986).

7. Recognize both the incremental and strategic aspects of reaching agreement.

Practitioners often view negotiation as an unpredictable social process while theoreticians see negotiation as understandable and predictable. The practitioners respond to the current issues in conflict, and the theorists seek a strategy that applies in all conflicts. Any conceptualization of ne-

gotiation would be incomplete without contributions from both perspectives (Zartman and Berman 1982). This observation is particularly true for complex negotiations, where it is necessary to have an agenda and also be attuned to unpredictable circumstances that require flexibility.

8. Include a variety of procedures for reaching agreement.

Many authors focus on only one approach. A comprehensive model needs to incorporate a variety of procedures (e.g., trial and error search, concession convergence, creative problem solving) and identify when each is most appropriate (Moore 1986).

9. Formulate both situation specific and general hypotheses.

Some research results have been shown to have broad application and others to only apply under specific conditions. The key to usable theory is to clarify when and where prescriptions or hypotheses apply.

Insights From the "New Planning" or "Pragmatic" Theorists

Recent writings on planning theory provide another resource for "practical theory" guidelines. George C. Hemmens (1980) makes a distinction between: a) the traditional rational planning model that views planning as a technical activity to fit means to ends (instrumental action), and b) a new view of planning as an interactive activity of attention shaping and achieving agreement on "right ends". The planning consultant in the shopping mall case, for example, brought together the parties in conflict and transformed their limited self-interests into a common objective, resulting in a facility that worked for everyone. G. Hemmens (1980), Jerome Kaufman (1987) and others refer to these writers as the "new planning" theorists and include Richard Bolan, Donald Schon, John Forester, Judith de Neufville, and H. Hightower. Charles Hoch (1984) refers to these authors as "pragmatists" because they relate their ideas to specific behaviors and adds Peter Marris, Dudley Burton, and John Friedman to the list.

These "new planning" and "pragmatic" theorists share the common goal of reducing the separation between theory and practice. They seek to describe how planners use structured interaction and communication to help people: a) examine the

objective facts and their subjective feelings, b) reach a shared understanding of the possibilities and limits of acting, and c) formulate acceptable agreements. They observe how planners use language -- talking, listening, arguing and explaining -- to articulate both the clear and hidden meanings in a situation. The resulting theoretical model of planner behavior is very similar to that of negotiators, mediators, or facilitators. The following sections briefly discuss the contributions of Forester, Marris, Bolan, and Schon, then shape the material into additional guidelines for practical theory.

John Forester uses Jurgen Habermas's (1973, 1979) "communications theory of society" for insights into how to shape a theory of planning that "is at once practical, factual, economical and ethically instructive" (Forester 1980, p.275). This theory looks at what a planner does in terms of attention-shaping (communicative action) rather than viewing behavior simply as a means to a particular end (instrumental action). It recognizes that the timing of a communication, how it is presented, and what is not communicated may be as important as the literal communication (e.g., the city planner not initially notifying the residents in the shopping mall case resulted in increased hostility and distrust).

Forester suggests that by understanding the communicative nature of planning action, many problems encountered by planners can be avoided and their practice improved.

Motivation and experience are emphasized by Peter Marris (1982). Action, instrumental or communicative, is "organized around relationships and purposes, whose importance is individual and so generates unique experiences." It is, therefore, as important to understand the motivating power of the "meaning" an individual assigns to an action or desired outcome as it is to understand the "rational" qualities of purpose. Relationships established over time, good or bad, often have great "meaning". Substantive changes that threaten the meaning of relationships may be resisted, regardless of their rational appeal; thus, relationships should be considered in any theory of action. For example, the agreement by the environmentalists to support the mall development in exchange for preserving the marsh was much more important to the developer than the potential financial implications of the support, because of her self-image as an environmentalist.

Richard Bolan (1980) advocates the formulation of practical theory at the level of actual phenomena. He approaches the-

ory construction from the point of view of the individual who subjectively perceives, analyzes, and acts in interactive planning episodes where individual and shared learning occurs. Unlike academic theory, where variables are isolated, Bolan advocates a practical theory that will: a) address situations in their totality, including the abstractions and categorizations of the abstract theorist, the dimensions of time and space, historical antecedents, objective understandings and subjective consciousness of each participating ego, and the social structures of the culture in which the episode unfolds, and b) synthesize the total range of knowledge and experience into prescriptions for action. The phenomenological approach is pragmatic; it links scholarly disciplines to action, epistemology to ethics, and rationality to uncertainty. The result is a view of the professional as moral agent, not just instrumental problem solver.

The task of making research more practical and practitioners more rigorous in their theory of action has been a major concern of Donald Schon (Schon 1983, 1987; Argyris and Schon 1974). Schon makes a distinction between "espoused theory," what practitioners say they do, and their "theory-in-use," what they actually do. There is also an espoused theory for the planning profession, or more accurately, there are es-

poused theories. One goal for effective theory building is to reduce the inconsistencies between the espoused theory (that of the professional and the profession) and the theory-in-use of practitioners. To achieve this, Schon provides a theory format that: a) helps practitioners articulate what they do, and why, and b) provides a common structure for formulating and testing theory by researchers, educators, and practitioners.

Guidelines for Practical Theory from the Planning Theorists

1. Practical theory should use "episodes" as the basic unit of analysis.

These episodes may be intrapersonal or interpersonal and are bounded in terms of function (e.g. an individual analysis of the other party's power, or all parties discussion of the issues) (Bolin 1980). Episodes may vary in duration from a few seconds to many months. Generating alternatives, for example, is an episode that might involve the exchange of only a few sentences or it could take months to complete. A focus on episodes does not exclude showing how the overlapping episodes are related. Formulating a negotiation strat-

egy is an example of an episode that conceptually organizes a wide range of episodes.

2. Describe the process of communication in terms of actual language and behavior.

Suggestions for linking perception, conceptualization, and action can be drawn from language philosophy, communications theory, ethnomethodology, symbolic interactionism, and cognitive psychology (Forester 1980). Prescription in practical theory should provide guidelines for good communication so the parties can determine cooperatively what they "should" do. A norm for expressing feelings, for example, could specify the use of the first person and the description of specific behavior (e.g., "I felt angry when you interrupted me," rather than "You're rude!"). This also helps ground the theory in the empirical reality and provides measures for typically intangible variables.

3. Use a "logic of action" theory format.

The logical construct for positive social science explains an event by asserting that its occurrence (E) can be log-

ically deduced from a set of well-confirmed statements expressing antecedent conditions (C1, C2,...Cn) and a set of well confirmed universal laws (L1, L2,...Lm). This represents the basic logic of "If (C), given (L), then (E)" (Hempel 1968). This is not adequate in itself to establish a "logic of action" explanation. A "logic of action" statement is as follows: "In situation (S) if you want to achieve consequence (C), under assumptions (A1,...An), then do action (A)" (Argyris and Schon 1974). For instance, when a party is trying to communicate concerns (the situation) and they want the other party to stop interrupting them (the desired consequence), then they should speak in the first person (the action) to describe the feeling associated with the other's behavior, assuming: a) the other party wants a good relationship, and b) verbal and body language indicates that the other party will listen and not become hostile.

4. Provide a simple conceptual framework for focusing perception.

The many variables in each episode can be perceived from a number of perspectives. If variables are not organized in some fashion, complexity quickly exceeds the ability to comprehend. The choice of the conceptual framework affects the

qualitative experience and the ability to analyze and act. The ideal is a broad framework that encompasses concrete conceptualizations into a hierarchy of key and sub-considerations. Schon and Argyris (1974) call these "governing variables" and emphasize their importance for understanding decision making. The negotiator monitors the adequacy of these key variables and if any are not within the acceptable range, sub-variables are considered and action is taken. For example, if the quality of communications is perceived to be inadequate the negotiator considers the expression of feelings, listening and other sub-variables to find the cause of the problem and chooses the appropriate actions.

5. Recognize individual subjectivity and the interactive learning that occur as parties seek to reach consensus.

Negotiation theories often assume that the parties know what they want and reaching agreement is a matter of finding an acceptable point in their bargaining ranges (Young 1975). This perspective fails to consider interpretive schemes, conscious meaning endowment, belief systems, motivations, basic survival needs, and the human need for vitality, confidence, security, achievement, affection, esteem, and power

(Bolan 1980). Parties to a conflict often interpret the objective reality very differently depending on their personality (Myers 1980), knowledge, the history of interaction with the other parties (Parsons 1964), the immediate context, and the general culture (Weinstein and Platt 1973). Understanding and exploring the underlying levels of meaning corrects misunderstandings and makes communications more authentic. Thus, an intersubjective process becomes possible, where mutual understanding and possibilities for agreement emerge (Bolan 1980). Unfortunately planners often attempt to minimize ambiguities and reach premature conclusions that limit the development of intersubjective understanding (Argryris and Schon 1974). This tendency can be minimized by including adequate intersubjective considerations in the theory statement (e.g. Why are the stated positions important or what do the parties need to see or hear to achieve a sense of satisfaction).

6. Include provisions for ongoing theory evaluation and revision.

Even the best stated theory can fail to address unforeseen conditions and intervening variables, and hypotheses formulated in laboratory experiments may fail to prove true in

application. Planners begin with a concept of the conflict and a strategy for resolving it. During the course of the negotiation, dilemmas may become apparent (e.g., the conflict may have been ill-defined, objectives may be incompatible, there may be incongruity between what one wants to do and what one actually does, strategies may prove ineffective, or one's actions may be in conflict with one's values or self-image). These dilemmas occur continuously and require adjustments in theory. It is therefore important for a theoretical model to have a self-correcting mechanism for evaluation and revision (Argyris and Schon 1974).

7. Incorporate different information processing functions.

Many theories of negotiation are based on the assumption that actors are rational, utilizing their intellects to obtain optimal outcomes. A theory of action recognizes the value of symbolic and behavioral information, as well as semantic information (Bolan 1980). The seating arrangement and gestures of friendship or hostility, for instance, can have a powerful effect on the evolving nature of the negotiations. Effective interpretation involves both left and right brain functions (Zdenek, 1983). The theory should include intuitive as well as inductive and deductive thinking processes

necessary for analysis and problem solving (Guilford 1977). Linear thinking (de Bono 1970) by residents could deduce that the shopping mall would produce more traffic and thus more congestion. If this thinking predominates they might not realize the potential for roadway improvements, stimulated by the mall, that will ultimately reduce congestion.

8. Put less emphasis on explaining techniques and methodologies and show, instead, when and where to use them.

There are numerous books on planning techniques and methodologies, but few focus on how to evaluate the situation and the parties involved to determine when to use which techniques, or what information is needed and how it can be presented most effectively. A theory of action should address this interface between the people and the techniques (Bolan 1980).

9. Recognize the influence of ongoing relationships on the decision making process.

Often negotiation theory focuses on the one-time interaction of strangers dealing only with substantive issues. The nature of the relationship actually affects the ability to

reach an agreement and often is an issue itself. Past relationships between the parties and their reputations have a major impact on whether a party will choose to participate and on their negotiation approach. If there has been a history of beneficial exchanges, trust and commitment increases the likelihood of cooperation in the future (Rokeach 1968). The desired nature of the relationship (cooperative or mutually competitive) is often an unarticulated conflict to be resolved before the parties can negotiate effectively. The possibility of future interactions influences commitment to the process, level of trust, and other variables (Marris 1982; Moore 1987). The likelihood that the mall developer will deal with the same environmentalists in the next development, for example, increases the value of establishing a good relationship in the present.

Table 2 on page 33 provides a summary of the guidelines for practical theory from both the negotiation literature and the planning theorists. These guidelines were used to: a) develop the conceptual framework in Chapter Three, b) formulate the detailed model of negotiation in Chapter Four, and c) evaluate the final product in Chapter Five.

Table 2. Guidelines for Practical Theory - A Summary

A SUMMARY OF GUIDELINES FOR PRACTICAL THEORY

Guidelines from the Negotiation Literature

1. Consider multiple party as well as two party conflicts.
2. Address the need for negotiations within as well as between parties.
3. Identify interpersonal communication skills used in negotiation.
4. Identify generic stages of negotiation.
5. State theory in a format that is testable.
6. Incorporate both cooperative and competitive negotiation approaches.
7. Recognize the incremental and strategic aspects of reaching agreement.
8. Include a variety of procedures for reaching agreement.
9. Formulate both situation-specific and general hypotheses.

Guidelines from the Planning Theorists

1. Use "episodes" as the basic unit of analysis.
 2. Describe the process of communication in terms of actual language and behavior.
 3. Use a "logic of action" theory format.
 4. Provide a simple conceptual framework for focusing perception.
 5. Recognize individual subjectivity and interactive learning.
 6. Include provisions for ongoing theory evaluation and revision.
 7. Incorporate different types of information processing functions.
 8. Provide less explanation of techniques and instead show when and where to use them.
 9. Recognize the influence of ongoing relationships on the decision making process.
-

CHAPTER TWO - RESEARCH METHODOLOGY

This study is a qualitative review of negotiation literature designed to produce a practical and theoretical model useful to practitioners, trainers, and researchers. The quality of this or any form of research is based on the degree to which: a) the methodology complies with standard procedures, and b) the product satisfies the stated criteria (see guidelines for practical theory, Table 2 on page 33) (Schwandt and Halpern 1988). This chapter will discuss methodological standards, steps taken, criteria for each step, and products produced.

Books, journals, and other materials based on quantitative research, qualitative research, practitioner experience and trainer prescriptions were reviewed in this study. While systematic/scientific approaches have been developed for reviewing quantitative research, for example, meta-analysis (Rosenthal 1984; Glass, et.al. 1981) and integrative research reviews (Cooper 1984), this author was not able to find standards for rigorous reviews of qualitative research or reviews of sources using varied methodologies. The following principles and procedures are based on the standard criteria for qualitative research and the structure used for integrative research reviews (Cooper 1984).

Principles for a Qualitative Literature Review

Qualitative methods seem quite appropriate for conducting a literature review. The data are in the form of words/ideas rather than numbers -- in this case definitions of negotiation variables, conceptual frameworks and hypotheses. Qualitative methods look for "meaning" in the patterns that emerge from data analysis (in this study, identifying key variables, shaping a conceptual framework, and fitting appropriate actions to desired ends), whereas quantitative methods attempt to "disprove" hypotheses. The summary test of the methodology used here is its ability to produce a practical theory statement that has "meaning" for readers and users. It should provide a basis for researchers to conceptualize research questions, for trainers to organize workshops and materials, and for practitioners to plan and conduct negotiations.

Qualitative research is largely interpretive but is no longer the province of the lone fieldworker immersed in a local setting (Kirk and Miller 1986). It includes a wide range of systematic techniques for data collection, analysis, display, and synthesis (Miles and Huberman 1984). The criteria for evaluating qualitative research are: a) dependability -- the methods follow accepted practice and are well documented; b) confirmability -- the interpretations are grounded in the

empirical data; c) credibility -- the results are perceived as credible by those who supplied or are familiar with the data; and d) transferability -- the product should adequately specify the conditions of the study so the potential user can determine if the conclusions are applicable to their situation. These are analogous to conventional notions of reliability, objectivity, and internal and external validity (Lincoln and Guba 1985). The techniques used in this literature review and the author's longer-term research agenda have been chosen to address each of these criteria. The objective is to produce a replicable review that can create consensus among scholars and provide a basis for constructive discussion.

Procedure

Describing the procedure of a study is analogous to providing an audit trail in accounting (Schwandt and Halpern 1988). The audit trail documents the methods used to control error and reach justifiable conclusions, the objectives/criteria for each method, and the resulting records or products. This documentation is like the internal control mechanism for managing a business operation that in addition to aiding the reader/auditor helps the researcher become more thoughtful, critical, and reflective (Covert and Stahlman 1984).

The procedure will follow the stages for an "integrative research review" (Cooper 1984). The stages are: 1) problem formulation, 2) data collection, 3) data evaluation, 4) analysis and synthesis, and 5) presentation. Table 3 on page 38 outlines the products produced in each stage of the two phases.

The author does not claim to consider every source related to negotiation, render a definitive judgment on the quantitative and qualitative rigor of each report, or to have produced the ultimate set of key variables, conceptual frameworks, or detailed model of negotiation. The product of this study provides the basis for a long-term research agenda. It will be used to develop a post-negotiation experiential learning instrument to help planners reflect on and learn from past negotiations and provide researchers with detailed information on how decisions are made concerning each of the key variables. The results from a large sample of negotiations will make it possible to statistically test the relationships between numerous variables in complex negotiations that has not been possible to date. The validity and reliability of the data collected and conclusions of this study will be tested in the next stage of the author's research agenda. The details of this agenda will be discussed in more detail in Chapter Six.

Table 3. Integrative Research Review Stages and Products

INTEGRATIVE RESEARCH STAGES	PHASE I GENERAL MODEL	PHASE II DETAILED MODEL
Problem formulation	Def. of terms, guidelines for practical theory	Def. of terms, guidelines for practical theory
Data Collection	List of general references from different fields	List of references related to each key variable
Data Evaluation	Assessments of acceptability of each source	Assessments of acceptability of each source
Analysis and Synthesis	Coding forms, diagrams, notes	Alternative organizing schemes, notes
Presentation	List of governing variables and the conceptual framework (Chapter 3)	Conceptual framework with sub-variables, tests and actions (Chap 4)

The Plan of the Study

This section provides an audit trail documenting the methodology used in this study (See Table 4 on page 39). The objectives of each step also serve as criteria for evaluating task performance. The products identified are records of the tasks performed and could be used for a detailed evaluation of the methodology (metaevaluation) or in future research efforts.

Phase I

Table 4. The Plan of the Study

TASKS	OBJECTIVES/CRITERIA	PRODUCTS
1.1 Problem formulation	Definition of terms, delineation of scope, Provides focus without undue limitations	Reference notes, Alt. formulations author's dilemmas & decisions, Chpl
1.2 Find ref. for key variables and conceptual frameworks	Summaries of nego. lit. from diff. fields, by key authors, consider a range of var. related to planning conflicts	Coding forms for each ref., lists of ref., the bibliography
1.3 Assess acceptability of each reference	Quantitative tests, qualitative tests, author prominence, use of citations	Coding forms and notes on each reference
1.4 Formulate gen. model of nego., define key variables, dev. conceptual framework	Discrete, measurable definitions of variables, clear, compre. model of negotiator thinking, meets theory guidelines	Lists of key var., alternative def., diagrams of diff. frameworks, alter. formulations, Chapter Three
2.1 Find ref. needed for the detailed model	Specifies hypotheses relating key and sub-var., tests and actions, by prominent authors, related to planning	Lists of ref., notes on ref., citations in Chp 4 and the bibliography
2.2 Assess ref. acceptability for the de-detailed model	Quantitative tests, qualitative tests, author prominence and experience	Reference notes, alter. formulations, notes on author's decisions
2.3 Formulate detailed model specify tests, actions and "I" variables	Discrete, measurable def. of terms, clear comprehensive model of nego. thinking, meets theory guidelines	Reference notes, alter. organizations of material, notes on author decisions, Chp 4
2.4. Presentation	Clear organization and format, discrete def., concise discussion,	Dissertation drafts, final document

1.1 Problem Formulation

The problem formulation stage serves several functions: the construction of definitions that distinguish relevant from irrelevant evidence, delineation of the scope of studies to be included, and the establishment of guidelines specific enough to give focus without unduly limiting the search (Cooper 1984). Three basic sources were tapped in defining the problem. The first were previous attempts to bridge the academic/practitioner gap: Raiffa (1982), Zartman and Berman (1982) and Moore (1982). Second, journal articles that address this split in the negotiation literature were studied: Weiss-Wik (1982), Burton and Sandole (1986), Pruitt (1986), Susskind (1986), Wheeler (1987), Martin (1988), and Sheppard (1988). Finally, works were reviewed by "pragmatic" or "new planning" theorists seeking to develop theories that more closely reflect what planners actually do in practice: Argyris and Schon (1974), Forester (1980), Bolan (1980), Schon (1982), Hoch (1984), and de Neufville (1987).

The records of this stage include extensive notes from the references cited above and other sources, alternative organizations of the material, and the author's notes on dilemmas encountered and decisions made, all kept in appropriate files. Chapter One is the presentation of the final product.

In addition to providing a focus for both phases of the study, these definitions and guidelines provide criteria for evaluating the final product -- the detailed model of negotiation.

1.2 Identification of References for Key Variables and the Conceptual Frameworks

The first step in data collection is to establish selection criteria (Cooper 1984). The references sought for Phase I were summaries of negotiation literature: a) in different disciplines, b) by prominent authors, c) comprehensive in their consideration of negotiation variables, and d) relevant to conflicts occurring in planning.

Key variables were identified using references that summarize negotiation theory and research in a variety of different disciplines, such as psychology (Druckman 1977; Pruitt 1981), mathematics/economics (Raiffa 1982), geography (Cox and Johnson 1982), business, (Lewicki and Litterer 1985), creative problem solving (Van Gundy 1984), planning (Minnery 1985), and environmental disputes (Bingham 1986). Research based on observations of actual negotiations was also used (Gulliver 1979; Putnam 1982; Williams 1983; Kolb 1983). The literature search, while not exhaustive, sought to be repre-

sentative of the principal disciplines that have studied negotiation.

Sources were also sought for insights into the formulation of conceptual frameworks relevant to negotiation. Two dominant perspectives were identified. One views negotiation as a learning cycle where the parties exchange information and modify their expectations until agreement is reached (Gulliver 1979; Pruitt and Rubin 1986; Walton 1987). The other views negotiation as a series of developmental stages (Lewicki and Litterer 1985; Druckman 1978; Susskind 1984). Many conceptual frameworks used by academic authors, while useful for descriptive research purposes, were not appropriate for conceptualizing negotiation from the practitioner point of view. Again, the examination of sources was selective, but several of the authors consulted had drawn their conceptual frameworks from their own reviews of the literature and an effort was made to achieve a representative sample (e.g. Lewicki 1985; White 1985; Zartman and Berman 1982).

Cooper (1984) lists three categories of reference sources: informal, primary, and secondary. Informal channels included dialogues with colleagues and other personal contacts, such as meeting attendees and members of academic and professional societies. The author discussed this study and requested

reference suggestions from leaders in the field including: John Burton, Richard Collins, David Godschalk, David Lax, Denise Madigan, Sally Mary, Gerard Nierenberg, Margaret Neal, Connie Ozawa, Bruce Patton, Dean Pruitt, Linda Putnam, Howard Raiffa, Janet Rivkin, Dennis Sandole, Kenneth Thomas, Michael Wheeler, Arthur Van Gundy, and others in personal meetings and while attending conferences of the Society for Professionals in Dispute Resolution, International Conflict Management Association, and the Conservation Foundation. Primary channels involved examining books in the author's and the Virginia Tech libraries, journals received, and ancestral searches (tracing citations, and bibliographic entries in references already identified). Published bibliographies, bibliographies of bibliographies, abstracts, and indexing services -- secondary sources -- included the Journal of the American Planning Association (listing of literature in planning), Journal of Planning Literature, Social Science Abstracts, Psychological Abstracts, and **Conflict and Conflict Resolution: A Historical Bibliography** (Porter 1982). Subject searches of periodical literature were also conducted.

1.3 Assessment of Acceptability of References for the General Model

This step, called "data evaluation" by Cooper (1984), involves making judgments about the acceptability of the references identified. As in primary research there are two dangers: 1) rejecting references that are indeed valid and 2) retaining those that are invalid. Ideally data evaluation involves a rigorous examination of each research report using tests for quantitative research (reliability, objectivity, and internal and external validity), or qualitative research (dependability, confirmability, credibility, or transferability). Coding forms were completed for most references; these recorded the type of conflict, variables considered, function of the hypotheses (descriptive or prescriptive), methodology, and results. The rigor of the evaluations was limited by the large number of references considered and the fact that most were surveys of research findings that did not provide detailed information on methodologies, sample size, and population needed for thorough evaluation. However, sources by prominent authors (those often cited by others) and those that provided extensive citations were given preference over those whose authors were not well known and statements that were not substantiated. In some cases, particularly in practitioner/trainer sources, insights without thorough grounding in empirical evidence were used. These and all other hypotheses will require testing as part of the author's long-term research efforts.

1.4 Formulating Conceptual Frameworks of Negotiation

Cooper (1984) calls this stage analysis and synthesis. According to Kerlinger (1973 p, 134)

"Analysis means the categorization, ordering, manipulating, and summarizing of data to obtain answers to research questions. The purpose of analysis is to reduce data to intelligible and interpretable form...Interpretation takes the results of analysis, makes inferences pertinent to the research relations studied, and draws conclusions about the relations."

Qualitative methods for display, analysis, synthesis, and testing were drawn from Miles and Huberman (1984), Fielding and Fielding (1986), and Van Maanen (1983).

The first challenge was to formulate a simple, comprehensible, well defined list of variables from the enormous number of differently defined variables in the examined references. The key variables cited by each author were entered on coding forms. A master list was then compiled, with code numbers, linking the variables to their sources for future reference (See Appendix A). The list is not definitive but it does give a sense of which variables a diverse group of authors consider important. The task of formulating this list was complicated by the fact that the authors did not rank the

importance of their variables and definitions were not consistent.

The process of formulating a conceptual framework for how negotiators test the adequacy of key variables and make decisions to act, was complex and challenging. Although there are some similarities, each author's framework is unique. Diagrams of each framework were drawn up and displayed. A synthesized model was then formulated by incorporating significant elements of the displayed diagrams. This was an iterative process of constructing, testing (to see if the important elements were retained), refining, and retesting. The guidelines for "practical theory" from Chapter One were used in shaping the framework. Part of the challenge was selecting terms that adequately described phenomena occurring in each stage. Next the key variables were incorporated into the conceptual framework and definitions were modified to achieve consistency and compliance with the guidelines. The products of analysis and synthesis are discussed in more detail in Chapter Three.

Phase II

2.1 Identification of References for the Detailed Model

This stage involved identifying research reports for hypotheses that related appropriate actions and intervening variables to each key and sub-variable. Sources with practitioner recommendations were also used. The criteria used for selecting references in the second step and the current one were similar except that references in Phase II included well defined hypotheses examining the relationship between individual variables rather than establishing overall relationships. The original summary sources and their citations were the primary reference source for this step. References were also found through subject searches for specific topics (e.g., communications, creative problem solving, and group dynamics) that supplemented the works more directly related to negotiation. The records for this stage include lists of potential references, notes on identified references, and citations in Chapters Four and Five, and the bibliography of this study.

2.2 Assessment of Reference Acceptability for the detailed model

A more reliable evaluation of research methodology and results is obtainable at this level of detail than was possible in the third step. Where appropriate, the criteria for evaluating quantitative and qualitative research were ap-

plied. However, in a number of cases, the conclusions of the authors summarizing their respective literatures were accepted without examining all of the supporting research studies. Substantial sections of the model deal with multi-issue, multi-party, public negotiations for which little rigorous research has been done. In these sections this author relied heavily on the works of negotiators experienced in these types of negotiations (Carpenter and Kennedy 1988; Huelsberg and Lincoln 1985; Moore 1986; Susskind and Cruikshank 1987), as well as articles published in refereed journals.

2.3 Formulation of the Detailed Model

This stage involved separate analysis and synthesis processes for each of the key and sub-variables. Extensive reading and note taking led to alternative formulations for how a negotiator would test the adequacy of the key and sub-variables (are they within an acceptable range?) and what intervening variables should be considered in choosing a specified action. A discussion of this process is presented in Chapters Four and Five. Criteria are similar to that used for formulating the conceptual frameworks; they need to be simple, well defined, comprehensive, and satisfy the guidelines for practical theory (see Table 2 on page 33). Again,

the products are notes on the references, alternative organizations of the material, and the author's notes on dilemmas encountered and decisions made.

2.4 Presentation

The challenge in this step was to find a format that could be easily understood by both practitioners and academics. Matrix and "if...then..." formats were used for complex and simple decisions respectively. The final detailed model is presented in Appendix D.

Reviewing and integrating all of the literature on negotiation and related subjects would be an impossible task. The methodology used here was successful in integrating a broad range of perspectives on negotiation and also revealed a number of areas where more research and integration is needed. Chapters Three, Four and Five and the Appendices present the products of the methodology used. Its strengths and weaknesses will be discussed in more detail in Chapter Six.

CHAPTER THREE - A CONCEPTUAL FRAMEWORK FOR NEGOTIATION

A conceptual framework is needed to help the negotiator: a) understand the nature of the conflict, b) formulate a plan of action, and c) interact effectively. A framework also helps academics organize hypotheses into a comprehensive theory. Even in a seemingly simple negotiation there are myriad variables to consider: satisfaction of one's interests, the balance of power, and the level of trust are examples. Complexity increases as number of issues, parties, and interactions increase. Basic game theorists assume an omniscient, rational negotiator (Gulliver 1979). The reality, however, is that negotiators rarely totally understand the situation and there is only a limited amount of information they can perceive and comprehend at any given point in time.

This chapter presents two conceptual frameworks. One focuses attention on only the most important (key) variables. The second provides an understanding of how these variables change over time. These conceptual frameworks also provide a basis for the detailed model (discussed in Chapters Four and Five and presented in Appendix D).

Variables in Practical Theory

The conceptual frameworks help define and explain the relationships between the variables considered by planners. These can be divided into three major categories. "Key variables" define desired substantive and instrumental outcomes; "action variables" describe behaviors to achieve those outcomes; "intervening (conditional) variables" must be considered in the choice of action alternatives.

Outcome (Key) Variables

Key variables get their name because of the effect they have on negotiator behavior. There are a seemingly infinite number of actions one can take. The choice is determined by the characteristic of the situation that looms largest and demands attention -- the most prominent key variable. Kurt Lewin's (1946) concept of a psychological field -- a representation of the factors that may affect one's behavior at a given point in time -- is helpful in understanding negotiator perception of conflicts. Figure 1 on page 52 shows what the environmentalist in the mall case might focus on when trying to find ways to save as much of the marsh as possible.

THE NEGOTIATOR'S PSYCHOLOGICAL FIELD
(The focus of attention)

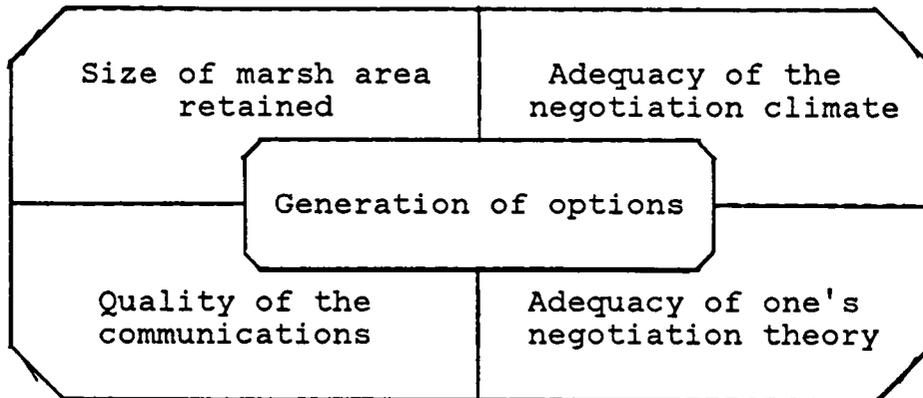


Figure 1. The Negotiator's Psychological Field

The variables that demand primary attention will vary depending on the current level of the variables (the situation) and their relative importance. If the parties are shouting at each other, for example, more attention will be placed on improving the communications and climate than on generating options or even satisfying one's interests. See Figure 2 on page 53

Key variables measure both the satisfaction of one's interests (substantive outcomes) and the adequacy of one's efforts to achieve satisfaction (instrumental outcomes). The negotiator's perception of the status quo (the current level of one's interest variables) serves as a base line for measuring the substantive satisfaction of interests. The

PSYCHOLOGICAL FIELD WHEN OTHERS SCREAM

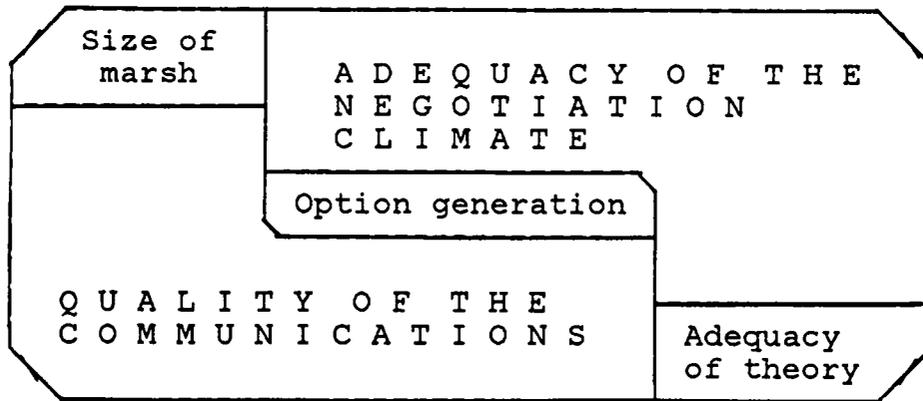


Figure 2. Psychological Field When Others Scream

negotiator either wants to maintain the current levels of these variables (if adequacy is threatened), or raise or lower the current level. The residents in the mall case, for instance, wanted to keep the site vacant -- maintaining the current level of open space. Neighboring businessmen desired the increase in traffic to their businesses that the mall would bring -- an increase in the level of customers. Substantive outcomes can also take less concrete forms, such as personal recognition, changes in power relationships, or acceptance of philosophical positions. Substantive outcomes depend on instrumental outcomes (e.g., establishing trust, adequate exchange of information, or movement toward agreement).

Action Variables

Webster (1972) defines negotiation as "conferring with another so as to arrive at a settlement of some matter." For the purposes of this study the term "confer" is broadly defined to include multiple forms of communication: symbolic action or inaction (not shaking someone's hand), as well as verbal statements and questions. Internal thinking processes, such as analyzing, strategizing, and problem solving, will also be considered as negotiation behavior. Where possible behaviors will be operationalized in terms of observable actions and actual word patterns. Action variables needed to attain or maintain adequacy of key and sub-variables will be identified as part of the detailed model in Chapters Four and Five and Appendix D.

Intervening Variables

The planner's choice of alternative actions for achieving a desired outcome seldom apply in all situations. The hypotheses for action include assumptions about the status of intervening variables. Deutsch (1973) identified the following categories of conditions that affect negotiations: the characteristics of the parties, prior relationships, the nature of the issue, the social environment, interested audiences,

strategy and tactics employed by the other parties, and the consequences of the conflict. Each category may be broken down into numerous dimensions. The objective is not to present a comprehensive typology of intervening variables but to identify those that pertain to particular key and sub-variables. These intervening variables are presented in Chapters Four and Five and Appendix D, in conjunction with the recommendations for action.

A Conceptual Framework for Considering Key Variables

Chapter Two describes how the negotiation literature was reviewed to identify the variables considered key by theorists and researchers from a variety of disciplines. Appendix A presents the initial hierarchical list of variables. Developmental theories of negotiation were used to define and organize most of the key variables. The variables that did not fit into developmental stages were integrated into four key variables consistently monitored throughout negotiations.

Stage-Specific Variables

Different authors divide the negotiation process into varying numbers of stages. Several models consist of three basic

stages: pre-negotiation, negotiation, and post-agreement (Lewicki 1985; Druckman 1977; Susskind and Madigan 1984). Processes and conditions are described that predominate in each stage, but it is implied that they occur simultaneously or randomly. Other models (Gulliver 1969; Pruitt 81) have five to eight stages, are more descriptive of functions that occur at each stage, and tend to be more prescriptive of a certain negotiation approach, usually collaborative. The following list is a synthesis of a number of developmental models: Gulliver (1979), Lewicki (1985), Druckman (1977), Osborne (1963), Pruitt (1981), Susskind and Madigan (1984), and Van Gundy (1981). These stages are also illustrated in Figure 3 on page 59 .

1. Choice to engage in conflict resolution
2. Choice of conflict resolution method
3. Adequacy of preparation
4. Understanding of the conflict
5. Generation of options for settlement
6. Degree of agreement (final bargaining)
7. Sense of closure (formal settlement)

Appendix B describes the stages in each of the models reviewed, and how they were integrated into the final list above. The stages are stated in terms of variables. When the level of the variable is perceived adequate then the

negotiator moves on to the next stage (e.g., preparation is adequate, satisfactory options have been identified, or there is agreement on the essential issues).

Overemphasis on developmental stages can limit flexibility and attention to interpersonal dynamics. Even in tightly controlled processes the stages overlap and regression to earlier stages can occur. New issues, for example, may need to be addressed during the final bargaining or new ground rules established while generating options. The conceptual framework for how variables change helps to explain these transitions.

Consistently Monitored Variables

The variables in Appendix A were used in identifying the stage specific variables. A number of these did not fit into any one particular stage but seemed to be important in all stages. The latter were grouped into the following four consistently monitored, key variables. Figure 3 on page 59 illustrates how the negotiator keeps these variables in focus while addressing the stage-specific variables.

A. Satisfaction of one's interests

B. Adequacy of negotiation climate

C. Quality of communications

D. Adequacy of one's negotiation theory

A Conceptual Framework for Understanding How Variables Change

Understanding what variables to focus on is not enough. Negotiators also need a conceptual framework describing how interpersonal dynamics alter perceptions and realities. Much of the early research on negotiation focused on limited episodes. The goal of game theorists -- to identify idealized interaction strategies for generalized situations -- was modified by bargaining theorists, who developed dynamic models based on offers and counter-offers (Young 1975). Other social scientists have emphasized the importance of the parties' expectations of one another and their manipulation of the other's perceptions and objectives (Schnelling 1960). The large body of research based on these views of conflict has provided valuable insights but has also been criticized for being too simplistic and abstract (Druckman 1977). More complex models of interactions have been developed based on observation of actual negotiations by anthropologists (Gulliver 1979) and organizational process specialists (Walton 1969; Schein 1969; White 1985). These are called learning cycle theories (Gulliver 1979).

A CONCEPTUAL FRAMEWORK FOR UNDERSTANDING KEY VARIABLES

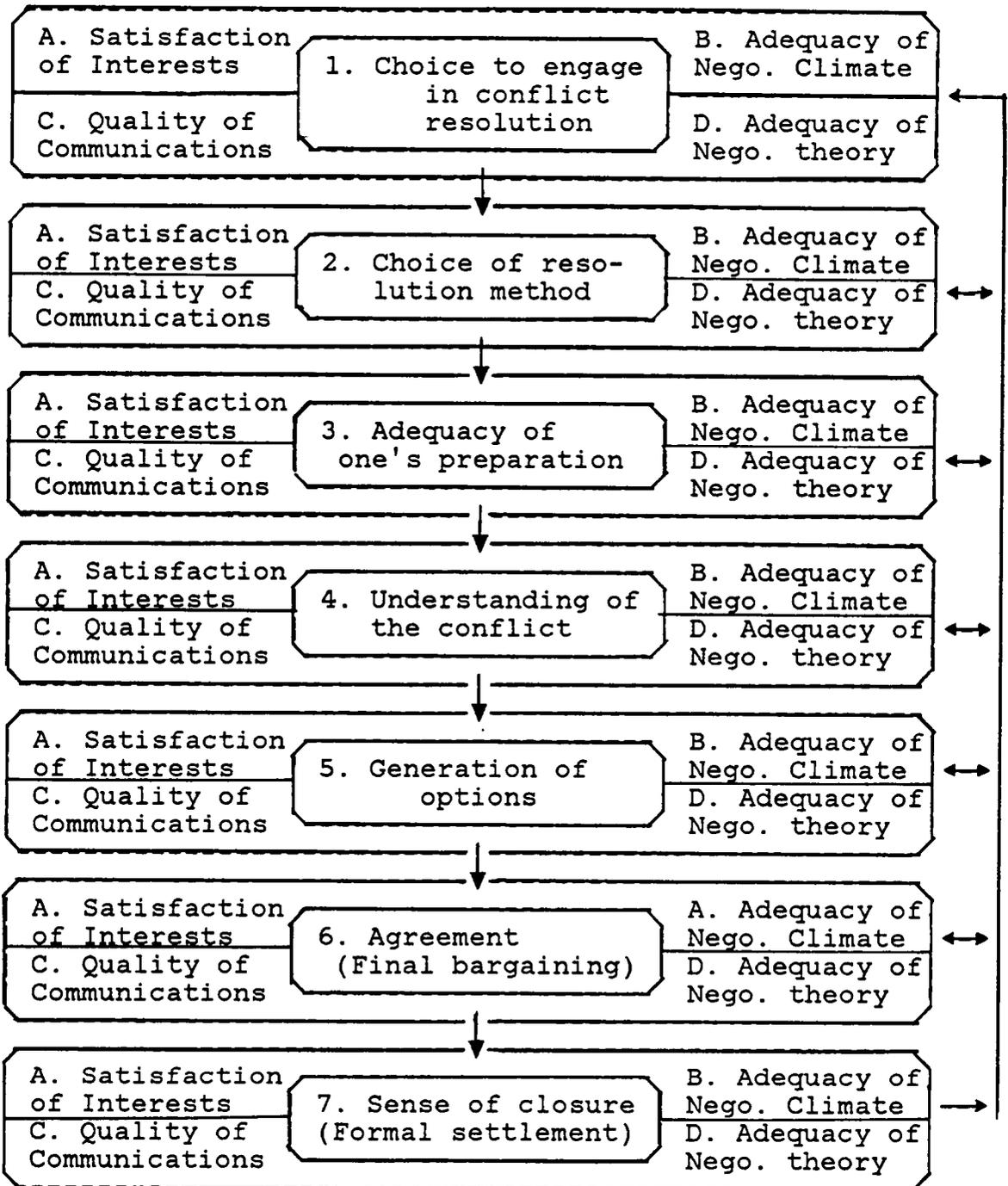
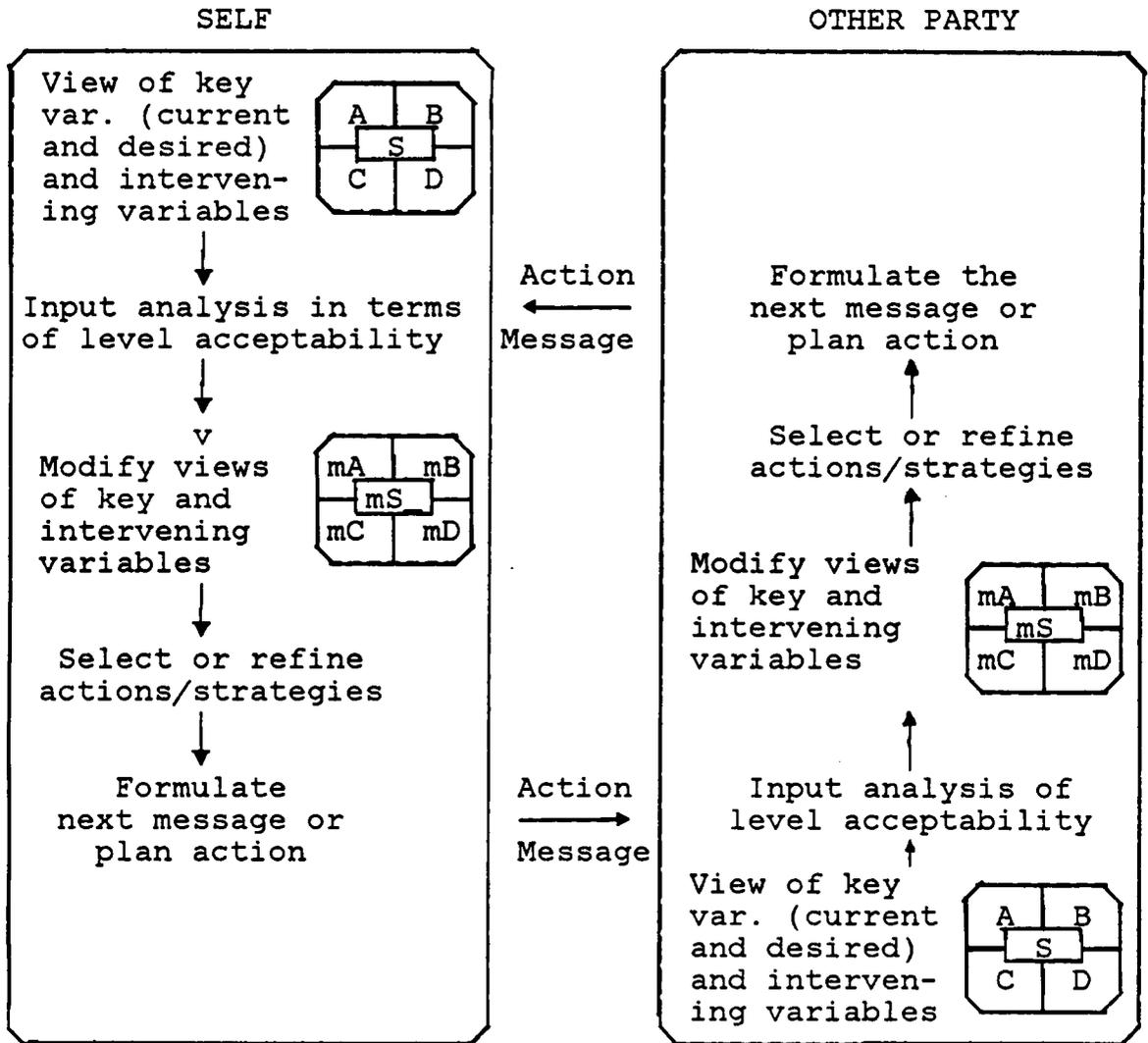


Figure 3. A Conceptual Framework for Key Variables

Learning cycle theories seek to describe interaction dynamics that occur in an actual negotiation. The learning cycle model synthesized by this author (See Figure 4 on page 61) comes from a number of sources: Folger (1984), Gulliver (1979), Pruitt (1986), Walton ((1969), and White (1985). Appendix C summarizes these theories, integrates the phases into one list, and presents two earlier formulations of Figure 4 on page 61 .

Parties begin with a limited understanding of what the other party wants, the nature of external forces, what they can reasonably expect to get, the best strategy for getting it, and even exactly what they themselves want. These views of key and intervening variables are modified as they ask questions, make statements, and learn from the responses they get. The perceptions and interpretations of these responses are affected by: the parties' vital interests, previous experience, beliefs about the nature of negotiation, trust in the accuracy of the other's statements, and their information processing style (White 1985). Based on an analysis of the other's message, the negotiator refines expectations and strategies, and formulates the next message accordingly. As this cycle is repeated a relationship is built, emotions rise and fall, and the parties come to better understand the situation, power plays, tradeoffs, and integrative solutions

A CONCEPTUAL FRAMEWORK FOR HOW VARIABLES CHANGE



"A, B, C, and D" are the consistently monitored variables.
 "S" is the current stage specific variable.
 "m()" indicates that the perception of the variable has been modified.

Figure 4. A Conceptual Framework for How Variables Change

until a mutually satisfactory agreement or a stalemate is reached.

As in the tradition of Gestalt psychology (Perls 1969), some learning cycle theorists believe that attention to the learning process is all that is needed. If the parties are committed to stating their concerns clearly, listening carefully, and working towards mutual understanding, then the "process" will produce agreement; an acceptable solution will become apparent. Developing a personal strategy or having a common agenda of rational steps is seen as a waste of time because the process is so unpredictable. However, reliance on a learning cycle model alone may result in confusion and wasted time, especially when the issues are complex and there are multiple parties. The developmental models provide a structure for applying communication and decision making techniques to facilitate the interactions described by learning cycle models. Using both the learning and developmental theories provides a conceptual framework for perceiving and responding to discrete episodes and the negotiation process as a whole.

CHAPTER FOUR - STAGE SPECIFIC VARIABLES

Chapter Three provided a conceptual framework for understanding negotiation dynamics. This chapter fills out that framework with tests to determine if the stage specific key and sub-variables are within acceptable ranges and hypotheses for actions to take if they are not. Some of these hypotheses have been tested by experimental researchers, others are drawn from theorist/practitioners prescriptions, and some are proposed by this author. The consistently monitored variables will be discussed in Chapter Five, and the detailed model, including all variables, is presented in Appendix D.

These tests and hypotheses provide a model of negotiation that can be instructive for practitioners, while also providing a theoretical structure for negotiation research. The sub-variables define the dimensions and measures of the key variables, and the tests (T) perform the same function for the sub-variables, at the next finer level of detail. The actions, labeled (A), are prescriptions. Combined, they form hypotheses. If the condition (the sub-variable) is not within an acceptable range, then action (A) should be taken, assuming specified conditions of intervening variables exist. For example, if distrust (a sub-variable) threatens the negotiation climate (a governing variable) and the tests show

that the mediator's perceived ability to control hostility is the problem, then the mediator then needs to explain her qualifications (an action), if the parties will listen (an intervening variable).

The chapter examines the variables addressed in each stage of the negotiation: 1) choice to engage in conflict resolution (the triggering event), 2) choice of conflict resolution method, 3) adequacy of preparation, 4) understanding of the conflict, 5) generation of options, 6) degree of agreement (final bargaining), and 7) sense of closure (formal settlement).

1.0 Choice to Engage in Conflict Resolution (Triggering Event)

The triggering event results in a decision to act on a conflict. The event may be an action, a piece of information, or even an idea. A conflict may exist in a latent state for a long time before it is acknowledged. This section on the choice to engage in conflict resolution will assess the nature of the conflict, set priorities for action, and identify ways to motivate the other parties to participate without hostile escalation.

The decision to act is a function of the balance between one's aspirations and barriers to achieving them. People tend to aspire to only a fraction of what would give them satisfaction or there would be even more conflicts. They only aspire to what they think they are: a) capable of attaining, or b) entitled to, based on past achievements, perceived power, rules and norms, or comparisons with others (Pruitt and Rubin 1986). Aspirations are often considered in terms of a minimally acceptable level (the bottom line), an optimistic expectation, and an even higher initial bargaining offer (White 1985). They vary from being very specific to very vague. Aspirations become conflicts when there is a perception that they are not mutually attainable and that each party is committed to achieving their own desires.

Often people do not engage in a conflict because of internal barriers such as attitudes, values, fears, anxieties and habitual patterns of accommodating. External barriers, such as group norms against expression of conflict and physical obstacles to interaction are also inhibiting factors (Walton 1987). Examples of barriers include: time limits that restrict interaction, group norms against expression of negative feelings, role concepts that limit questioning authority, desires like wanting to retain an image of gentility, or fears that a conciliatory gesture will not be reciprocated.

By being aware of the impact of these barriers on behavior, a person can keep from being drawn into an unimportant conflict or from avoiding a conflict that should be addressed. Understanding how to influence another party's aspirations and barriers is useful in getting reluctant parties to participate in the resolution of conflicts that one feels are important. This understanding allows a person to influence the type of engagement: hostility, disagreement, candid confrontation, or problem solving (Walton 1987). The following sections are based on the key questions affecting the choice to act on the conflict:

- 1.1 is the nature of the conflict understood,
- 1.2 does the situation justify taking action,
- 1.3 are the others committed to action, and
- 1.4 do the others refuse to participate because of their power or prestige.

1.1 Is the nature of the conflict understood?

Accurately understanding conflicts is essential for determining if action is appropriate and what form of conflict resolution is best. Often energy is wasted fighting for the wrong issues with the wrong people based on misinformation. When one becomes aware of a conflict it is appropriate to ask: 1) Is there a mutually acceptable solution that the

parties are not aware of? 2) Is the apparent conflict rooted in other underlying issues? 3) Is the perceived "other party" really responsible for the situation or the one with resources to make changes? or 4) Is it a real conflict or based on misinformation or misinterpretation? (Deutsch 1973). These questions need to be applied to both substantive issues (those involving divisions of resources) and behavioral issues (those requiring approval, respect, cooperation, and performance of specific actions by the other party). If all the answers are "Yes" it can be assumed that, at least initially, the conflict is understood. If any of the answers are "No" or "Maybe" it may be necessary to take investigative action to determine the true nature of the conflict.

In all conflicts the analysis should not be limited to the apparent conflicts but should also consider secondary, as well as, primary interests of the key parties and the community as a whole. Systems analysis helps one understand how changes in one element of a physical, social, economic, or political system may impact other elements and the system as a whole. The sophistication of the systems analysis may range from a simple discussion of process and product to elaborate computer models and simulations (Steiss 1974). Regardless, the objective at this stage is to achieve an accurate general understanding of the nature of the conflict. The satisfaction of one's interests will be continuously

monitored and a thorough analysis of all issues and impacts will be completed as part of the preparation (3.0) and conflict definition (4.0) stages of this model.

1.2 Does the desire for change of, or threat to, the status quo justify action?

Understanding a conflict does not mean that action is necessarily appropriate. Each individual has multiple desires and a limited amount of time and energy to pursue them. The decision to act is based on combined results of the following tests: how do the issues in conflict compare in importance with other issues one is facing, both in the short and long-run; are the potential benefits greater than the expected costs of achieving one's desires; what is the degree of risk -- what is the range of possible outcomes and their respective probabilities; and does the probability of satisfaction and the degree of satisfaction of resolving this conflict provide a better investment of time and resources than other options vying for one's attention? Ideally this analysis of both one's aspirations and internal and external barriers would be systematic, but usually it is very subjective. The goal is to avoid being emotionally pulled into a conflict that does not represent a good use of one's time and energy.

There is also a danger of avoiding a conflict that has serious short or long range consequences.

In some situations one may be very satisfied with the status quo and the conflict arises when others threaten undesirable changes. Defensive action is appropriate when: a) the threat will become more critical, rather than decline, over time, and b) the time and resources costs are worth the probably benefits or the reduction of short and long term risk to the status quo. Stability of the system (small group to society), must be considered, as well as the substantive costs and benefits. Social conflict theory provides valuable insights into how social systems are established and maintained. The repression of conflicts may reduce short-term costs but at the expense of more serious disruptions in the long-term (Coser 1956, 1967; Duke 1976). The object is to strike a balance that provides a mechanism for addressing key conflicts without consuming time and resources on unimportant issues (Brown 1983; Ury, et.al. 1988).

1.3 Are the other parties committed to action on this conflict?

Personal recognition that a conflict requires action is no assurance that this view is shared by the other parties to

the conflict. This is often true in the case where one wants a change in the status quo and the other party is quite satisfied. If the problem is only one of awareness, communicating information is the solution. In many cases the other parties may be aware that there is a conflict but feel that it doesn't merit action. As discussed above the decision to act is a function of the relative salience of the issue and the internal and external barriers.

Determining the other parties commitment to action is often difficult to ascertain. The parties may hesitate to express their desire for a resolution for fear of seeming too eager, or they may express concern about the conflict but be unwilling to take any meaningful steps to reach a resolution. There is no simple rule to follow. A determination must be made based on a combination of verbal statements, body language, behavior and past history. If it seems the other party is not committed, it is then necessary to find out what aspirations or barriers can be altered to produce a decision to participate.

Actions can be taken to get the other parties to analyze the short and long-term impacts of resolving the conflict or not. This can be done jointly or independently and presented to the other. It is important to present the impacts in terms of their interests, as well as the interests of the larger

community for which they may also feel some responsibility. If after an analysis of the situation they are still not committed to working out a resolution, it may be necessary to make potential solutions more attractive (e.g., by suggesting possible concessions or increasing the costs of not reaching a resolution by reducing the ability of the other party to satisfy their interests). An adjustment of norms may also be necessary to create a climate for exploring alternatives in a non-hostile problem solving mode. Empathic listening, banning personal attacks, emphasis on objectivity, and offering alternatives without evaluation all contribute to building positive new norms (Nierenburg 1986). Other barriers such as role concepts, operating procedures, and power stances can be adjusted to make participation more acceptable. Resistance may also be due, in part, to fear of the unknown. Often an existing mildly undesirable situation seems better than an uncertain future. Exploring scenarios for possible beneficial outcomes in salient terms can motivate the other party to action.

1.4 Do the other parties refuse to negotiate for reasons of power or prestige?

Parties may acknowledge the conflict privately and even recognize that it is in their self-interest to reach a resolution, but still refuse to participate, because of their

beliefs about power and prestige. Social conflict theory (Coser 1956, 1967; Duke 1976) describes this phenomena in depth. Those in power tend to reinforce their privilege and position and resist attempts to change the status quo. Barriers are established to control and channel the expression of conflicts. Attempts to resolve conflicts on substantive issues are thus resisted because of the potential impacts on the social and political structure. These theories are applicable at the organizational as well as the societal level (Duke 1976). Neighborhood groups, for example, concerned with bank red-lining in the mid-70's found that most bankers were not aware of the impact of their policies (Weiss 1986). But even after concerted effort to document the nature of the problem and get public recognition the bankers refused to negotiate. They felt that they could conduct their business without having to listen to representatives of low-income groups and felt that even speaking to them would give them more credibility than they felt desirable. In cases such as this it is necessary to analyze the nature of the relative power of the parties. Power may be based on the ability to coerce, reward, persuade, or provide needed information, and these are derived from position, personal power, expertise, or having special advantage (Bachrach and Lawler 1980). The amount and type of power usually varies among the parties and often there is an imbalance that requires action by the weaker party, if a resolution is to occur. The basic ap-

proaches are to reduce internal and external barriers to participation, increase the stronger parties dependency on the weaker party, or entice the stronger party into participation.

Increasing one's ability to do harm can take many forms depending on the nature of the power imbalance. It may involve developing potential strengths and capitalizing on the other's weaknesses. In the red-lining case the neighborhood groups went to a higher authority, the Federal government, and got legislation that gave the groups the potential to prevent bank expansions, if their lending policies didn't change. This can be thought of as developing one's BATNA -- best alternative to a negotiated agreement (Fisher and Ury 1981). The objective is to develop one's power, but not use it. The use of power may result in an undesirable, hostile escalation of the conflict and a reduction in the level of dependency as discussed in the next section.

Dependency theory points out several paradox that exist in conflicts (Bacharach and Lawler 1986). The first is that "power is (in part) based on giving." Actions that increase the dependence of the other party give one power. The neighborhood group that establishes itself as the recognized monitor of a local bank increases the banks dependence on that group for its public image. The paradox is that "to use

power is to lose it;" if this involves reducing benefits, for example, it reduces dependency and thus commitment to the relationship. The neighborhood group that wins damages in a law suit limits future recourse in the courts. The third paradox states that "the manipulation of the power relationship may have an integrative rather than disintegrating effect on the relationship." Increasing dependency, especially if done mutually, increases interaction and commitment and thus the viability of cooperation. As the bank becomes more dependent on the neighborhood group for its reputation and the group depends on the actions of the bank for its credibility with members and the public, the value of cooperation increases.

Involving parties in inferior power positions may also be a problem. If one is in a position of power it is often necessary to involve others in both the resolution of mutual conflicts and the implementation of solutions. Community complaints about a neighborhood improvement project, for example, must be addressed if the project is to be a success. Citizens may feel that no amount of effort will increase satisfaction of their interests. Actions to increase their aspirations and remove barriers that limit their sense of power may be needed. Often there is a lack of trust. The parties can be encouraged to proceed independent of trust, with the understanding that they will not need to agree in

the end unless there are adequate guarantees to satisfy their concerns.

Seeing a conflict only in terms of the parties' relative ability to do harm discourages participation. The party that perceives itself to be in an inferior position may rightfully fear the consequences of inciting the stronger party to use its power. The stronger party may wish to avoid the cost of inflicting harm, as well as, the cost of harm inflicted, even if the probable outcome is a victory. The key to overcoming this problem is to broaden the other parties conceptualization of the power relationship. This can be done by considering the power to help, as well as to hurt. Conflict over a limited resource is often referred to as a zero-sum conflict. When considering the costs of hurting and being hurt, it actually becomes a minus-sum conflict. If the parties use their power to satisfy mutual needs for a limited resource, they can transform the conflict into a positive-sum or win-win situation. This usually involves identifying the underlying interests associated with the limited resource and identifying how each party's power can be used to achieve those differentiated interests. For example, a developer wanting to tear down a house in a historic district may work out an arrangement that saves the house by moving it, producing a more compatible and profitable project and improves the character and property values in the neighborhood.

This change in point of view can be achieved by engaging the other party in a discussion of how each party can use their power to help the other parties satisfy their interests, exploring scenarios for mutually beneficial solutions.

People in positions of power often have internal and external barriers to participation. They are frequently structurally isolated within their organizations and have role concepts that limit who they can interact with and how. Paternal attitudes may also discourage mutually respectful communication. The long-term solution involves changing the organizational structure, norms and role definitions. In the short-term it may be possible to improve one's bargaining position -- their best alternative to a negotiated settlement (BATNA) (Fisher and Ury 1981), and/or, appeal to existing norms and role concepts that are conducive to cooperation. Existing conflict resolution procedures can be used or decision making bodies can be asked to authorize mediators or task forces to address the conflict. The person in power can be asked to fulfill their role as expert or decision maker to address the conflict. Even pity can appeal to their sense of "noblesse oblige," if they have any sense of responsibility to those they see as less fortunate. It is often possible to appeal to "reason" as a basis for decision making rather than force. This can be done by expressing a commitment to openness, as well as refusing to yield to threats (Fisher

1985). In summary, the response to unequal power situations requires analysis of the relative power of the parties and the formulation of actions that permit exploring possible resolution methods without incurring hostile, threatened responses.

2.0 Choice of Conflict Resolution Method

Once the parties have agreed to resolve their conflicts, the next step is to choose the appropriate resolution method. Traditionally, parties would informally explore possible solutions or they would go to court. Today there is a growing awareness of a wider range of options which vary along a continuum defined by the degree of activism of the non-partisan intervenors. The list below was derived from classification systems by Green (1984), Sander (1976), Susskind and Madigan (1984).

- Negotiation: bargaining and collaborative problem solving
- Passive Mediation
- Active Mediation
- Arbitration
- Adjudication

Basic negotiation is unassisted and agreement is voluntary. For the purpose of this model, negotiation is further divided into bargaining and collaborative problem solving. Bargaining usually involves a simple compromise, dividing up limited resources. Problem solving is more involved and requires exploration of underlying interests, defining the conflict in terms of "joint problems," and seeking innovative solutions.

In mediation there is a neutral third party who facilitates communications and problem solving. The "passive" mediator focuses only on communications and process while the "active" mediator is involved in the content discussions-- providing information, suggesting solutions and advocating for unrepresented parties (the public interest) (Susskind and Madigan 1984).

Arbitration and adjudication are different in that the decision is made by a third party. Adjudication carries the force of the court and police systems and usually involves legal representation. Arbitration is less structured; the arbitrator is usually allowed to consider a wider range of issues than a judge and only makes the decision if the parties are unable to reach a mutually acceptable agreement.

The appropriateness of different conflict resolution methods is determined by the situation variables (2.1) and the willingness of the other party to cooperate if a non-adversarial method is chosen (2.2).

2.1 What is the most appropriate method of conflict resolution?

Like the child with hammer, whose solution to every problem is a nail, people tend to choose the method of resolution that has worked for them before. The challenge is to select the one that is most appropriate for the conflict being considered and to reach agreement with the other parties. Table 5 on page 81 presents a matrix for choosing the resolution method that rates the importance of each of five characteristics (tests) of the parties and sixteen characteristics of the substantive conflict. These characteristics were drawn from several sources: Suskind and Madigan (1984); Bidol, Bardwell and Manring (1986); and NIDR (1984). The alternative actions are the methods on the horizontal axis of the matrix. The ratings in each cell indicate the relative usefulness of the methods in addressing each concern. The relative importance of the concerns will be determined by the situation.

Collaborative problem solving works best when the parties are: a) willing and able to communicate and disclose, b) skilled in group problem solving, c) knowledgeable about the problem and alternative solutions, and d) flexible about the means of satisfying their interests. Bargaining requires less communication, disclosure, and flexibility; and problem solving skills are of little importance. Mediation, arbitration, and adjudication demand progressively less of the parties and transfer the responsibility to the intervenor.

The amount of time and resources the parties are willing to commit will influence the choice of method. Bargaining requires the least commitment, and lawyer and court costs place adjudication at the opposite end of the scale. While negotiation and mediation may also be time consuming and expensive, research shows that these methods provide significant advantages over adjudication of public disputes (Bingham 1986). If the conflict has potential for recurring both short and long-term commitments of time and resources should be considered.

If unequal power is a concern, methods with intervenors provide some protection against manipulation. Ideally, adjudication provides the most protection, but is often accused of favoring those in power. There is also a concern that the courts may not protect parties that are not directly involved

Table 5. Resolution Method Considerations

SITUATIONAL VARIABLES	ALTERNATIVE METHODS					
	Bar-gain	Nego. CPS	Mediate	Ac-tive Med.	Arbitrate	Ajudecate
Concerns about the parties						
Ability to communicate	Mod.	High	Mod.	Mod.	Mod.	Low
Willingness to disclose	Mod.	High	Mod.	Mod.	Low	Low
Skill in problem solving	Low	High	Mod.	Mod.	Low	Low
Knowledge of the problem and possible solutions	Low	High	High	Mod.	Mod	Low
Flexibility of the parties	Mod	High	Mod.	Mod.	Low	Low
Concerns about the conflict						
Time available	Some	More	More	More	Some	Most
Finances available/required	None	None	More?	More?	More?	Most
Legal precedent is needed	No	No	No	No	No	Yes
If protection is needed for ext. groups or the public	No	No	No	Yes	No	Yes
If the abuse of power is probable	No	No	?	?	Yes	Yes
If the parties need a knowledge of their legal rights	No	No	No	No?	Yes?	Yes
If there are many parties and issues - complexities	No	Yes	Yes	Yes	?	?
If there are underlying issues to be addressed	No	Yes?	Yes	Yes	No?	No
If there are issues that are not facts of law	Yes	Yes	Yes	Yes	Yes	No
If joint problems can be defined?	No	Yes	Yes	Yes	No	No
If there are potential for integrative solutions	No	Yes	Yes	Yes	No	No
If 3rd parties need subject matter knowledge			No	Yes	Yes?	No
If privacy is desired	Yes?	Yes?	Yes?	Yes?	Yes?	No
If good relations are needed in future conflicts	No?	Yes	Yes	Yes	No?	No?
If a high quality of justice needed	No	No?	?	Yes?	Yes?	Yes
If agreement is be binding	No	No	No	No	Yes?	Yes
If voluntary commitment is needed to implement	No?	Yes	Yes	Yes	No?	No?

because of limits on the issues that can be considered. If this is a potential problem, active mediation can provide needed advocacy. Courts can be the most effective in assuring that an agreement is binding. If implementation of the agreement is voluntary, the likelihood of compliance is greater with methods that require more interaction and involvement (Moore 1986).

When the advantages and disadvantages have been weighed, and the best method selected, potential weaknesses of the chosen method should be evaluated. If the characteristics of the parties are not ideal, negotiation training or informal trust building activities may be needed. Characteristics of the power relationship or resource availability, may also need attention.

2.2 If one has chosen a non-adversarial method (collaborative problem solving or mediation) do the other parties concur?

If one is filing a court action or is a party to binding arbitration, consent of the other party is not a problem. Bargaining, although voluntary, is well understood and natural for most willing parties. Collaborative problem solving, mediation, and non-binding arbitration are less understood and there are psychological and cultural reasons why some parties are hesitant to participate (Merry and

Silbey 1984; Millhauser 1987). Often by the time a party is ready to act, the conflict has escalated to the point where vengeance or protection by the courts is sought. Others avoid formal alternative dispute resolution methods because they feel they should handle interpersonal problems by themselves, and seeking outside help is morally repugnant. Cultural theory of behavior reminds us that most people do not choose conflict resolution methods only by comparing the costs and benefits (Merry and Silbey 1984). Only by understanding the cultural and ethnic values of the other parties can actions be taken to successfully motivate utilization of alternative methods.

Alternative methods can sometimes be reframed in terms that exist within a given culture, like comparing the role of the mediator to that of a sensitive, impartial priest. Some degree of trust is essential and trust is often eroded by expressions of self-interest being interpreted as evidence of inconsiderate greed. It is important to establish a climate where expressions of self-interest are seen as a natural part of conflict resolution. Work at the redefining roles can also be helpful; seeing a negotiator as a skilled problem solver rather than a person who does not fight for their beliefs, or seeing the lawyer as a consultant in a mediation rather than a controller of the process. Often, existing positive values can be built upon -- such as cooperation,

consideration, tolerance, and the pursuit of reasonable self-interest. In summary, the parties' commitment to the chosen method is a function of their perception of how they can best satisfy their interests and the relative importance of those interests.

3.0 Adequacy of Preparation for Negotiation

The remaining sections of this model apply primarily to negotiation. The concepts and techniques may also be useful for arbitration and adjudication but require different emphases and considerations. This model may appear too complex for simple two party bargaining, but the framework may aid conceptualization and indicate when a more complex resolution method is appropriate.

The preparation for a negotiation is often as important as the actual discussion of the issues and solutions. Identifying: the appropriate parties (3.1), ground rules (3.2), a clear agenda (3.3), an acceptable location (3.4), and adequate resources (3.5), provides the basis for a successful negotiation.

3.1 Are the appropriate parties involved?

Appropriate parties include those affected by the conflict, those with power to influence the outcome, constituencies, mediators or facilitators, experts, the media, and possibly the public. The selection of participants requires consideration of the functional needs of reaching an implementable agreement and the quality of the group climate. The amount of consideration will vary from brief, subjective reflection to in depth analysis and discussion.

Parties affected both by the conflict and the potential solutions can be identified by investigating who has taken stands on these issues in the past and using systems analysis to identify all impacts and interest groups (Steiss 1974). If representatives are used, they should have authorization to act, and not just be a ploy to shield the decision maker from direct pressure (Schnelling 1960). The inclusion of those with the power to decide, provide resources, and implement or block actions has been shown to be critical to the success of negotiations (Bingham 1986; Dotson 1985). Systems analysis can again be useful in identifying key decision points and required resources. Whenever possible, decision makers with the highest level of authority should be involved, to reduce concerns about the representative authorization.

Professional mediators or facilitators are usually essential in negotiation of public disputes where parties are unaccustomed to face-to-face negotiation (Susskind and Madigan 1984). They will be responsible for managing the process and all parties should participate in their selection and role definition. In some cases a mediation team is appropriate to provide needed process skills, substantive knowledge, familiarity with the locality and logistical support (Moore 1984).

Friends/constituents, experts, and the media should only be involved if they have a special function. They are usually excluded to encourage candor and discourage grandstanding. In some cases their inclusion may be appropriate to provide emotional support and encourage fairness and non-manipulation. Lawyers can provide many services (Bronstein 1982; Riskin 1982) particularly advice on legal issues and options, but are discouraged from representing the parties in the sessions, especially if they are only familiar with hard-line positional bargaining (Williams 1983). Therapists, scientists, accountants, and other experts may also be brought in to provide information and assist in generating alternative solutions (Fisher 1978). Whenever possible all parties should agree on the scope and methodology of studies by experts before they are done. This avoids the typical situation in courts where biased "experts" present conflict-

ing information, that is difficult for the layperson to interpret. Because negotiation is generally considered a private means of dispute resolution, the media is usually excluded (Folberg and Taylor 1984). The media can be involved, preferably through approved releases, in establishing dialogue with larger constituencies and the public (Moore 1984). This is particularly appropriate for consensus building efforts, where even televised call-in programs have been used to get broader involvement.

A key decision is whether all interested parties should be included or if they should be grouped into teams. Group dynamics research has shown that smaller groups are more cohesive (Johnson 1980), have more equal participation (Schellenberg 1959; Stephan and Mishler 1952), and reach decisions more quickly (Thomas and Fink 1963). In groups of more than eight or nine members a few participants are likely to dominate, while others remain passive (Watson and Johnson 1972). However, more complex and time consuming work by larger groups can increase the quality of the solutions by providing insights from more points of view (Carpenter and Kennedy 1988). The use of teams of negotiators has been recommended when the number of parties is large (Susskind and Madigan 1974; Moore and Carlson 1984). In the shopping mall case, for example, the different city departments, neighborhood associations, environmental groups, and the land

owner/developer/investors could each come together as teams to formulate their and pursue their issues. Limiting the negotiations to four team representatives greatly simplifies the communications, but also creates another level of negotiations. Someone, often the mediator, is needed to resolve intra-team conflicts so they can achieve consensus on issues and solutions. Teams work best when the groups have similar interests, there is a mutually acceptable team leader, and a process exists for maintaining consensus on objectives and solutions, both between and within the sub-groups.

Even if teams are not appropriate, it may be helpful to select representatives rather than trying to work with all interested parties. This is effective when interest groups are well-organized and there is a clear authorization of representatives to act. Contact must also be maintained with the groups to assure ongoing understanding and support of the process and ultimate solution. In cases where groups are less organized, issues are complex, and there is a need for broad-based commitment for implementation, it may be best to include all interested parties in a large, facilitated group process. The growth management case is an example of such a situation.

3.2 Is there consensus on procedural and behavioral norms?

Before engaging in substantive negotiations it is helpful to agree on the basic negotiation tactics, the type of sessions, and ground rules for action and communication. These may take the form of informal, unspoken norms or may be committed to writing and signed. The decision will depend on the nature of the conflict, how heterogeneous the parties are, and past shared experiences. If the consensus on the norms is perceived to be inadequate, then discussion and more formal guidelines may be required or formal training sessions in negotiation and group dynamics.

Confusion and bad feelings often result when parties use different negotiation tactics that require different thinking functions (Wall 1985). If one party is a bargainer, seeing the process as a series of offers and counter offers, another a debater building a case for a fixed position, and a third a problem solver trying to provide and get information, there is sure to be confusion. Building consensus on a basic tactic involves determining the range of possible, acceptable outcomes and evaluating which tactic is more likely to achieve individual and collective goals (Moore 1986). The goal is to agree on a primary tactic, recognizing that bargaining, debating, and problem solving may all be appropriate at certain points in the negotiation. Recognizing the tactic the other party is using and either matching it or getting

them to change tactics, contributes to clearer communications.

Behavioral norms are complex and critical. Limits on name calling, accusations, and interruptions, help prevent productive negotiations from escalating into dysfunctional conflict. Guidelines for substitutes and observers, disclosure and confidentiality of information, procedures for recognizing speakers, and other limits may also be needed. Formal ground rules may not be needed if the parties are experienced negotiators or have common norms. Standardized ground rules for negotiation exist (Carpenter and Kennedy 1988) or they can be developed for the specific session(s). Often the negotiation of guidelines can provide experience in applying the procedural and behavioral norms and give participants a negotiation success, before tackling more complex, emotional issues.

Negotiations are often little more than free form discussions, but in many cases more structure is required. Formal information exchange sessions, with time limit for presentations and questions, are useful when interruptions are a problem and the parties are having difficulties listening to each other. Separate brainstorming sessions, where ideas are presented without criticism, help define or solve problems. Parties are allowed to present ideas without im-

plying any commitment to agree to solutions including them. This helps overcome the common hesitancy to explore alternatives for fear it will appear one is not firm in their stated position. Brainstorming sessions can be followed with an alternatives evaluation session. Caucuses, breaks for representatives to meet with their team members, can be used as needed to get input and approvals from their sub-groups and constituencies. Intermissions, called at any participants discretion, are appropriate when emotions get too hot, additional information is needed, or a clear separation between idea generation and decision making is needed. It is important for the parties to understand their options for negotiation sessions and have ground rules for how each type of session will be initiated and conducted.

3.3 Is there an acceptable agenda and schedule?

An effective agenda provides adequate time for preparation and attention to key issues in a logical order (Moore 1987). The first question is who should prepare the agenda? If the parties are experienced negotiators and there is a fair level of trust, having one party prepare the agenda is probably most efficient. A negotiated agenda is best if there is adequate time, the issues and approach are not clear, there is a concern about manipulation of the process, or a cooperative success is needed. If the parties are inexperienced and

time is limited, the agenda is often prepared by a neutral third party. In any case the final agenda should be discussed and agreed to by all parties.

Agenda preparation is the time to consider the need for a conducive climate and skill building. Time for informal encounters, possibly in retreat settings, have proven effective in building rapport and trust needed for effective negotiations. Special training in communication, problem solving and data analysis skills, and technical details may also be included in the agenda.

Negotiation of the agenda is often the first time the parties address the issues. They must agree on what the key issues are and the order in which they will be considered. Each party can prepare a list of their issues and their relative importance. These can then be shaped into a composite list. If there are a limited number of discrete issues, the "building-block" approach can be used; each issue is considered separately. They can be taken in order of importance or if there is concern about the ability of the parties to negotiate effectively easier, less controversial issues can be taken first. This will help build rapport and experience needed for the more problematic issues.

If the issues are unclear or interrelated the principled or formula approach may be best; all issues are considered simultaneously in terms of their underlying interests. A formula or set of principles are produced for satisfying each party's interests and then the details of the final agreement are worked out.

The last task in finalizing the agenda is the allocation of time and scheduling each part of the preparation, negotiation, and commitment phases of the negotiation. Time must also be allowed between sessions to gather information, confer with constituencies, and reflect on possible solutions. Estimating time requirements must take into consideration the amount of time the parties are willing to commit to. It is frequently difficult to predict: how much time each identified issue will take, what new issues may arise, how long it will take to generate and acceptable alternative, or reach a final agreement, so the schedule may need to be amended periodically.

3.4 Is there an acceptable location for negotiating?

The choice to use the facilities of one of the parties or a neutral location involves both functional and psychological considerations. A neutral location makes it easier to control interruptions from ongoing operations and limits manip-

ulation of the time, space, and resources by one party. In cases where the other party may be hesitant to participate, using their facility may provide needed security. Ownership aside there are functional considerations such as: the nature of the meeting space, including separation for caucuses, access to information, availability of audio/visual and duplicating equipment, and support services. Depending on the nature of the conflict, the adequacy of functional aspects of the space may be more important than minor psychological advantages that can be addressed by establishing pertinent ground rules.

3.5 Is there an adequate commitment of resources?

The primary resources required are: time, information, mediation or facilitation, expertise, support services, facilities, and supplies. A lengthy mediation or consensus building process can cost thousands of dollars. It is necessary to project what resources will be required and obtain financial or in-kind commitments for providing them. There is also a concern about who should provide the resources? Resources can be provided by the parties themselves or by outside sources. The objective is to maintain the perception that the process and the mediator are neutral (Susskind and Madigan 1984). In the shopping mall case the developer paid the mediator, who had to make an extra effort to convince the

other participants of her neutrality, even though the meetings were held in a community center. The ideal situation is to have mediation services and facilities funded by foundations, courts or universities, but this is not always possible, and reliance on these sources raises limits the potential expansion of mediation use (Moore 1984).

4.0 Develop an Understanding of the Issues

Issues were considered in Section 1.1. in determining the nature of the conflict, and again in Section 3.4, when formulating the agenda. In this section, the issues are explored in depth. Negotiation is a mutual education process where issues are defined, individual interests are explored, meanings are decoded, and interdependences and options become apparent (Gulliver 1979). It is helpful to distinguish between positions and interests (Fisher and Ury 1981). Positions are what people say they want; "I am opposed to the new shopping center!" Interests are the personally satisfying qualities motivating the parties to engage in negotiation; "I want to prevent noise, light and traffic intrusion that are irritating and may reduce my property values." Focusing on positions is often inefficient; it leads to unwise agreements or stalemates and endangers ongoing relationships. Focusing on interests increases options for tradeoffs, coop-

erative problem solving, and respect in relationships. "Issues" are the broad parameters of the conflict over which the parties have taken positions. The objective in this section is to discuss how to: overcome any obstacles to exploring interests (4.1), identify all of the issues and underlying interests (4.2), specify their relative importance to each party (4.3), determine how the interests are interrelated (4.4), exclude non-negotiable interests (4.5), and maintain consensus within constituencies (4.6).

4.1 Have obstacles to exploring interests been overcome?

Interests may be difficult to elicit because a) people are too fixated on positions to be cognizant of their interests, b) they hide their true interests for fear of appearing needy, c) they do not perceive the potential for integrative solutions, d) they see fighting for their position as the only way to satisfy their interests, or e) they are not aware of techniques for exploring interests (Moore 1984). Overcoming these obstacles is addressed, in part, in Sections B and C, Negotiation Climate, and Quality of Communications. The following are some additional techniques appropriate at this stage of negotiation.

One of the best ways to open people to the possibility of an integrative solution is to present comparable cases where

apparent win-lose conflicts were transformed into win-win situations. If the parties have competitive, concealing orientations, it is helpful to emphasize that collaboration does not necessarily require making concessions and that clear statements of interests may be the best way for everyone to get what they want.

The manipulative use of disclosures is always possible. Cautious disclosures can be used to build a climate of contingent cooperation; "I will cooperate as long as you do." Intentional misrepresentation of interests to build a case, make a threat or inflate one's bottom-line can be reduced by setting deadlines for reaching agreement (Stevens 1963). Mediators can counsel bluffers on how exposed misrepresentations affect long-term relationships and the the possibility of misrepresentations hardening into unwise positions. Face-saving rationalizations can help make it easier for a bluffer to back down from a misrepresentation (Folger and Poole 1984).

Affirming attitudes that encourage interest exploration can counter attitudes that contribute to concealment and misrepresentation. Acceptance that other's interests are important to them is an example of a positive attitude that can be promoted. This is not to be confused with "agreement" (Carpenter and Kennedy 1988). Other attitudes that contribute to

a climate of openness are: that solutions should optimize satisfaction for all parties, that compatible, as well as, conflicting interests exist, and that there may be more than one acceptable solution.

There are indirect and direct means of overcoming obstacles to issue exploration. Indirect approaches are best when the parties are unsure of their interests or the level of trust is too low for direct exploration of needs. The place to begin is by modeling cooperative behavior. Clarifying communications and restating ideas in non-offensive terms is also useful (See Section C.O). If there is adequate trust the obstacles can be discussed directly or dealt with in training sessions.

4.2 Is there mutual recognition of the issues and of underlying interests?

This phase often becomes an interactive educational process; identifying more and more issues and underlying interests, that in turn reveal more issues and interests, even interests underlying the underlying interests. There is often pressure to short-change this step and move on to solutions, but this should be resisted (Carpenter and Kennedy 1988). If solutions are suggested, they can be examined in terms of the interests they would satisfy but should not be discussed

otherwise. The following are some techniques for examining issues and underlying interests and determining if direct or indirect approaches are appropriate.

Depending on the type of agenda, issues will be considered independently or together. Exploration usually begins by each party explaining why the issues are important. If the parties are focusing only on positions or the level of trust is low, the explicit examination of interests may be threatening and indirect approaches are advisable: communication techniques (See Section C), trial and error testing, or hypothetical modeling. Active listening, paraphrasing, examining the issues in pieces, and reframing the issue from a different point of view, are all useful communication techniques for decoding and uncovering interests. Naming feelings and other intangible interests in terms of what will be seen, heard or felt if a satisfactory outcome is achieved also helps initiate an objective examination of the conflict (Laborde 1984). With trial and error testing a perceived interest is stated, verification is requested, and then restated, until mutual understanding is established. Hypothetical modeling involves examining a series of settlement options and getting reactions that will reveal underlying interests (Pruitt and Lewis 1977).

More direct approaches can be used if there is an adequate level of trust and if participants agree to a collaborative negotiation approach. Direct questioning is used to explore "why" a stated issue is important and the desired outcomes. The parties can be asked about intangible interests related to both the process and outcomes of the negotiations, such as fairness, social approval/respect, reputation, revenge, and winning. Questions about how the conflict affects basic human needs: physiological, security, relationship, esteem, self-actualization, knowledge and aesthetics, may also be helpful (Maslow 1954; Nierenburg 1973; Burton 1987). Individual and small group brainstorming can be used to explore interests, in a non-critical atmosphere, to produce extensive lists of interests. The development of scenarios can reveal impacts of alternative solutions and the resources and actions needed to implement them. Reactions to these scenarios may reveal additional concerns, particularly those related to: satisfying future interests, setting of precedents, implied reciprocal actions, the impact on reputations, and the ability to resolve future conflicts.

4.3 Is each party's prioritizing of interests understood?

The fact that individuals value interests differently makes integrative solutions possible. The environmentalists opposed the shopping mall, but were most interested in only a

small portion of the site. The developer wanted to use that portion too, but the fact that it was less valuable than other areas made a tradeoff possible. Relative importance of issues can be determined by having the parties classify interests as primary or secondary, ranking them, or by assigning weights. These evaluations can then be used in developing formulas, identifying tradeoffs, and evaluating alternatives. This step is an essential for computer assisted negotiations.

4.4 Is the interrelatedness of interests understood?

The potential for tradeoffs is also dependent upon the degree to which interests are interrelated. If satisfaction of several interests are equally important and each requires a unique solution, a party is usually unwilling to consider any package of tradeoffs. When interests are highly interrelated the solution that satisfies one interest may have a negative impact on another. If the developers in the growth management case, for example, tried to politically prevent a historic district, they might reduce tourism, also an interest of theirs. Typically, high attainment of one party's substantive issue may have a negative impact on the relationship. Preventing the historic district may also preclude preservationist support for zoning changes the developers were counting on. Causal diagraming, systems analysis, and

analysis of scenarios are all useful in describing how the interests are interrelated.

The degree to which interests are shared or unique to the individual party is another useful distinction. A list of interests can be made and coded to indicate which are held in common and which are of interest to only one party. Whether done formally or informally, establishing common interests provides a basis for joint problem solving, builds a sense of interdependence, and highlights those unique interests where there is a potential for tradeoffs.

4.5 Have non-negotiable interests been excluded from the discussions?

Negotiations that focus on ideological differences are rarely successful. Seldom can parties be persuaded to change their deeply held beliefs. Basing the shopping mall negotiations on a debate on free-enterprise versus public control, would be unlikely to result in a solution. Ideological issues are best avoided by directing attention to concrete, short-term interests, especially those related to basic human needs (Burton 1987).

4.6 Have constituencies had adequate input into the definition of interests?

As mentioned earlier, the exploration of interests is an educational process. It is essential that representatives involve and inform their constituencies to improve the quality of the process and to prepare them for alternative generation, evaluation, and eventual agreement. In particular, it is important that constituencies understand the constraints and opportunities that become apparent during interest exploration. Involvement may be achieved using: caucuses (during and between negotiations), surveys, focus groups, and the media.

5.0 Generation of Options for Settlement

Simple bargaining consists of two parties agreeing upon a mutually acceptable level of one variable, e.g., the selling price of a used car. When there are multiple parties and interests, many solutions or combinations of solutions are possible. Any of the resolution methods may produce good solutions. This section will focus on how to: overcome obstacles to creativity (5.1), select option generating methods (5.2), and achieve a manageable number of options (5.3).

5.1 Have the obstacles to generating options been overcome?

There are obstacles to creativity in any group situation but problems are compounded when the parties are in conflict.

Evidence of obstacles may include: a) refusals to cooperate, b) inability to see beyond positions, c) stalemate, d) premature decision making, e) assuming resources are limited, and f) inability to innovate. The following discussion addresses how to understand and overcome identified obstacles.

The function of aspirations in option generation must be understood. Aspirations must be sufficiently strong to motivate participation, but not so high that the other party sees no hope for reaching an acceptable agreement. If one party sees the other's aspirations as too weak, on the other hand, they may feel they do not have to negotiate in good faith to satisfy their own interests. Aspirations change as parties become more aware of their own and other's needs and of the limits on solutions. The objectives here are to: a) encourage cooperation and b) attain realistic aspirations, c) present and consider options not presently apparent, then d) overcome obstacles to discovering these options.

The parties in a conflict often cling to their positions until it becomes apparent that the others are doing the same thing. This results in a stalemate. There will be no agreement unless aspirations are lowered or an innovative win-win solution is formulated. Maintaining a climate of "firm-flexibility" helps parties recognize their interdependence, establish realistic aspirations, and remain open to alterna-

tive solutions. Each party is encouraged to: be "firm" about satisfaction of their interests and "flexible" about the means by which these are achieved (Komorita and Esser 1975), make it clear that one is responsible to tough constituents (Wall 1977), develop a moderate amount of threat capacity (Lindsfold and Bennett, 1973), or strengthen one's best alternative to a negotiated agreement (BATNA) (Fisher and Ury 1981). Flexibility can be demonstrated by evaluating the other's suggestions in terms of one's interests rather than wholesale rejection, and by suggesting alternatives for the other's consideration rather than presenting a "position".

People adhere to positions because they think this is how to get their needs met and thus resist recognizing other options. The use of questions and active listening to explore interests validates concerns while taking attention away from positions. Holding a separate problem solving session allows putting positions on a back burner until other alternatives can be generated. The alternatives can then be compared to the positions in terms of their ability to satisfy interests. Deadlines also help force adjustments in aspirations and openness to alternatives.

Attitudes carried over from traditional competitive bargaining may cause problems in collaborative problem solving. There is a tendency to make premature judgments, to think

that one's solution is right and that anything else suggested is wrong. Other people feel so uncomfortable with conflict they jump at the first solution that is minimally acceptable. A search for one right answer blinds parties to the many alternatives they could consider. Option generation may be restricted by the idea that "resources are limited," or that seeking satisfaction of the other party's interests is not their concern. These attitudes are best addressed by building new norms associated with principled or problem solving negotiations: optimizing outcome, using objective criteria, focusing on the problem rather than the people, "expanding the pie," and redefining the conflict as a shared problem solving process (Fisher and Ury 1981).

James Adams (1979) provides a long list of perceptual, emotional, cultural, environmental, intellectual, and expressive blocks to creativity that also apply to conflicts. Building mutual self-images of fallibility and creative capability encourages continual questioning of one's ideas and motivates parties to search for the even better solution (Kolberg and Bagnall 1974). Presenting case studies of creative breakthroughs, positive affirmations, and the recognition of any individual or group innovation contributes to improving a creative self-image.

A number of blocks can be addressed through open questioning. Check lists of questions can be drawn up, the situation and options can be considered from different points of view, and asking questions of any kind can be encouraged.

Many blocks to problem solving stem from limited use of different thinking modes. Verbal, quantitative, aural, visual, tactile, kinesthetic and gustatory modes can be encouraged by using graphic and pictorial representations, guided visualizations, multi-sensory descriptions and questions, and descriptions of issues in mathematical terms.

Thinking functions are often associated with the left and right hemispheres of the brain, the analytical/lingual and the holistic/pictorial. Effective problem solving requires flexibility in moving back and forth between the left and right brain. Many people have trouble shifting to right brain functions. Music, visual imagery, drawing and focusing on interrelationships can support this process.

The "subconscious" is recognized as a source of innovative ideas (Freud 1958; Fromm 1962; Jung 1964). Resources of the subconscious may be accessed when groups: a) take breaks, allowing time for creative formulations to bubble up; b) use personal, direct, symbolic and fantasy analogies; c) reduce

fear of failure and ridicule; and d) focus on self-knowledge, actualization and meditation (Adams 1979).

A cooperative negotiation climate and good communications are important for any group to function effectively, especially when generating options to resolve a conflict. This area is dealt with in depth in Chapter Five, Sections B and C, but may require special attention as a part of this step (e.g., if the parties are not disclosing, taking risks, or criticizing instructively).

5.2 Are the option-generating techniques appropriate?

As discussed earlier, many people are only aware of the offer/counter offer technique of exploring options for settlement. A number of other methods may be useful and their selection is a function of the nature of the situation: is there adherence to positions; what is the level of trust; how much complexity is there; how many parties; what is the time available; how interrelated are the issues; and what skills do the participants have? Methods may be used independently, several can be integrated into a planned group process, or the parties can try different methods sequentially until they find a solution. Successful techniques will incorporate available input and shape acceptable alternatives for optimization during final bargaining (Section 6.0).

Brainstorming (Osborn 1963) is probably the best known means of creative problem solving. Parties generate as many options as possible without being criticized; even wild ideas are encouraged. The best ideas are then combined in alternative packages that can be evaluated and refined during final bargaining. Brainstorming requires a willingness to consider a wide variety of options and to suspend judgment.

The **nominal group technique** (Delbecq and Van de Ven 1971) is a variation on brainstorming. Here the parties independently generate ideas in writing, to be shared in a group or compiled in a written list, then sent back to the parties for what may be a series of idea building steps. This technique is good when interpersonal communications are becoming hostile, when some parties are hesitant to participate in group discussions, or when input is desired from people who cannot attend negotiation sessions.

Discussion subgroups, of no more than nine people, can be used to get more participation than is possible in larger groups. In cases where issues can be considered separately, assigning different issues to different subgroups can generate more ideas in less time than a large group considering one issue at a time. When negotiating teams are used, the subgroups offer opportunities for the team members to be more directly involved.

If there are potential conflicts over how solutions will be implemented, or if parties are unclear how alternative solutions will affect them, the development of **scenarios** may be useful (Moore 1986). Step by step descriptions of how alternative solutions will be implemented are developed by individuals or small groups and evaluated by the whole group. The alternatives are revised based on feedback.

Often a discussion of options becomes jeopardized by a controversial aspect of an issue. **Fractionation** (Fisher 1964) divides the issues into sub-issues or component parts and combines sub-issue resolutions into a final agreement. Depending on the complexity, the issues can be subdivided into several levels of detail.

Parties can also prepare and present **independent proposals** they think will satisfy all parties. The pros and cons of each are then evaluated and a final agreement is shaped, using the best ideas from each proposal. This is most effective when a number of parties have a good understanding of the other's interests and are not likely to be so attached that their proposals become "positions."

A **single text negotiating** document (Fisher and Ury 1981) is a proposed agreement that can be prepared by any party or by a mediator. This document is circulated among the parties and

to their constituencies for revision. The process continues until the text is agreeable to everyone. This often works best as a way to refine "independent proposals" or "scenarios" or where third party preparation provides a "face saving" way to move away from positions.

Agreeing on a **formula or principles** is useful when the parties are getting bogged down arguing about details in a complex negotiation (Zartman 1977; Fisher and Ury 1981). An overarching formula, a brief statement of common objectives, or basic principles provides a framework for detailing a final agreement.

New options become apparent when parties **expand the resources** under consideration; "expanding the pie" (Fisher and Ury 1981). As underlying interests are revealed, the other party may be able to satisfy needs that had not seemed possible before. In the shopping mall case, for example, the environmentalists had wanted an observation center in the marsh and the developer wanted customer attractions. By looking for ways they could help rather than hurt each other, they were able to find an opportunity for greater mutual benefit-- the developer paid for the observation center to provide an attraction that the environmentalists staffed.

In cases where parties persist in contentious behavior, **covert problem solving** may be useful. This can take the form of informal encounters, private meetings, use of intermediaries, or conciliatory signals. Possible solutions need to be communicated and a desire to cooperate expressed, whenever open initiation of problem solving might result in image, position, or information loss. If the parties respond to these indirect initiatives, open negotiations may be possible in the future.

5.3 Has the number of options been reduced to a manageable size for final bargaining?

A creative, productive group may generate hundreds of ideas/options. Before moving on to final bargaining, the number of options must be reduced to a manageable size. This is not a problem with single-text or formula negotiations where only one option will be refined in final bargaining. The appropriate number of options will vary depending on the quality of solution desired, time available and the sophistication of the group. The objectives are to: eliminate low potential options without the loss of useful ideas, refine options to a satisfactory level before evaluation, and have enough options to promote creative comparison without conceptual confusion.

Ideas can be combined into categories and put into several alternative option packages. Then those packages that have the least potential for acceptance can be eliminated, by voting or using minimally acceptable criteria, such as, cost or implementation time (Van Gundy 1984). Two to five options that present clearly different combinations of benefits should produce productive discussions in final bargaining.

6.0 Degree of Agreement (Final Bargaining)

The distinction between the last section, option generation, and this, final bargaining, can often be cloudy. Inevitably, bargaining is going on during option generation and hopefully continual option generation and creative revision can go on during final bargaining. The main reason for separating them is to divide creative and critical activities. Emotional criticism and defensiveness are two powerful blocks to new, often undeveloped ideas. These can be minimized by holding separate sessions for option generation and final bargaining. In many negotiations there is only bargaining based on participant positions with no attempt to generate additional options. Even in these cases the ideas offered in this section will be useful in reaching agreement.

The effort required in final bargaining depends on the parties' perception of how well the options generated satisfy their interests. There may be options that come very close to being acceptable; there may be agreement in principle with some details to work out; the options may be better than no solution, but there still may be considerable resistance to moving closer to agreement; or there may be no apparent viable range but the parties are making "real" proposals that hold promise for an acceptable outcome (Gulliver 1979). In any case final bargaining is a process where: a) the difference between what the parties consider as acceptable solutions is reduced, b) the number of issues in conflict are reduced, and c) the satisfaction of all parties is optimized. This section will discuss: techniques for analyzing the options (6.1), approaches for shaping an acceptable agreement (6.2), tests for setting an appropriate deadline (6.3), ways to break deadlocks (6.4), guidelines for implementation (6.5) and provisions for monitoring and renegotiating (6.6).

6.1 Is an appropriate method of option analysis being used?

Option analysis provides a critical look at how well the options satisfy individual and common interests, what is attractive and what is not, possibilities for tradeoffs, and possible ways to optimize gains and mitigate losses. A num-

ber of authors recommend the use of objective criteria to reduce contentious behavior and improve the quality of resolutions (Carpenter and Kennedy; Fisher and Ury 1981; Moore 1986). While there is little reference to systematic analysis in the negotiation literature, works on creativity provide a number of tools (Adams 1979; Osborn 1953; Gordon 1961; Van Gundy 1984). The use of systematic techniques offers the potential to channel destructive criticism into a positive mode. One or more of these techniques may be used during final bargaining to develop consensus on points of conflict that need attention and to optimize satisfaction.

The choice of the method of option analysis depends on: a) the statement of objective evaluation criteria (implicit or explicit), b) the measurability of the criteria c) the weighting of criteria importance by the group or each party, and d) the amount of time the parties are willing to spend on analysis. The following are several alternative methods and comments on when each are appropriate (Van Gundy 1984).

Voting is useful when there are a large number of options, little time, and when explicit, weighted criteria have not been developed. The parties may vote "yes" or "no," rank or assign a set number of points to each option, or components of the options. If there is still no clear consensus on one best option, the voting results can be examined for possible

tradeoffs and ways to improve the options. This is easier if each party's votes are tabulated separately or presented graphically using colored dots showing how each voted on the options.

Another relatively simple method is **listing advantages and disadvantages** or each option, either individually or as a group. Like voting, if the results do not reveal a clear winner, analysis of the comments may provide insights for shaping an acceptable solution. This takes slightly more time than voting and does not require explicit, weighted criteria. A variation of this technique uses a checklist of typical pros and cons (explicit criteria) (Van Gundy 1981). This speeds evaluation and eases comparison.

Less desirable options can be eliminated using one or more **screens**. As developed by the Batelle Institute (Hamilton 1974; Van Gundy 1981), broad screens that do not require extensive study are used first. This reduces the time is spent on large numbers of options that have little merit. An initial screen might be options that cost over "x" dollars. Later screens may utilize minimum scores on explicit weighted criteria. This method is good when there are a large number of options. The danger is the possibility of losing good ideas embedded in less desirable options or offending parties who have their preferred options summarily eliminated.

The matrix method requires weighted criteria but is very helpful in complex, technical conflicts. A limited number of options are placed on one axis and the criteria on the other. Careful negotiation of the criteria and the weights is essential for acceptance of the results. This technique helps parties articulate interests and their relative importance and results in weighted scores on each criteria and a total score for each option. These scores can be used in both refining and selecting options.

Scenario analysis is especially valuable for anticipating and addressing conflicts that may occur during implementation. Step-by-step descriptions are prepared for carrying out one to three options. Strengths and weaknesses of each solution are listed and discussed. This does not require explicit or weighted criteria but may be time consuming if done thoroughly.

6.2 Are the appropriate approaches for reaching agreement being used?

Option analysis techniques and the final bargaining approaches are listed separately but in practice may both be used in a given negotiation. The goal is to be aware of the alternatives available and when to use them. The determining factors include: a) how close the parties perceive they are

to agreement -- reduction in the number of issues in conflict and the degree of difference on the issues, b) potential for trade-offs, c) possible additional resources that can enhance satisfaction, and d) amount of time the parties are willing to commit. The following are nine approaches that can be used in final bargaining.

The simplest and least time consuming is the use of **arbitrary decision procedures** such as splitting the difference or drawing straws (Fisher 1978; Zartman and Berman 1982). These are appropriate when the difference on an issue is small, there is an equal chance of winning or losing, or the effort of using another approach is not worth the potential gain.

Incremental convergence occurs to some degree in any negotiation. This process involves exchanging offers and counter offers and adjusting aspirations as interests, priorities and possibilities become clearer, until a mutually acceptable agreement is attained. In many traditional negotiations this is the primary approach but even in more cooperative approaches it is useful, especially in working out the final details. This approach is best when the number of issues is small, there is a mutually acceptable settlement range and the use of positional bargaining is not likely to lead to escalation of conflict or stalemate. Timely convergence can be enhanced by discouraging rigid commitment to positions,

testing acceptance with tentative offers, using intermediaries, getting the "log rolling" with agreement on easy issues, excluding observers, "face saving" rationalizations, and reframing the conflict as a joint problem solving process.

A risky approach, **leap to agreement** (Zartman and Berman 1982), involves opening with high demands, offering few concessions and then making large concessions in a final leap to agreement. This is used to establish a hard line on principle, to take advantage of a deadline, and to avoid starting a string of concessions that may be difficult to stop. It is appropriate only if the other party will not become hostile because of initial inflexibility or resent a new proposal just before the deadline.

Agreements in principle or to a formula are useful when the parties are getting bogged down arguing about details, particularly in complex, multi-party conflicts (Fisher and Ury 1981; Zartman 1977). This is an iterative process where parties cycle between working out general agreements and more specific details until a package is acceptable at both levels. This approach works best when there is: a) a shared perception of the conflict, b) mutual understanding of the underlying interests, and c) consensus that justice is a desirable norm (Zartman and Berman 1982).

Expanding the pie creates new opportunities for satisfaction and the possibility for a win-win resolutions (Fisher and Ury 1981). As the parties become more aware of the others' interests they can offer resources that were previously not considered as necessary for conflict resolution. The shopping mall owner, for example, might provide a supervised play lot for kids who had been playing on the vacant site. This would be considered an improvement by area parents and could also serve customers. Maximizing benefits on shared interests also provides opportunities for expanding the pie. Adjoining jurisdictions in the growth management case could reframe their conflicts over abutting zoning districts into a joint need for a new land use plan, one that could be prepared jointly at a reduced cost and with better results. Expanding the pie is appropriate when additional incentives or compensation is needed to get parties to agree or if there is a potential for increasing mutual satisfaction.

Tradeoffs or dovetailing interests is appropriate when the parties weigh interests differently (Fisher and Ury 1981). The listing and weighing of each parties interests or other analysis techniques given above can be used to examine different beliefs and values associated with certain outcomes, timing and degree of risk. This permits exchanges that optimize individual satisfaction. In the growth management case, competition for economic development could be differ-

entiated with one jurisdiction expanding an area of car dealerships, not wanted by the other, and the other jurisdiction could zone for and attract antique dealers it prefers.

6.3 Has an appropriate deadline been set?

Timing is a critical component in final bargaining (Cross 1969). An approaching deadline puts pressure on parties to state their true positions and lower their "bottom-lines," thus contributing to the conditions needed for agreement (Stevens 1963). An appropriate deadline should satisfy a number of purposes. It should reflect external constraints on the parties (Cohen 1980; Shapiro 1970). This can be determined by analyzing the costs and benefits of delays to each party. If delays are a heavier burden on one party than another, there is a potential for manipulation (Lake 1980). One way to prevent manipulation is to require compensation to the parties incurring costs, by those who benefit from delay. If the developer, for example, wants negotiations completed before an option to purchase expires, the parties could agree beforehand to share the cost of an extension to equalize the pressure to settle. The deadline should permit adequate time for the parties to reach the quality of resolution they desire. A balance must be found between providing enough pressure to motivate sincere effort and progress

without forcing hasty, unwise decisions. Incremental deadlines can sometimes be used to increase the number of "11th hour" breakthroughs. The use of deadlines to threaten, pressure, or embarrass others into unwise concessions can be countered by publicly labeling the tactics, privately warning of the danger of these tactics, providing "face saving" rationalizations, or building incentives or penalties into offers that encourage timely progression towards solution (Moore 1986).

6.4 Are deadlocks being dealt with appropriately?

The possibility of deadlock hangs over every negotiation and often occurs unexpectedly. The free form structure of public disputes, with their complicated issues and relationships can be brought to a halt for numerous reasons (Carpenter and Kennedy 1988). Although a well designed and managed process can reduce the likelihood of deadlock, it is important to understand the causes and possible responses. A successful response is able to affirm a commitment to agreement, improve relations, redefine the problem or generate new options.

Allow the deadlock to mature but not drag out. Although dreaded, deadlocks may have a positive function in a negotiation. A stalemate is often a moment of truth when parties

have to consider giving up already identified gains and suffer the consequences of no agreement. It is at this point that parties may reconsider preconditions to agreement and adjust aspirations (Pruitt and Ruben 1986). Deadlocks should be acknowledged and allowed to last long enough for the parties to realize the importance of reaching agreement. While at times it may be tempting to let the deadlock drag out, in hopes that "things will straighten themselves out," this can be dangerous. Established rapport may unravel, discouragement set in and blaming begin (Carpenter and Kennedy 1988). It is important to set a definite date for the next meeting to maintain momentum and commitment to the process.

Modifying inappropriate behavior may be necessary, if it is causing one or more parties to refuse to cooperate. Cooperative norms need to be reinforced, ground rules clearly understood, offensive communications corrected, or, if extreme, parties asked to leave (See Sections B.0, Negotiation Climate and C.0, Quality of Communications).

As agreement nears, it may be necessary to **address resentments about past relationships**. Such resentments can keep parties from reaching agreements, fearing a repeat of previous disappointments (Carpenter and Kennedy 1988). Sections B.0 and C.0 discuss ways to build a more positive relationship and Section 7.0 discusses guarantees to instill trust.

Discouragement makes a deadlock more difficult. Assigning blame for the stalemate to the process rather than the people provides an opportunity to create "a new ball game" and generate new enthusiasm. If behavior has been a problem, adopting and enforcing ground rules can establish a new way of relating. The conflict can be reframed by reexamining interests and redefining the problem. The process can be modified by working in small groups or employing different techniques for generating options or reaching agreement. The environment itself can be changed (e.g., moving the negotiations to a retreat center).

Changes in the participants may also be useful. If there is a problem with a lack of authority to act, people with the power to decide can be brought in. If the parties are hesitant to act because they lack understanding, include experts. If there are too many people, form a task force to develop and present a solution for consideration by the group as a whole.

In cases where the relationships and communications are still good, it may be possible to address the deadlock directly. Identify possible causes, have each party discuss what it would take to initiate movement towards agreement again, and use problem solving techniques to find a way to break the deadlock.

Appeals for persistence are particularly effective when the parties have invested a lot of time and energy negotiating. Suggesting "just one more meeting" or agreeing to stay no matter how many hours it takes to reach agreement may create the climate for a breakthrough.

Accepting an incomplete consensus may be necessary particularly when there are multiple parties and issues. There may be one or two parties that hold out and create great frustration for the others. As a last resort it may be necessary to exclude them from the final negotiations or ask the represented group to send a different negotiator. In some cases a dissenter may be willing to support an agreement if allowed to include a minority report emphasizing their opposition to one or two points.

If a stalemate seems eminent or a deadline is approaching, it may be possible to **reduce the strength of the agreement** (Fisher and Ury 1981). If agreement can not be reached on "substantive" details, agreement on "procedures" may be possible (e.g., submitting the case to an arbitrator or engineer for a decision. "Partial" rather than "comprehensive" agreement or agreement in "principle" but not in "detail" may be better than no agreement. If the future is uncertain, "contingency" agreements based on expected events can be made even though "unconditional" agreements are stronger. "Bind-

ing" legal agreements are less risky but a "voluntary" promise may be better than nothing. In the shopping mall case, for example, a "provisional" agreement on the amount of land and the resources to be provided for the marsh center may permit mall construction to begin, with a "permanent" agreement on the center design to be worked out later.

Third-party decision makers can be used if an unbreakable impasse is reached or if a non-extendable deadline has been reached (Moore 1986). This may be a judge, arbitrator, administrator, board or mutually respected party.

Avoiding, abandoning or postponing attention to some or all of the issues may be appropriate, if the costs of continuing negotiations or of using other means of conflict resolution exceed the potential benefits. Here, the motive should not be fear or basic unease with conflict in general, regardless of the importance of the issues.

A deadlock is often a time to **reflect on one's approach and underlying theory**. Questioning what could have been done differently may provide insights into what can be done to move beyond the stalemate. See Section D.0, Dealing with Dilemmas.

6.5 Is there an adequate implementation plan?

Implementation refers to the procedural steps and resources needed to operationalize an agreement (Cohen 1967). This essential consideration that gets inadequate attention in the final push to agreement. New issues may emerge while considering implementation and an apparently resolved conflict may again heat up. These issues are better dealt with while the parties are still at the negotiating table rather than surfacing later when feelings of anger and betrayal may be even greater.

An adequate implementation plan should specify who will do what, when, and with what resources. To assure that the plan is realistic, those responsible for the actions and resources should be involved in the development of the plan or at least be informed and given an opportunity for input. This will permit the negotiation of details that can then be incorporated into the final agreement. The plan should be simple enough to be clear but detailed enough to prevent "loop holes."

6.6 Are provisions for monitoring and renegotiation in place, if needed?

Provisions for monitoring and renegotiating may also be needed if the parties responsible for implementation are likely to be affected by unpredictable future events (Young 1972). The monitoring plan should provide agreed upon methods, criteria and critical levels for determining non-compliance. The plan should also specify who will be responsible for monitoring, the schedule to be followed, and how non-compliance or unforeseen problems will be handled. Responsibility for renegotiating may be retained by the current negotiators, designated to representatives or referred automatically to arbitration or the courts. The extent of the plan will depend on the degree of trust and the likelihood of non-compliance. Techniques for assuring compliance will be addressed in the next section.

7.0 Sense of Closure (Formal Settlement)

Negotiations are often exhausting and parties tend to be overanxious to stop when an initial sense of agreement is reached. This section discusses the importance of adequate commitments to assure compliance (7.1) and the need for a terminating activity that confirms commitments and brings emotional closure to the process (7.2).

7.1 Have all the parties made adequate commitments?

Unfortunately, agreements are not always carried out. Whether the cause is "bad faith" on the part of the parties or unforeseen circumstances that "justify" changes in plans, guarantees and contingencies can reduce non-compliance. Methods of specifying what payments or actions will be taken if there is a failure to perform vary from private promises to public statements, written contracts, warranties, performance bonds and court orders. The choice will depend on the nature of the conflict, the relationships of the parties and the importance of the outcomes. In general, the probability of non-compliance is increased by: a) the number of issues, b) the number of parties, c) the level of distrust, and d) the time-span of the agreement (Moore 1986). Concurrence of constituencies also affects compliance. Formal approvals by administrators, boards or public governing bodies may be appropriate. In some cases, surveys or ballots may be used to assure constituent understanding and support. Compliance is also affected by the quality of the terminating activity.

7.2 Has there been a fitting terminating activity?

Social processes tend to continue until an end is well defined. Conflict is a process where a definite conclusion is desirable (Coser 1967). The nature of the termination can be suggested by a mediator but needs to be determined by the

participants to be meaningful. The activity should strengthen the relationship and commitment to compliance and provide recognition for individual and group efforts.

Exchanging oral promises or formally signing memorandums of understanding or legal contracts before the mediator, authority figures, the press, the public, or people of personal importance (such as family or religious figures), add significance to the event. The exchange of gifts, first payments, handshakes, the sharing of toasts, certificate presentations, or celebratory meals are all symbolic acts that can be used independently or in combination to represent "good faith," a willingness to fulfill commitments, and to end hostility and contention.

CHAPTER FIVE - CONSISTENTLY MONITORED VARIABLES

Chapter Three described a conceptual framework for considering key variables in negotiation. Chapter Four discussed those variables considered in each developmental stage and the variables consistently monitored in all stages are examined in this chapter. The consistently monitored variables are: A.0 satisfaction of interests, B.0 adequacy of the negotiation climate, C.0 quality of communications, and D.0 adequacy of one's negotiation theory.

A.0 Satisfaction of One's Interests

Interests represent the deepest values and desires of the parties and, therefore, become the measures of satisfaction in a negotiation. For this discussion it is useful to distinguish interests from issues and positions. Negotiators reach agreements on specific "positions" on a specific set of "issues." For example, the environmentalist's position may be that the shopping mall owners should set aside five acres for the marsh and provide \$30,000 for the observation center. The underlying interests of the environmentalists -- preserving the wetlands and educating the public -- are translated into positions on the issues of land and money.

This section will focus on how interests are identified and satisfaction determined. The decision about how and if interests are translated into positions depends on the negotiation strategy; e.g., with bargaining, interaction begins with the presentation of positions and with collaborative problem solving, interests are defined and used to shape an agreement (a consensus position). This issue is addressed in Section 2.0 Choice of Conflict Resolution Method.

People often assume that negotiation is a rational, calculated pursuit of well defined self-interests. In fact, negotiation is a complex interplay of emotional and cognitive elements driven, at least in part, by subconscious desires and wants (White 1985). Another common mistake is thinking that people's interests are immutable. Actually, interests are in a constant state of definition and modification as knowledge of one's "self" and the situation grows through reflection on each bit of new information (Gulliver 1979). Some authors advocate linking issues to stable, basic human needs -- survival, security, affection, esteem, actualization, knowledge, and aesthetics (Burton 1987; Nierenberg 1973), but even these linkages are highly individualized and difficult to articulate. It is difficult enough for an individual to formulate a cognitively consistent set of interests, but when the party is a group or team of groups continual consensus building is required. This

section looks at how individuals and groups can better understand their interests, mesh their interests with each others, and determine if those interests are being satisfied. Questions focus attention on the sub-variables of satisfaction of interest: A.1 interest clarity, A.2 acceptable range, A.3 interrelatedness of one's interests, and A.4 potential for dovetailing with other's interests.

A.1 Are my/our interests clear?

Each of the following paragraphs identifies tests for determining if the understanding of interests is adequate, and the actions and intervening variables to be considered if the level of understanding is too low.

The negotiator's first challenge is to articulate the interests that are impacted by the current conflict and develop criteria and methods for evaluating the alternative solutions that will satisfy them. Often interests are too narrowly conceived and need to be expanded to include both short and long-term impacts on resources, relationships, processes, and principles (Lax 1986). The objective is to advance the totality of one's interests, which may include money and other tangibles, and such intangibles as fairness and congeniality.

Table 6 on page 135 can be used as a guide for analysis of one's interests.

The second concern is to identify the underlying interests -- what one hopes to gain or protect by negotiating. This is important to assure satisfaction of "vital" interests, and prevent the manipulation that is possible when the link between issues and interests is not clear (Neustadt 1980). The underlying interests can be revealed by reflecting on each issue and apparent interest by asking, "Why is this important?" If stated interests are actually means to an end, then it is essential to determine what one hopes to gain from these means (Fisher and Ury 1981). In the growth management conflict, for example, the preservationists desire for expanded historic districts was initially opposed, but all parties were willing to seek alternative solutions for the underlying interests: community prestige, property value, and tourist dollars.

It is often helpful to determine if the process of carrying out alternative agreements is understood. The examination of implementation scenarios is useful when the process of carrying out an agreement is unclear or may result in additional conflicts (Lax 1986). In the growth management case, for example, a number of issues were indentified in the process of laying out the steps for developing a regional

INTRINSIC AND INSTRUMENTAL INTERESTS

CATEGORIES	INTRINSIC (short-term)	INSTRUMENTAL(strategic)
Resources	Division of material goods, property, money.	Impacts on attainment of personal and org. goals.
Relations	Quality of interactions, dominance, ceasing or performing specific actions.	The quality of ongoing work, relationships, my reputation and power.
Process	Enjoyable cooperation, exciting competition.	Commitment to agreement and implementation, future coop.
Principles	Equal division, balance past exchanges, accepted standards, ethics.	Set or modify precedents or standards that will affect future exchanges.

Table 6. Intrinsic and Instrumental Interests

land use plan and standardized zoning ordinances, such as, state enabling legislation, public approvals, and land owner lawsuits (Leckrone 1987).

Testing is needed for possible distortion of the definition of vital interests by: a) sentiments about what the other parties are doing, b) beliefs about what one "should have" or has a "right to," c) concern for winning or even being sure the other side loses, d) attempts to "right past wrongs," or e) a desire for "as much as possible" rather than just wanting satisfaction of real needs (White 1985, Fisher and Ury 1981). The first step in dealing with these distorting be-

liefs is to recognize their negative influence on satisfying "real" needs. Each of these beliefs is a destructive distortion of a positive intention that can be conceptually re-framed. Attention can be focused on the "problem" rather than on what people are doing and the others' actions can be reconceived as justified efforts to meet their needs rather than as evidence of greed (Fisher and Ury 1981). Rights are important but should be claimed only if they serve vital interests and do not conflict with other's rights. Similarly, attempts to right past wrongs are appropriate only if current interests are served or when not acting would establish precedents that might affect future interests. Is the fight over "water under the bridge" worth the cost of fighting? The desire to get as much as possible is really the desire for satisfaction taken to excess. Affirming a goal of adequate satisfaction rather than satiation can put this desire into perspective.

Stating interests in positive terms can also be helpful (Laborde 1984). Focusing on what one does not want to happen is likely to stimulate defensiveness without making one's vital interests clear. Clear positive statements of what one wants, particularly if these are linked to commonly held principles, motivate the party presenting them and make a creative response easier for all. Saying "I want you to help

create a healthy marsh," is more motivating for the speaker and listener than "I don't want you to destroy the marsh."

Fisher and Ury (1981) advocate testing to assure interests are stated in terms of objective criteria. Specific criteria makes it possible to define acceptable levels, to communicate interests to others, and to determine if satisfaction has been attained. This is less of a problem with tangible interests such as land, street paving, or performance of specific actions. Criteria for costs or benefits that occur over time can be compared using present value calculations. Intangible, ideological conflicts can often be resolved by translating principles into specific, observable actions that can then be discussed. Some intangible interests can be converted into measurable terms by identifying services that could be purchased to otherwise satisfy the interest in question (Lax 1986). The cost of an image rebuilding ad campaign, for example, could be used to assign a value to potential reputation damage to the shopping mall, if they choose to destroy the marsh. Those interests that can not be quantified can be better understood when described in sensate terms, "How would I/we know if my interest are being satisfied? What will be seen, heard, tasted, smelled, or felt? (Laborde 1984). For example, it is usually more effective to say, "If you look me in the eye and say something

like 'I appreciate the quality of work you just completed, I'd feel better than your just demanding 'respect.'"

Clarifying the importance of timing and risk are also essential to understanding interests. Both vary depending on the individual, the situation, and for different interests. In situations where the agreement will be implemented over time or compliance may be questionable, it is useful for the party to rate their tolerance for satisfaction uncertainty: absolute, probable, possible, or unlikely. Timing for achieving satisfaction of each interest or package of interests can be: at the time of agreement, by a set time, eventually, or continually. Timing and risk concerns need to be recognized and communicated as part of one's overall interests.

In some cases more complex analysis may improve understanding of impacts on the party's interests. Information from cost/benefit analysis of alternative agreements helps compare relative satisfaction on a range of interests. It also helps evaluate fairness issues. Systems analysis -- analyzing inputs, procedures and outputs -- is more complex but gives more consideration to inputs and the process of implementation. These methods of analysis can be used by one party or jointly by all parties. The detail of the analysis will vary depending on the complexity of the conflict, the sophisti-

cation of the parties, and the stage of negotiation. The output may be a simple mental framework for organizing subjective interpretations, simple sketches on a napkin, or detailed computer printouts.

A.2 Is the range of acceptable satisfaction levels understood?

Determining the minimal acceptable level and the relative satisfaction of increasing levels of the interest variables is, at best, subjective. Table 7 on page 140 gives three examples of acceptable ranges. The objective here is to achieve realistic aspirations by examining: one's basic needs, situational constraints, what the other parties are willing to support, and the precedents that exist for appropriate settlements.

Ideally one's minimal acceptable level should reflect the point below which basic human needs are not met. Different interests are linked to different needs and Maslow (1954) ranks these needs in order of importance: survival, security, affection, esteem, self-actualization, knowledge, and aesthetics. Therefore, the acceptable level of one interest must be seen in relation to its impact on interrelated variables with different priorities. For example, if both an

INTEREST VARIABLES	-----ACCEPTABLE RANGE-----			SATIATION POINT
	BOTTOM LINE			
Home sales price	\$70,000 Purchase price + improvements	80,000	90,000	100,000 Feel guilty for greed
Respect	Listening		Complements	Adoration
Historic district controls	Review only demolition permits		Review demo. and repair permits	Review of all permits

Table 7. Examples of Bottom Lines and Acceptable Ranges

esteem interest (respect), and a survival interest (income), are at critical levels, the latter will probably have priority. In public disputes, functional considerations often set the minimum level, such as the minimum amount of water to support life in the marsh or the minimum amount of land needed for a feasible regional mall.

The structure of the external situation can put "real" limits on satisfaction: resource availability (e.g., money, land or customers), procedural constraints (e.g., laws or administrative rules) (White 1985). The other parties' willingness and ability to support one's interests is influenced by the discretionary resources available to them, the relative balance of power, the nature of the relationship, the incentives for cooperation, and their personality preferences.

Precedents for appropriate levels of satisfaction can be found by examining past exchanges involving current parties, what others have received, court rulings, or perceived entitlements/rights based on hardship, position, or principles.

When all of these situational factors are considered by an individual or group, the result may be only a vague sense of what is required for satisfaction. This process can be improved by defining and weighting increments of changes in the level of satisfaction. In the shopping mall case, the value to the environmentalists of each additional acre of land set aside for the marsh decreases after it exceeds the minimum amount needed to provide a viable habitat for the flora and fauna. The difference in valuing can be articulated by assigning importance points to appropriate increments of change for each interest. Environmentalists, for example, might rate saving three acres of marsh six points, an additional three acres two points, and three more acres only one point. This permits optimizing a package of interests for one party and if this information is shared, optimizing agreements for all parties.

In summary, the research and reflection needed to determine the acceptable range of each variable and/or package of variables is a continual process that makes it possible to let

go of positions with assurance that any solution accepted will approach an optimal level of satisfaction. Understanding the relative nature of the parties' interests makes dovetailing, tradeoffs, and creative problem solving become easier. Focusing on "vital interests" also helps make adherence to abstract "positions" less appealing.

A.3 Is it clear how one's interests are interrelated?

It is easy to want full satisfaction of all interests but, when hard choices have to be made, some interests emerge as more important than others. The relative importance of conflicting interests must be balanced so a cognitively consistent set of interests can be presented to the other parties. Prioritizing may be subjective or may involve systematic ratings of listed interests: primary or secondary, in rank order, or by assigning a set number of points. If there are many, interrelated interests, grouping them into categories before rating them may be helpful. The residents in the shopping mall case may agree that the traffic issues are most important, followed by visual screening and security issues. Prioritizing may be used by one party to develop a strategy and monitor progress. If priorities are mutually shared, they can be used in a cooperative problem solving.

Often one's interests are negatively interrelated. These internal conflicts need to be acknowledged and reconciled. In the growth management case, the desire for economic development may be in conflict with the desires to maintain a small town atmosphere and prohibit low cost housing. Conflicts can be identified by considering the impacts of full satisfaction of each interest on other interests. Negative impacts can then be minimized by balancing or redefining desired levels.

A.4 Do my interests dovetail with the other parties' interests?

One's interests must be considered in the context of the conflict and how they dovetail with the interests of the other parties. The parties may have a number of interests that conflict. The question is whether the parties understand that the relative importance assigned to each may vary and that there may be opportunities for tradeoffs -- dovetailing. In seeking satisfaction, one should only focus on those interests that the other parties have power or resources to influence. One party's willingness to use power and resources for satisfaction of another's depends on the potential satisfaction of their priority needs. Other people's interests can be explored by putting oneself in their shoes, seeing through their eyes, studying their past, observing

EXAMPLE OF DOVETAILED INTERESTS

INTERESTS	ENVIRONMENTALISTS	MALL DEVELOPER
	|<-----Resources to be divided----->|	
% area of site needed	|	
Recognition for marsh center		|
Midday and late parking	|	
Early morning and evening parking		|

Figure 5. Dovetailing Interests

their behavior, and sensitively questioning their desires. Dovetailing does not imply satisfying all of their interests. It means making concessions on those interests that are of least personal importance to one party to satisfy interests that are more important to the other party. As the mutual understanding of interests grows, it may be possible to identify outside resources for those interests that do not dovetail, with the parties cooperating in obtaining the outside resources to enhance the overall quality of the agreement. The conflict over who would pay for displays in the marsh visitor center was resolved by obtaining assistance from the local university.

If some interests are in direct conflict, mutual reduction of aspirations can be negotiated or one party can provide compensation by satisfying valued interests not currently in conflict (e.g. money, services, or other benefits). The shopping mall owners, for example, could donate playground equipment the neighbors want for the area school even though the mall has no impact on the school.

B.0 Is the Negotiation Climate Adequate?

Practitioners recognize that the quality of the negotiation climate is a key factor in deciding whether to negotiate, what negotiation approach to use, what information to disclose, and when. Climate also has a significant impact on the quality of the resolution and the likelihood of destructive escalation. The importance of the relationships between parties is often neglected by negotiation researchers who systematically eliminate their effects from laboratory experiments (Greenhalgh 1987). Other research has, however, provided insights on the nature of trust, interdependence, and power that contribute to our understanding of negotiation climate.

This section provides a structure for monitoring and managing the individual and group psychological processes. Authors discuss these processes under different titles: relationships

(Greenhalgh 1987), dynamics (Carpenter and Kennedy 1988, White 1985), trust (Deutsch 1973), and interdependence (Rubin and Brown 1975). These disparate discussions are difficult to integrate because authors define terms differently and vary in their descriptive/prescriptive emphasis. The following synthesis focuses on seven sub-variables that will be used to describe the nature of the negotiation climate:

B.1 Climate importance - is there consensus that a positive climate is needed?

B.2 Emotional intensity - is it adequate for motivation but not destructive?

B.3 Perception of others - is it accurate and does it promote cooperation?

B.4 Legitimacy -- are the participants, roles, interests and emotions of all parties mutually acceptable?

B.5 Trust -- do the parties have faith in the process, are they confident in their ability to negotiate, will the parties believe each other if the information is verified, and is the mediator seen to have integrity and competence?

B.6 Interdependence -- Do the parties see themselves as separate and competitive or as bonded and cooperative?

B.7 Power -- is power being used to hinder or to help the other parties satisfy their interests and is power equal?

The quality of communications is dealt with more thoroughly in Section C.0 and need for a creative climate is addressed in Section 5.0, Generating Options.

B.1 Are all parties clear about the negotiation climate that is needed?

The negotiation climate is the prevailing temper, attitudes and perceptions of the participants and more. Climate arises from interaction and there is an aspect of climate that is experienced in common, is relatively enduring, and changes as the result of each action (Folger and Poole 1984). To effectively monitor and manage the climate it is necessary to diagnose the existing climate, determine its adequacy, and formulate a strategy for achieving a more desirable climate.

Parties use their "sense" of the climate to gauge the appropriateness, effectiveness, or likely consequences of their behavior. This sense is generally a subjective impression based on the body language, tone of voice, actions, and statements of the other parties. More accurate diagnosis can be provided by: group observation; interviewing individuals; checking individual accounts by observation; looking at minutes, archives and other historical data; and analysis of

group metaphors and other figurative language (Folger and Poole 1984).

The choice to modify the negotiation climate depends on: a) the importance of reaching a timely agreement, b) the desire for congenial relations, and c) the need for positive feelings to assure voluntary compliance and reduce future conflicts. The nature of the ideal negotiating climate also depends on the negotiation approach and the stage in that approach. For example, the level of openness and concern for others needs to be higher in a collaborative process to generate creative solutions than in a bargaining process to exchange offers and threats. Table 8 on page 149 describes the climate needed at each stage of the process.

B.2 Is emotional intensity being managed adequately?

Negotiation may be conceptualized as the rational optimization of one's interests, but emotions play an important role. Although, when taken to extremes, emotions can result in anger and escalation, they also focus attention on the interests that are most important and provide the motivation for action. Section 1.0, Choice to Engage in Conflict Resolution, discusses the process of determining if action is appropriate. In addition, it is desirable to maintain a moderate level of emotional tension to keep the focus on key

NEGOTIATION CLIMATE BY APPROACH AND STAGE

NEGO. STAGES	BARGAINING	COLLABORATION	MEDIATION
TRIGGERING EVENT	Emotions motivate action	not hostility	-----|
	Sense of mutual dependence and benefit		-----|
CHOOSE RESOLU- TION METHOD	Commitment to a shared process-----|		
PREPARE	Legitimacy of parties, roles, issues and arena	Authorization of representatives if used	
		Agreement on agenda and schedule	
		Commitment of time and resources	
		Trust mediator	
UNDERSTAND CONFLICT	Input and involvement of any constituencies	Trust - verified believing -----|	
	Listening and response	Openness - disclose interests	
		Recognition of others' interests	
		Objective evaluation of interests	
		Allow mediator to facilitate	
GENERATE OPTIONS		See as team of co-problem solvers	
		Build beneficial interdependence	
		Focus on interests not positions	
		Exploration of innovative ideas	
		Use of power for positive gains	
FINAL BARGAINING	Responsive counter offers	Constructive criticism & revision	
		Optimize common & indiv interests	
		Agree on future interdependence	
SETTLEMENT	Commitment to implementation by all parties and constituents, including guarantees		
	Celebration and symbolic acts of completion, cooperation and commitment		

NOTE: The quality of communication is an important aspect of climate in all stages of each approach. It is addressed in Section C.O.

Table 8. Requirements for Climate by Approach and Stage

issues to provide a sense of urgency without limiting thinking flexibility and quality (Walton 1987). When necessary, tension can be heightened by: a) increasing personal exposure through face to face contact, reducing the number of people, and limiting the escape routes; b) sharpening the conflict by an emphasizing basic issues or citing the consequences of a failure to agree; or c) cautiously promoting an exchange of feelings about the interests.

There are emotional stages within a negotiation: a) conflict development, b) stalemate, c) de-escalation, and d) settlement (Douglas 1962; Kessler 1978; Pruitt and Rubin 1986). At the beginning, people often feel angry, hurt, frustrated, distrustful, resentful, fearful, or resigned to unsatisfactory conditions. The challenge is to create a climate where emotions can be expressed and analyzed in terms of their causes and related interests without creating defensiveness or instigating an escalating spiral of anger and attacks. Emotions not managed early in the negotiations may erupt later to sabotage progress and block a substantive settlement. Emotions can be managed by controlled venting, suppression, or addressing the objective cause of the emotion (Moore 1986).

Evidence of unexpressed emotions can be found in the tone of voice, pacing of words, facial expressions, posture and body

movements. Venting of these emotions is appropriate if a party needs a physiological release or if the other parties need to know how strongly they feel about an issue and if it can be done without negative effects. Emotions are often not well understood and tend to intensify if not addressed. Venting can release tensions, correct misconceptions and transform negative emotions into identifiable interests and associated solutions. One way to encourage venting is active listening, a communications technique in which the listener identifies the emotion being expressed and restates the emotional content of the message using the same or similar words used by the speaker. This is continued until there is consensus on the emotional dynamics being discussed (Gordon 1978; Rogers 1945).

Ground rules, such as limiting character assassination, attribution, and personal attacks, can help create a climate of acceptance and respect that encourages expression and limits escalation (See Section 3.0, Adequacy of Preparation). Linking emotional statements to interests rather than to the people holding the interests helps reduce defensiveness and can build unity around a common concern (Fisher and Ury 1981). Enforcement of guidelines is usually necessary only in extreme cases. Unproductive venting needs to be identified and a less volatile way of expressing the same emotion can be modeled, preferably by a mediator. Telling jokes, not

at the expense of any party, can also be used to release tension and put emotions into perspective.

Suppression of emotions may be appropriate if their expression produces counter attacks, impedes getting to the real problem, intimidates others, or would cause exchanges that could get out of control. This requires strict enforcement of ground rules. If the parties are extremely hostile, all communications can be directed to a mediator or the parties can be physically separated with a shuttle diplomat/mediator carrying messages back and forth.

The ideal way to deal with strong emotions is to remove the objective cause by meeting substantive interests--resolving the conflict. This can be done by following the steps in negotiation, Sections 1.0 - 7.0. Achieving early successes on easier issues often helps build positive patterns before tackling more emotional issues.

B.3 Are mutual perceptions accurate? Have misconceptions and stereotypes been corrected?

Escalation or de-escalation of the conflict is often influenced by the perceptions the parties have of each other. In varying degrees all people seek to be understood and accepted

and are more likely to cooperate with those they see as being similar to themselves. Strong emotions cause misconceptions, and stereotyping the other parties as enemies creates a sense of separation.

Misconceptions have been linked to the "mask-mirage analogy" (Curle 1971). This is the tendency to hide (mask) those personal characteristics one is not proud of and, then, project those qualities on to the other party (create a mirage). Often a mediator can appeal to the individual's desire for real recognition and acceptance and get them to remove their masks in caucuses which would not be possible in the presence of the other parties. The dangers of distortions can then be discussed along with face-saving ways to present an accurate image (Goffman 1959).

If destructive stereotypes and/or negative perceptions persist, it may be necessary to identify and emphasize similar attitudes toward an object, event, idea, or third person (Walton and McKersie 1965). These attitudes can be created by identifying personal characteristics in common, using similar language, defining a common problem, focusing on potential shared benefits or finding shared views held of others. In cases where commonalities do not exist, or are negative, positive experiences in the present can build a sense of association. Negotiation of the agenda and ground

rules, and other formal and informal interactions, can provide shared experiences and more positive perceptions.

Disassociation may be necessary in cases where objects, ideas, or people are reminders of past events or differences that stir negative emotions. Certain topics can be eliminated from discussion. They can be reframed in more neutral terms, or emphasis can be shifted from the past to future possibilities.

Reinforcing behavioral change is another approach. The use of rewards and punishments to produce acceptable behaviors may well change the other's attitudes to be consistent with their actions (Festinger 1957; Walton and McKersie 1965). Rewards may include extending compliments, expressing appreciation, returning favors and increasing or stressing benefits. Reminders of role obligations, challenges to the other's self-concept or issuing direct threats or sanctions can be used to discourage specific undesirable behaviors. Positive reinforcements are generally considered preferable to avoid triggering negative reactions (Stevens 1963). There is also a concern that the cost imposed by penalties may reinforce the other party's commitment to a particular course of behavior (Fisher 1964). When there is no alternative to making a threat, making it tentative is less likely to result

in defensiveness, for example, "If you leave me no other option I can always go to court."

B.4 Do the parties recognize the legitimacy of the other parties?

Legitimacy refers to the recognition of others as accepted participants, with valid interests and authentic emotions. The level of the legitimacy is adequate when the individuals are willing to participate, communicate, and cooperate. Personal attacks on another's integrity, challenges to the appropriateness of their participation, or defensive reactions to emotional statements are indications that legitimacy is inadequate. Assuming legitimacy where it is unwarranted can also be a problem. The shopping mall developer, for example, might unnecessarily grant a concession to an outspoken resident who, in no way, represents the views of the whole neighborhood.

If the authority of a representative is questioned, the process of selection can be explained. If that is not satisfactory, the parties can discuss and require an appropriate authorization procedure; e.g., a board resolution or vote of the membership. Constituent support is an ongoing concern; is the representative accurately presenting their interests and will they support the proposals presented?

There may also be suspicion that the representative relationship may be manipulated. "Bait and switch" and "good guy, bad guy" routines are examples of ways representatives use misleading information about constituencies to coerce others into less desirable agreements. The threat of these tactics can be minimized by requiring specific authorization of the representative to make certain decisions or requiring direct participation of the principles with authority to act (Greenhalgh 1987; Bingham 1986).

If the legitimacy of a particular person is questionable, it may be possible to alter perceptions using the techniques suggested above or to find an acceptable substitute. In other cases a party may refuse to negotiate with anyone from the other group and coercion may be needed. The environmentalist, for example, had to use the threat of a law suit before the shopping mall developers would consider including them in the negotiations. The means of coercion should be chosen carefully to assure maximum influence with the least damage to the climate. This challenge of getting reluctant parties to participate is also dealt with in Section 1.0, Choice to Engage in Conflict Resolution.

Even if the individual and/or group is accepted, some or all of their issues/interests may not be considered legitimate. Often the interests can be reworded in terms that are more

favorable and acceptable to the other parties (Fisher 1964). Linking the interests to recognized principles, rules or standards may help. Another tactic is to bring in a mutually respected third party who will support the legitimacy of the interests.

The legitimacy of emotions refers to the acceptance of the other person's right to possess emotions and not to the agreement that the emotions are justified (Gordon 1978). Defensive denials of other's statements can often be reworded by naming the perceived emotion, acknowledging that it is understandable, followed by a statement of one's own view and the desire to reach a common understanding of the situation. As soon as the emotions are expressed and acknowledged, the discussion should be shifted to related substantive issues to discourage the parties from dwelling on emotions.

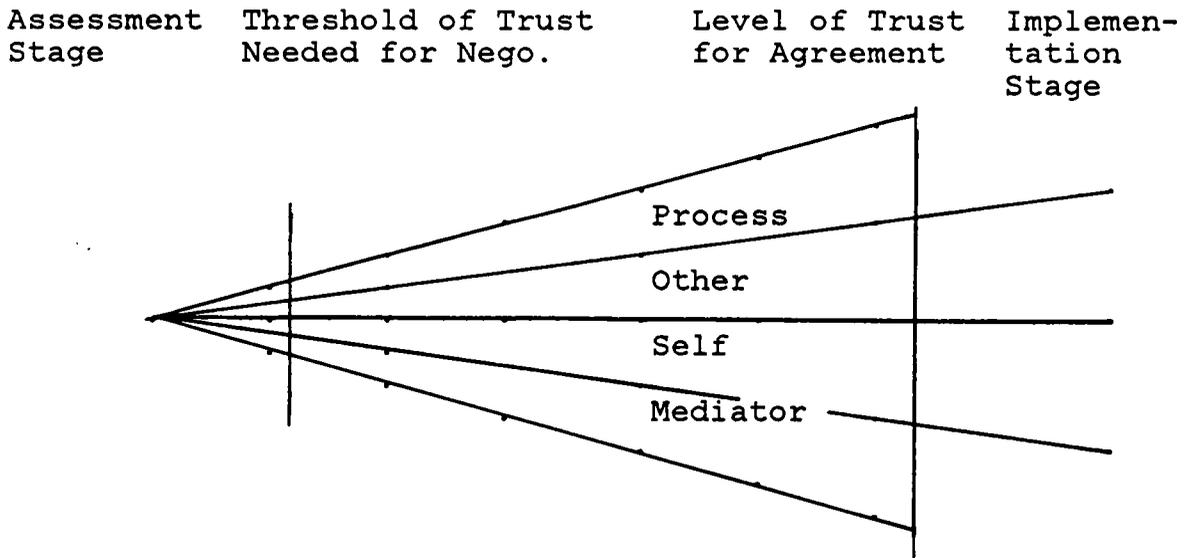
B.5 Is the level of trust adequate?

Trust is a summary sense that expectations will be fulfilled. For the purpose of this discussion trust will be related to four considerations: a) will the process produce the desired results, b) are the other parties honest (can they be counted on to do what they say), c) do I have the knowledge and ability to negotiate effectively, and d) if there is a

mediator, can his or her integrity and competence be counted on (Davis and Gadlin 1988). Before productive negotiation can begin, trust must be at a threshold level, and it must grow if an agreement is to be reached and implemented (See Figure 6 on page 159 adapted from Davis and Gadlin (1987)).

Ideally, the parties have trust in the process if they evaluate the advantages and disadvantages of each method and choose which is best using the guidelines in Section 2.0, Choice of Conflict Resolution Method. Unfortunately many people do not understand or have any experience with collaborative negotiation and mediation and, thus, are skeptical even though this method has been shown to be highly successful. Too often parties resort to coercion or the courts, which, though not always successful, are at least familiar. Mistrust of an unfamiliar mode of conflict resolution can be addressed by describing and giving examples of the advantages. Creative negotiation, for example, directly involves the parties in defining issues and making decisions, softens the interactions, integrates emotional needs and rational thought, uncovers the root causes of the conflict, provides sufficient time for problem solving, and draws on the competence of participants to create the synergy only possible with cooperation.

THE GROWTH OF TRUST IN NEGOTIATION



[Note: the dots will be connected with lines]

Figure 6. The Growth of Trust in Negotiation

The second aspect of trust is the ability to place confidence in the accuracy of the other party's statements, the predictability of their behavior, and dependability of their promises. To believe everything is obviously unwise and to believe nothing will preclude any possible solution. The objective is to create a climate where honesty has a high value and substantiation of any statements can be requested without raising issues of integrity. Trusting the other's behavior does not mean expecting that they will be nice. Trust is not betrayed when a hard bargainer uses competitive tactics, but is when a party uses a cooperative mask to manipulate.

The first step in building realistic trust in the other parties is to assess past performance, from both personal experience and from other accounts. Often recollection is selective, focusing on information leading to distrust. Positive interactions can be emphasized, particularly those times when trust was rewarded with performance. In cases where negative past perceptions are based on misinformation, clarification can be provided. When there are actual incidents of misplaced trust and manipulation the following actions can be encouraged: a) emphasize consistently congruent statements (Creighton 1972), b) help the parties see from the other's perspectives (Davis and Gadlin 1988), c) enact symbolic gestures that show good faith -- personal favors or minor concessions (Fisher 1978; Loomis 1959), d) demonstrate concern for and willingness to help others satisfy their interests, e) ask for help to build positive interactions (Fisher 1978), f) place oneself in a subservient position -- giving the other responsibility for satisfaction of one or more interests (Pruitt 1981), g) translate concerns about trusts into interests and then into specific proposals (Davis and Gatlin 1988), h) provide guarantees that show a willingness to incur costs if commitments are not kept (Zartman and Berman 1982), i) demonstrate understanding of the other's concerns even though one does not agree with them (Moore 1986), j) discourage threats and promises that are unrealistic or unbelievable (Zartman and Berman 1982), k)

encourage incremental agreements that build trust along the way (Fisher 1978), and 1) invite respected third-party statements about trustworthiness.

Many people have realistic concerns about their ability to negotiate effectively (self-trust) but seldom voice them for fear of appearing vulnerable (weak). Their willingness to engage in negotiation and participate fully is thus affected. Artful questioning (Nierenberg 1973) and modeling can be used to guide hesitant parties through the process of expressing interests, listening and generating, evaluating, and choosing options and assuring compliance. If the parties are uncomfortable seeking resolution alone, a mediator or facilitator can be brought in to build confidence and assure an effective process with protection from manipulation (See Section 3.1 on the selection of a neutral third party). Negotiation guides and case study materials may be helpful and in extreme cases individual or group training in negotiation may be needed to build confidence and self-trust.

There is also a need for trust in the neutral party. One of the first steps a mediator or facilitator can take to obtain the trust of the opposing parties is to solicit and address their concerns about the process and the mediator. Explaining qualifications is important (e.g., training, past experience, and preparation for the current negotiation). Early, indepth

interaction on topics of concern can create a foundation of trust that can be built on throughout the sessions. Discussions of common values, role definitions, and the mutual responsibility for building an effective working relationship are also helpful. If skepticism persists, the parties can be asked to suspend judgment to allow time for trust to develop. Perhaps most important is ongoing behavior that demonstrates integrity and competence: a) impartiality, b) honoring confidences, c) drawing out appropriate information, d) articulating different interpretations of the situation, e) understanding feelings, f) transforming negative emotional expressions, g) building morale, and h) demonstrating skill in problem solving and settlement strategies.

B.6 Do the parties recognize their interdependence?

If the parties in a conflict were not interdependent, there would be no need to negotiate to meet needs. However, this inherent interdependence is often hidden behind independent posturing. Increasing the recognition of interdependence is one way to build a positive negotiation climate. The dimensions of interdependence addressed here are: a) the nature of the prevailing metaphor, b) the cooperative/competitive orientation, c) relative commitment to the relationship, and d) the understanding of the different importance parties as-

sign to their interests and resources. The actual interdependence of interests is dealt with in Section A.0 and the use of power to satisfy each other's interests is addressed in the next sub-section, B.7.

A negotiation is often conceptualized in terms of a metaphor. Either negotiation is a "chess game" where the objective is to outwit, deceive, trap or overwhelm the other equally ruthless competitor, or negotiation is a "debate" where the best argument wins. These metaphors of non-cooperation can be replaced with more positive, long-term metaphors such as a "family unit," where contributions are made for the good of the unit, or a "work team" where each gives their all for a mutual success (Greenhalgh 1987).

Many theorists have written about the human tendency to be cooperative or competitive (Blake, Shepard and Mouton 1964; Rahim 1986). Others assert that different conflict responses are appropriate or forthcoming, depending on the situation (Thomas 1976; Zinkin 1987). Section 2.0, Choice of Conflict Resolution Method helps evaluate the situation and work through the personal influences that may hinder one's own and the other's choice of method. Because of the cultural bias for competition, emphasis is placed here on actions that will create a more cooperative negotiation climate.

In addition to the mutual satisfaction of interests, interdependence also refers to the commitment the parties have to the relationship itself. Some people put a high importance on pleasant interactions, and "exchange theory" posits that ongoing relationships produce a sense of cumulative mutual indebtedness that bonds parties together (Greenhalgh 1987). The development of this bond contributes to acceptance of emotions, positive perceptions, legitimacy and the positive use of power.

Broadening the scope of resources the parties are willing to commit in order to satisfy each other's interests helps increase the value of interdependence. Symbolic statements and actions that demonstrate mutual concern build the bond with each exchange and intensify the sense of commitment. If the parties assign different levels of importance to the relationship, there may be a danger of manipulation by the more independent party or capitulation by the more committed party (Fisher and Ury 1981). The importance of the relationship can be emphasized to the independent party, especially the long-term benefits, and the committed party can be encouraged to identify alternative sources of relationship satisfaction. Being too dependent on the other party invites manipulation.

B.7 Is power being used to help rather than hinder the satisfaction of interests?

Power is the capacity to modify the outcome, benefits or costs of another in the context of a relationship (Thibaut and Kelly 1959). Often its conceptualization is limited to one's ability to act independently, withhold benefits and to impose costs. If this conceptualization predominates then it is important that the power relationship be equal to reduce the likelihood of manipulation or capitulation. The definition of power can be expanded to include ways to help as well as hurt the other parties by: a) rewarding cooperative behavior, b) building beneficial relations, and c) providing knowledge, expertise and resources to satisfy the other's interests. Under these conditions balanced power is less important, and the potential for cooperation is greater. The power relationship is adequate when the parties understand their ability to hurt and help each other in a way that fosters mutual respect and cooperation.

An open assessment of the parties' relative power to help or hinder serves two functions: 1) it points out the potential costs of not maintaining a cooperative relationship and not reaching a mutually acceptable agreement and 2) it identifies the potential satisfaction the others can provide. Both can be useful in motivating participation. Helpful actions and

offers may be taken advantage of unless the party: a) has a high threat capacity (Lindskold and Bennett 1973), b) has a tough constituency to answer to (Wall 1977), c) had been unyielding or competitive in the past (Deutsch 1973), or d) had been unwilling to make unilateral concessions in the past (Komorita and Esser 1975). Care must be taken in the discussion of ability to hurt so as not to be taken as threats. Ability to hurt can be presented as an undesirable option that will be used only if other alternatives are exhausted.

If power is so imbalanced that the stronger or weaker parties do not seem motivated to negotiate in good faith then, steps may be needed to strengthen the weaker parties and impress on the stronger parties the possible costs of using force and lost opportunities from not cooperating. This is addressed in more detail in Section 1.0, Triggering Events.

C.0 Quality of Communications

Communicating effectively is difficult in any group endeavor but is even more problematic when parties are in conflict. The natural tendency to compete produces the following effects, according to Deutsch (1969, p.12): "Communication between the conflicting parties is unreliable and impoverished. The available communication channels and opportunities are not utilized or they are used in an attempt

to mislead or intimidate the other. Little confidence is placed in information that is obtained directly from the other; espionage and other circuitous means of obtaining information are relied upon. The poor communication enhances the possibility of error and misinformation of the sort which is likely to reinforce the pre-existing orientations and expectations toward the other." This section will look at how to monitor the quality of communication and how to enable the individual and group to better share information and shape a solution.

The communication process shown in Figure 7 on page 168 has six basic steps: 1) the formation of intentions, ideas and feelings that lead to sending a message, 2) encoding intentions, ideas and feelings into a message, 3) sending the message through a channel, 4) decoding of the message by the receiver, 5) internal interpretation of the meaning of the content and the sender's intentions by the receiver, and 6) feedback from the receiver who reverses the process. The quality of each of these steps is affected by "Noise" -- any interference caused by the sender's: attitudes, frame of reference, appropriateness of language, or tone of expression; the receivers' background, preconceptions, and mental distractions; and environmental noise, speech problems, and distracting mannerisms in the channel (Johnson 1981).

THE COMMUNICATION PROCESS
(Adapted from Johnson 1981)

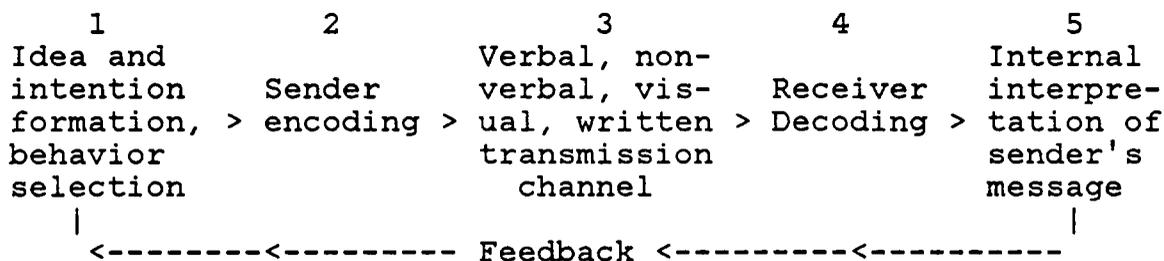


Figure 7. The Communication Process

The complexity of the communication increases geometrically as the number of parties increases, and many public disputes involve multiple parties. Shaping messages that can be understood by a number of different people and processing input from multiple sources is challenging and the quality of understanding and problem-solving depends on the communications skill of the parties involved. In addition to those directly involved in the negotiations, there is often a need for communications with constituents. The dimensions of the communication process, monitored here, are stated in terms of questions with appropriate tests. When not met adequately, one of the actions specified should be taken to return the quality of communications to an adequate level. The questions consider the adequacy of: C.1 self-awareness and disclosure, C.2 expression, C.3 assertiveness, C.4 conveyance of feelings, C.5 listening, C.6 restraint in the face of

strong emotions, C.7 questioning, C.8 group communications and C.9 communications with constituents.

C.1 Are the parties able to explore desires, ideas and emotions and disclose when it is appropriate?

Negotiation has been described as a process of education where parties learn what the others want and what kind of agreement is possible (Gulliver 1979). Self-awareness is key in this educational process. Time is needed and the climate must be right for parties to let go of rigid positions, consider their underlying interests, reflect on old and new information, and formulate and express ideas and emotions. The parties must be able to articulate and explain the importance of their interests. Reasoned responses and innovative ideas also indicate that internal reflection and formulation is adequate. It is also important for disclosure to be fairly equal. If all parties are not sharing, group cohesiveness may be reduced rather than increased and there is the danger of manipulation (Johnson 1981).

The first step in encouraging self-awareness and disclosure is to create a climate of openness and trust. The actions needed to achieve this are addressed in Section B.0, Negotiation Climate. Active listening is particularly useful for

providing safe, unpressured time for exploring feelings and ideas without probing questions or criticism. Often messages may be formulated but not expressed. Personal expressions can be encouraged by giving examples of how linking individual interests to potential outcomes can assure satisfying agreements. Modeling self-disclosure is especially helpful if the stated motive is to improve the relationship as well as to satisfy needs. Establishing appropriate ground rules and norms for self-disclosure are also useful. These are discussed in Section 3.0 and B.0 and later in this section.

C.2 Is information being expressed so it is listened to and understood?

Too often it is assumed that what one says is understood. "Noise" distorts the message so understanding is rarely perfect. Ideally, the response to each message is monitored to determine if understanding is adequate. Body language is a good indicator of attention -- good eye contact, positive nodding, tilted head and chin stroking rather than a blank stare, finger tapping, or head-in-hand (Nierenberg and Calero 1971). Verbal responses can be examined for misunderstandings of content and motive -- have statements been misinterpreted or ignored?

If inattention or misunderstanding exist, the first step is to improve the quality of the message. This involves finding the right balance between being simple and specific, and providing adequate background. The key determinant is the knowledge and frame of reference of the listener. The information should match the level of understanding and establish validity, but be free of details that the listener already knows or is not of interest. (Content is different in a message to an expert than to a novice)(Johnson and Johnson 1982). Relating the message to the listener's interests also increases attention and retention. State the connection in relative terms rather than assuming you know their interests. The environmentalist, for example, might say: "If you are interested in attracting families to your mall you might like to know that we project that the marsh observation center should draw 150 - 200 families a week."

Communications can also be analyzed in terms of personality differences. It has been shown that people express and interpret communications differently depending on their personality types. The Myers-Briggs type indicator (Myers 1962) is one of several existing systems for classifying preferences. The dimensions analyzed are preferences for: individual or group interaction, detail or generality, relationships or ideas, and certainty or open-endedness. If one can classify the receiver's preferences, appropriate

communications can be formulated. If not, one's own communications can be corrected for one's own type bias and expressed in a way that will appeal to the whole spectrum of types (e.g. a message that includes generalities as well as details, personal references without effusiveness and statements that are concrete without being absolute). Understanding and using these systems can be helpful both in decoding and formulating communications.

Communications can be reinforced by using multiple channels. Messages that are sent in writing, as well as graphically, verbally, and non-verbally are more likely to be retained. The importance of congruent body language is emphasized in a quote by Ralph Waldo Emerson, "What you are speaks so loudly that I can not hear what you say." Research has shown that when confronted with contradictory verbal and body messages most people believe the body language. Multisensual references also reinforce the understanding of the message, describing how an outcome would look, smell, taste, sound, and feel (Bandler and Grinder 1979).

Attention and acceptance of communications are influenced by the credibility of the sender. Low sender credibility can be increased by: consistent comments and behavior, expressions of friendliness, presenting qualifications, being emphatic/forceful, and referring to one's credibility with

respected outsiders (Johnson and Johnson 1982). Citing evidence of past trustworthiness, validating current statements, and guaranteeing statements about future events also help to build credibility.

C.3 Are parties assertive without damaging the relationship?

In a conflict it is not always enough to send a clear message. Often the listener takes offense at what is said or lowers their opinion of the sender and after a few exchanges the relationship degenerates significantly. The danger is two-fold; one, a party may withhold comments for fear they will damage a relationship, or two, destructive statements may initiate escalation. Appropriate assertiveness should result in a reasoned response rather than emotional outbursts or avoidance.

It is often helpful to separate relational and substantive interests and deal with them independently. If consensus is developed on the nature of the relationship (statements showing respect and acceptance and affirming the value of shared emotions and interests) statements on substantive issues will seem less self-centered or threatening (Fisher and Davis 1987). Related to this is the prescription to be "soft on the people and hard on the problem (Fisher and Ury 1981).

Statements about a person can be reframed as concerns about behavior or substantive interests worded as a shared problem.

Attaining integrated solutions is often made more difficult by the inability of parties to define the relative importance of their interests. There is a tendency to assert that all interests are important. Posturing -- making extreme demands -- does provide a cushion for concessions, but it may also anger the other parties, diminish one's credibility and poorly present one's true concerns (Moore 1986). The rational approach is to prioritize one's interests by ranking or assigning weights. It is also helpful to develop one's range of emotional expression to differentiate the relative importance of interests, not just make controlled, cool statements or emphatic demands.

C.4 Are parties being assertive without producing negative reactions?

Assertiveness involves stating what you want but there are times in a negotiation that there are strong feelings that need to be expressed. Unfortunately, many in our culture have been brought up to believe that it is naughty to be angry and that emotions are a private problems to be dealt with internally (Fisher and Davis 1987). Others feel very com-

fortable with emotional expression and this difference in style many times results in resentment and misunderstanding. In monitoring communications it is, therefore, necessary to be on the lookout for emotional outbursts, defensive responses, counter attacks, or avoidance. Body language can also provide clues to receiver acceptance -- open hands, arms and legs; relaxed posture; and warm expressions, rather than anxiety -- leaning aggressively forward or withdrawing back, crossed arms, clenched fists, tight face, or rigid posture (Nierenburg and Calero 1971).

Unaddressed emotions seem to grow in the darkness. Identifying and taking responsibility for the feeling tends to reduce it to life-size and make it more manageable (Fisher and Davis 197). In expressing the feeling, naming it, and linking it to specifics makes it more understandable and acceptable, "When I hear you say... I feel..." or "I feel... because I want (desire)..." Using first person descriptions of feelings and perceptions about the other's behavior rather than labeling them also helps: "I feel hurt when..." rather than "You're heartless!"

C.5 Do the parties inquire and listen effectively?

Listening is at least as important as expressing to achieve effective communication. Unfortunately, parties often make summary judgements that everything the others say is biased, if not outright wrong. This can distort interpretations and may shut off listening completely. It is also easy to emotionally react to an issue early in another's long statement, begin formulating a rebuttal and tune out the rest of their statement. Listening is also limited by the assumptions the receiver makes about the sender's knowledge and motives that shaped their message. This too leads to incorrect interpretations.

Again, body language may be the best indication of attention rather than avoidance, distraction, or boredom. In a group the level of voices trying to be heard may increase in intensity and volume as listening decreases. If listening is adequate the parties should feel acceptance and support for exploring less developed feelings and ideas and for sharing as much as they want to. Responses that show little relation to what was just said also indicate poor listening.

The first step is developing consensus that improving listening is important. This norm can be enhanced by discussing negotiation as an educational process that only works when that parties learn from what is being communicated. The actions suggested in Section C.1 for encouraging reflection

and formulation also apply to listening in general. The essential elements are paying attention and allowing time for expression. One difference is that active inquiry into the reasoning behind statements is appropriate when deep feelings are not being explored. Asking for clarification, elaboration and validation demonstrates attentive listening and improves the accuracy of the communications.

Questions with imbedded emotional messages should be avoided. This is confusing because the listener is unsure whether to respond to the emotion or the question and the implications of the wording may be offensive. The observable responses include: anger, defensiveness, confusion and avoidance. To improve inquiry the following types of questions should be avoided:

- Close-out questions - that assumes the others see from your point of view: "Since the parking lot runoff will not pollute the marsh what is the acceptable flow rate?"
- Loaded questions - that put a person on the spot no matter how they answer: "Are you environmentalist still blocking economic development?"
- Heated questions - that carry emotional messages: "Having discussed this topic ad nauseam don't you think we should move on?"

- Trick questions - that appear to ask for a frank answer but put the respondent on the spot: "What are you going to do with the mall traffic -- congest the neighborhoods or slow up the commuters?"
- Mirror questions - that ask for agreement with another's point of view: "This is the situation..., don't you agree?"

When others use these type of questions, one can restate all aspects of the multiple message and ask the sender to clarify what they are really trying to say or ask.

The tendency of parties to mentally prepare their next statement when they should be listening can be addressed by designating time for each party to speak and get feedback--no questioning or personal responses are allowed. This is particularly useful in the problem definition or understanding the conflict stage (Section 4.0), and can be used at any point when listening is becoming a problem.

The key to effective listening is providing feedback that clarifies and aids discussion without causing defensiveness. Prescriptions for appropriate feedback can be found in several sources: Fisher and Davis (1987), Johnson and Johnson (1982), and Moore (1986). One suggestion is to repeat what they said in their own words. Not only does this let them

know they were heard accurately, but it gives them a chance to elaborate, if what they said was not exactly what they were thinking. Descriptions of behavior, rather than judgments, can reduce defensiveness; "Your efforts to restore that building do not appear to be financially feasible." rather than "You are crazy to try to save that building." If appropriate, judgments can be made after understanding is established. When possible, attributions should be transformed into questions to verify assumptions; "Why do you want the parking lot to be smaller?" rather than "You're trying to restrict my sales by restricting parking!" Feedback should be given in an amount, at a time, and in a location where it will be best received. Hurt feelings, for example, should be dealt with when they occur to prevent festering and distortion of subsequent communications. In other cases comments should be given in private when there is adequate time to assure understanding. One psychological barrier to feedback is the fear that acknowledging understanding will be mistaken for acquiescence or agreement. This can be addressed by making it clear that what one says is a restatement not a personal statement of agreement; "I hear (or sense) that you feel (or think) that..."

C.6 Are the parties remaining rational in the face of strong feelings and not contributing to destructive escalation?

Part of the challenge of effective listening is not overreacting to emotional statements made by the other parties. By monitoring one's own feelings of anger, fear or defensiveness, one can avoid getting caught up in a spiral of escalating emotions. Once aware, one can constructively respond to the other's concerns and express one's own needs. The group can be monitored by observing body language and verbal responses for any increase in hostility and rigidity. One clue in particular is if the parties' exchanges have little connection to the larger issues.

A common although difficult recommendation is to not take attacks personally. People choose what they are emotional about and one does not have to take responsibility for other's choices. Whenever possible these attacks can be reframed as concern about a shared problem. With this in mind, active listening can be used to encourage emotional discharge to put feelings into perspective and provide information needed to shape a satisfactory agreement. Identifying and naming the emotion perceived can be used to initiate an analysis of the cause of the feelings and these interests can then be included as criteria for developing and evaluating a solution. Humor can also be used to diffuse tension and put emotions into perspective, as long as it is not at anyone else's expense. If the emotions continue to intensify, questioning how the current discussion serves the agreed upon

purpose of the negotiations can put the escalation into perspective and prompt a return to productive dialog. If escalation is still out of control, it may be necessary to call for a break or caucuses, explain the reason, and agree to come back with some sense of how to resolve the emotional issues.

C.7 Are questions being used appropriately?

To be effective in a negotiation it is important to understand what the others are thinking and striving for. The usual way of gathering these insights is with questions. The challenge is to decide what questions to ask, how to phrase them and when to ask them. Nierenberg (1986) has identified five basic functions of questions using general semantics research: to initiate interaction, to get information, to give information, to start thinking and to bring the negotiations to conclusion. The idea is to use these questions in above sequence to move the negotiations to conclusion. For example, if one feels that they still do not have adequate information and another party is trying to generate solutions or even get agreement, they can continue to get information by asking questions about the suggested solutions. When one function is satisfied then it is time to move on to the next function. This is not an absolute system and there may be

frequent returns to earlier functions as it becomes apparent that rapport or information is inadequate. This approach is particularly useful if there is not an agreed upon agenda. If there is an agenda, it provides a way to keep the parties on track and assure that the communications functions are being fulfilled even if they are not directly reflected in the agenda. The following are guidelines for the linguistic structure to achieve each of the five functions:

- Initiate interaction - polite preliminaries to gain entry into the conversation and establish rapport; "Can you help me?" "How are your children?"
- Get information - Use questions that seek understanding. Lead off with, who, what, when, where, or why? and then make it clear why the information is wanted so there will be no anxiety about the motive behind the question.
- Give information - Avoid the use of questions to convey information. It creates anxiety because the receiver does not know if to answer the question or respond to the hidden statement; "Do you want a development that kills wild life?"
- Start thinking - Use interrogative adverbs like how, why, did, would or describe in open-ended questions. Place the subject after the auxiliary verb; "Are you sure?" Use questions that develop logical sequence; "When that is done what is next?" Ask romance questions; "What is

the most wonderful solution you can imagine?" Window questions can be used to look into another's mind; "Why do you feel that way?" Gauging questions seek feedback on the state of the other person; "How do you feel about that?"

- Bring to conclusion - Ask for confirmation of a summary statement; "Will 1.4 acres and \$20,000 for the observation decks be acceptable?" or a description of a feasible outcome; "Would you agree if this was kept a marsh, with an evergreen screen and..." Define the choices and request a decision; "You have considered the three alternatives. Are you ready to make a decision?" Make a statement and use the inflection of a question; "This should work for both of us?" Use these questions only when the parties seem ready or they may produce anxiety or anger if others perceive they are being led willingly or unwillingly into a premature decision.

C.8 Are the parties communicating effectively as a working group?

Most of the previous discussion of communications applies to both two person and multiple party negotiations. There are also communications dynamics associated with multiple party negotiations that are unique. Three areas that can be monitored are the adequacy of group dynamic skills, the fulfill-

ment of roles, and adequacy of the physical setting needed for effective group communications.

When group communications are adequate, all parties are questioning, giving input, and listening, and there is progress toward agreement with a minimum amount of coercion, interruptions, or anxiety. If there are problems, a possible first step is to identify the dysfunctional message, diagnose the cause, and discuss and model alternative ways to communicate the same idea or emotion (Johnson and Johnson 1982). This is usually most effective when done by a mediator or other neutral third party. If the problem is more pervasive, a general discussion of good group communications may be needed. The result will be the establishment of informal norms and, if necessary, these can be translated into formal ground rules. If the problem is serious and the time commitment justified, a formal training session in group communications may provide payoffs in the form of a more efficient effective negotiation.

Negotiation is a group process that requires leadership to achieve agreement. The leadership function can be broken down into two roles. Task roles include: information and opinion giver, questioner, direction and role definer, summarizer, and comprehension checker. Possible maintenance roles are: participation eliciter, tension reliever, process

observer, interpersonal problem solver, and supporter or praiser (Johnson and Johnson 1982). These roles can be performed by one person, usually a mediator, facilitator, or meeting manager, or they can be fulfilled by several or all of the parties. Uneven participation, coercion, interruptions and other dysfunctional group behaviors may indicate that one or more role are not adequately being fulfilled. If this is the case, one can personally take on additional roles or initiate a discussion of roles to determine who will be responsible for each one. Ideally if everyone understands and shares responsibility for the roles the group will run smoothly. If the problem persists and time permits, a training session may be appropriate.

Related to the issue of leadership roles is the question of whether the communications network should be centralized or each-to-all (Johnson and Johnson 1982). A centralized network, where all communications are controlled by the mediator or an authority figure, is only appropriate if the hostility or skill level of the parties is such that direct communications if potentially dangerous or the conflict is simple. Each-to-all networks are generally better in complex public disputes that require analysis of information, innovation, and voluntary commitment for implementing agreements. They avoid distortions in the translation of messages and overloading the central authority with too much information. Un-

fortunately there may be a tendency by those familiar with judicial or authoritarian dispute resolution to place the mediator or other authority figure in a central position. This can be discouraged by affirming the importance of equal participation, even if hierarchical relationships exist outside the negotiations (e.g., a mayor and staff member). The parties should be encouraged to speak for themselves and direct their messages directly to the intended recipient or the group as a whole.

Just as body language is an important aspect of individual communication, the seating arrangement, formality, and other environmental factors are non-verbal communications of the nature of the group. If dysfunctional patterns of exchanges are occurring, adjustments in the seating may help (Howells and Becker 1962; Steinzor 1950). Seating the parties facing each other encourages direct communications needed with an each-to-all network. If a centralized network is desired, the parties should all face the mediator (Johnson and Johnson 1982). If the parties sit opposite each other, there is more of a tendency for competitive behavior (Filley 1975). Undifferentiated seating or a circular arrangement deemphasizes team and coalition lines and may be good when joint problem solving is used (Sommer 1965). Breaking into small groups with members of different teams also helps improve communications between parties.

The degree of formality is another concern. Informal, homelike settings can reduce anxiety and promote relaxed interaction. This must be balanced by reinforcing the seriousness of the negotiations by using a more formal setting (e.g. a board room or space in a court building) (Moore 1986). The acoustics and lighting affect the degree of formality as well as the general quality of interactions.

C.9 Are communications with constituents adequate?

The concern for group communications is not limited to interactions between the people at the negotiation table, particularly in public disputes. Constituencies represented at the table are often large, diverse, and poorly organized (e.g. environmentalists, preservationists, the homeless and even the general public). Problem signals include conflicts within the groups, letters to the editor, confidential phone calls, representatives not making references to the concerns of his or her group, and other indications that the people who ultimately will agree and implement an agreement are not aware of or supportive of the way negotiations are progressing. To be supportive they must not only feel that the agreement is satisfactory but that their representative is doing the best job possible. To appreciate his or her efforts they need to understand the substantive and interper-

sonal constraints considered in the course of the negotiation (Kerr 1954).

If problems are apparent, the parties can be encouraged to caucus or hold special meetings to inform constituencies and get their input. Larger interest groups can be informed using mailings or the media. Input can be sought using surveys or delphi processes for defining the problem and developing solutions. Votes, official position papers, authorizations for action, and final approvals may also be used. If the parties are disorganized, are broad-based, or need voluntary support for implementation, it may be better to involve all interested parties in a large group problem solving process than have representatives negotiate (see Section 3.0, Preparation). An alternative is to conduct second level negotiations within the individual parties and to use organizational development techniques to create an entity that can develop and commit to an agreement.

The action recommendations for attaining or maintaining adequacy of one's interests, the negotiation climate, communications, and the stages to be discussed later may not always bring the desired results. The next section provides a procedure for monitoring the success of these suggested actions and making needed modifications.

D.0 Adequacy of One's Negotiation Theory

A practical theory of negotiation must provide for ongoing evaluation and revision. As discussed in Chapter One, each person has an "espoused theory" (what they say they do), and a "theory-in-use" (what they actually do) (Argyris and Schon 1974). The model presented here is an "espoused theory." If a negotiator endeavored to put it into practice, the experience could serve as an experimental test of the theory (experiential learning) (Johnson and Johnson 1982). This section provides a structure for learning from experience and modifying one's theory throughout a negotiation.

Without reflection and refinement, theory can be confining. There is a cycle of interaction between theory-in-use and the behavioral world. A person's theory affects their perceptions, selectively reinforcing their hypotheses. The competitive bargainer, for example, sees everyone as being competitive, uses competitive tactics and is reinforced for that belief. The reality is that many people prefer to be cooperative but respond competitively to a competitive person (Deutsch 1973). In other cases the response may be symmetrical instead of complementary. The dominance of an aggressive negotiator is often reinforced by the submissiveness of the other party (Bateson 1958). In both of these cases the inaccuracy of the theory tends to distort perception of re-

ality, thus creating a self-fulfilling prophecy. People are often adept at clinging to their theory-in-use and excluding contradictory information so they may never refine their theories. The objective here is to include within the theoretical model a reminder and a procedure to identify and address dilemmas that arise between theory and reality.

This section will use five categories of dilemmas Agyris and Schon use in their work on professional effectiveness: D.1 congruity, D.2 consistency, D.3 effectiveness, D.4 testability and D.5 values. When confronted with realities that are not explained by one's theory, or when something seems "not right," the following questions and suggestions for action should help a negotiator modify their theory before the distortions become too destructive.

D.1 Is what I/we say/think and what I/we do congruent?

Congruence means that one's espoused theory matches one's theory-in-use. That is, one's theory and behavior fit. If one espouses mutual respect, for example, then it would not be congruent to ask offensive questions. Another definition of congruence links inner feelings with expression; when a person feels happy, they should act happy. Incongruencies

become problematic when they threaten one's self-image. Consistent misinterpretation or distrust of one's messages or intent is an indication incongruities may exist. It would be easy to attribute the other parties' responses to ignorance, but it may be the result of sending double messages. Reflection may reveal that what one is doing is in conflict with what one is telling others to do. Or, when others do not understand how one feels, it may be due to contradictory verbal and body language.

Congruence can be achieved by changing either theory or behavior. Theory changes may include redefining what is important or identifying a different way of achieving it. A negotiator, for example, might decide that a long-term relationship is more important than always winning, or that cost/benefit analysis is better than voting for selecting a solution. The first step in behavior change is to clearly define one's self-image and then eliminate those behaviors that do not make a positive contribution. Reflection on feelings should heighten self-awareness and allow accurate expressions in both words and body language. If feelings do not fit an individual's self-image, the beliefs that caused the feeling may need to be reconsidered.

D.2 Are my/our interests internally consistent?

Internal consistency means absence of self-contradiction. In relation to theory, it means that one's key interests are independently attainable. This includes relational as well as substantive, and intrinsic (short-term), as well as, instrumental (long-term, strategic) interests. For example, winning on all the substantive issues may not be consistent with one's interest in a good current relationship or achieving the long-term support needed for implementation.

Inconsistencies often appear after agreements have been reached and consequences of actions become apparent. Residents, for example, requested blocking of entrances to the mall from neighborhood streets that ended up making their access to the mall inconvenient. The use of scenarios and systems analysis during negotiations can help identify both direct and indirect impacts of potential agreements and thus help participants confront and resolve internal consistency dilemmas.

One way to address inconsistencies is to prioritize the incompatible interests giving special attention to critical levels and to finding a satisfactory balance. The mall developers, for example, may want to concede just enough on the

substantive issues to achieve a minimally acceptable relationship with the neighbors. If the goal attainment requires a choice between interests, the one that is most important can be selected. If the developer wants a parking waiver more than access through the neighborhood, she may give up the access to achieve the waiver. Exploring the integrative potential of all parties' interests may provide ways to increase satisfaction and mitigate damage by "increasing the pie" and making trade-offs. In other cases it may be necessary to change the importance assigned to interests and adjust one's aspirations.

D.3 Are my/our actions/strategies effective?

Dilemmas of effectiveness are the most obvious tests of theory. Do the prescribed actions produce the predicted changes in the interest variables? For example, did active listening get the other party to express their anger, or did the threat of legal action produce the intended concession?. Dilemmas of effectiveness are easier to identify if the action hypothesis is clearly conceived and the direction and magnitude of change is specified and measurable.

If a strategy is ineffective, it may not have been executed as prescribed. If this is the case, it can be tried again

using corrected procedures. In other cases the basic theory may be appropriate but the assumed conditions may not have been present, or other intervening variables may have affected the results. Active listening, for example, may not have been effective because a minimal level of trust did not exist or because the party was holding a grudge. If so, actions can be taken to assure the necessary conditions are met or to modify the intervening variables. If the action/strategy was correctly implemented and the assumptions were accurate, it is necessary to find or develop a replacement hypothesis/theory. This can be done by researching what others have done or by: 1) analyzing situations, goals, and helping and hindering forces; 2) formulating a new action/strategy; 3) trying it; and 4) evaluating the results.

Ineffectiveness resulting from poorly conceived interests is more difficult to diagnose and address. These dilemmas become apparent when previously successful actions become progressively less effective. An example would be the mediator who uses firm control to keep the parties moving towards agreement. Initially, the group is productive and respectful but as time goes on participation declines and occasional hostility towards the mediator surfaces. Asserting firmer control is the natural response given the mediator's theory, but it is clearly not the answer. Increasing effectiveness

requires reconceiving the interest/objective. In this case, the mediator would do well to seek a process guided by consensus where everyone is respected, not just the mediator. The resulting change will permit shaping a theory to achieve the newly defined interest.

One way to achieve a reconceptualization of interests is to re-ask, "What is it that I really want to achieve?" Long-term objectives implied in short-term concerns should also be considered and used to define interests. Or, an interest can be broken into its component parts (defining dimensions), problems can be analyzed and an overall interest statement reformulated.

D.4 Are the results of my/our actions/strategies testable?

Testing determines whether an action is yielding the expected results. Testing action theories is difficult because: a) the theories are often not well stated, b) their self-fulfilling nature distorts results, and c) action, especially in conflicts, requires strong beliefs that make it hard to question one's behavior. To be tested, the theory must be in the proper form: if you take action "A" then the key variable "K" will move toward the desired level, given assumptions a(1)...a(k). Too often simple prescriptions pass as

theory. Even "if...then..." statements, although testable, lack consideration of qualifying assumptions. As in the hard sciences, actions, outcomes, and intervening variables need to be well-defined and measurable. This is clearly more difficult for intangibles like behaviors and norms than for tangible interests like money, land or mailing labels. Perceivable symbolic measures can be used to test norms and values; it may be necessary, however, to verify consensus on the meanings of the symbols. Measurement is dealt with in more detail in Section A.O, Satisfaction of One's Interests.

The manipulative negotiator who believes that the other parties are stupid is an example of self-fulfilling prophesy. Having continually distorted the truth, no one will give him straight information. When he asks questions to test his opponent's stupidity he gets misinformation or silence, thus confirming his belief. One way to break out of this self-sealing theory is to invite an outsider to provide a different point of view. More commonly this problem only becomes apparent when complicated by dilemmas of congruency, consistency and effectiveness.

Another problem of testing relates to the stance one takes toward their own theory-in-use. To be effective, a person must act decisively based on their theories. They must also be willingly to acknowledge results that contradict their

hypotheses and adjust theory accordingly rather than stick rigidly to espoused theories. It is important to focus on the "here-and-now" reality and take firm action based on current information while maintaining a willingness to change if new information is obtained. Taking a firm stance based on "specific" information allows flexibility if the information changes. The developer, for example, might say, "I will pave the marsh unless you show how the marsh can be profitable to me." Encouraging a climate where flexibility is valued more than consistency can make cooperative attitudes more acceptable.

D.5 Are basic values being threatened even though strategies are succeeding?

A theory of a ruthless negotiator may well meet tests of effectiveness but rational evaluation of achievements is not the only measure. There is also the question of basic human values. These values are defined individually, and are used to determine the acceptability of the behavioral world that has been created by one's theory. Ruthlessness may produce substantive results but one may be disturbed by growing hostility from others or guilt from within.

Awareness of value dilemmas comes by reflecting on basic beliefs about what is important in life. Ideally, this occurs on a regular basis but may be precipitated by personal crises in the form of other dilemmas. Value dilemmas can be addressed by transforming underlying, basic values into interest variables that describe the behavioral world one wants. Then strategies can be developed for achieving those interests and inconsistencies that may exist with other interest variables can be resolved.

CHAPTER SIX - CONCLUSIONS AND RECOMMENDATIONS

The goal of this dissertation has been to formulate a "practical theory" of negotiation from a review of the diverse literature on conflict resolution. This chapter will: 1) highlight some of the primary accomplishments of this study, 2) identify questions and issues that have arisen in the process; and 3) suggest an alternative research approach to address these concerns.

Strengths of the Study

A study of this scope cannot address in depth all possible considerations. While acknowledging these inevitable omissions it is helpful to highlight what has been accomplished. This study has: 1) examined and integrated research and theory from a wide range of perspectives; 2) formulated a generic statement of negotiation theory 3) produced a comprehensive, practical model of negotiation; and 4) addressed the key dilemmas of negotiation. No previous reviews of the literature have combined these attributes to the degree achieved here.

There have been many reviews of the literature within a single discipline: social psychology (Druckman 1977; Rubin and Brown 1975), mathematics/economics (Cross 1968), sociology (Cosser 1967), geography (Cox and Johnson 1982), anthropology (Gulliver 1988), business (Bazerman and Lewicki 1983; Rahim 1986), and planning (Minnery 1985). Gulliver (1979) provided a valuable review of academic theories, and there have been attempts to address the practical/theoretical split in negotiation literature (Martin 1988; Raiffa 1982; Zartman and Berman 1982). However, there has been little consideration of the valuable contributions from communications (Folger and Poole 1984; Putnam and Jones 1982), group dynamics (Johnson and Johnson 1982; Gordon 1978) or creativity (Adams 1974; Van Gundy 1984) that have been included in this study.

Previous attempts to formulate a "generic theory" of negotiation have focused on identifying common dimensions or phases that occur in all cases (Honeyman 1988; Nyhart and Samarasan 1989; Zartman 1988). This provided valuable insights but, the definitions were so general that they were open to criticism and impossible to test. Burton and Black (1986) call for using "problem solving" as a paradigm for unifying the theories from different disciplines, echoing Kuhn's (1962) call for the clear definition of terms and relationships to achieve consensus between scholars. The present study used the problem solving paradigm and compiled a more complete set

of negotiation theory statements than was found anywhere in the literature review. While individual statements will undoubtedly be questioned, the model as a whole provides a basis for discussion and further research.

The use of descriptive theory in many of the studies limits practical application. The prescriptive form presented here directly relates practitioner's actions (independent variables) to desired outcomes (dependent variables). Also, descriptive theory often links outcomes to unchangeable personality traits and situational variables that, while interesting, are of little use to the practitioner in decision making. The theory presented is also more comprehensive than most. It includes consideration of the effects of multiple parties and issues, the presence of constituencies, ongoing relationships, tangible and intangible issues, varied negotiation approaches and alternative means of generating options and reaching agreement that have not been considered as extensively in any other literature review.

The study has also sought to address and discover new ways to resolve a number of dilemmas that occur in negotiation. Should parties cooperate or compete? Is negotiation a rational or subjective process? Should one develop and adhere to a strategy or treat negotiation as an incremental, unpre-

dictable endeavor. Is there a deterministic set of skills and theories to be learned, or is negotiation an intuitive art that can only be mastered through experience.

Much of the negotiation literature assumes that the parties are either cooperative or competitive. Several more recent writers have advocated attitudes of "firm flexibility" (Pruitt and Rubin 1987), "attacking the problem not the person" (Fisher and Ury 1981) and "confronting" rather than "forcing" or "smoothing" (Johnson and Johnson 1982). This study shares these recent attitudes and has clearly indicated that it is acceptable and desirable to pursue one's interests and that this is not necessarily in opposition to helping others achieve their interests. The model goes further, identifying when and how to be effectively assertive and when and how to improve the climate and communications.

Negotiation is both an objective and a subjective process. The structure and content of the model encourages the rational consideration of interests and the formulation of objective criteria to guide and evaluate the generation of options. It also establishes that even the most measurable, formula-based agreement is built on individually assigned, subjective values and meanings. The process for articulating these values and meanings and integrating them into the ra-

tional decision making process has infrequently been addressed in other studies.

The question of whether to use a strategic or incremental approach is addressed in several ways. First, the decision is not set up as an either/or choice. Several alternatives for personal strategies and joint agendas are presented along with criteria to assure the approach is appropriate for the situation. Second, the identification of variables to be monitored continuously and in each stage reinforces the awareness that some aspects of negotiation are not assignable to a linear sequence. Even the stages are not rigidly sequential. When the tests of adequacy of a previously completed stage indicates a need for action the functions of that stage will be considered again.

The question of whether negotiation is an art or a science is similar to dilemmas of spontaneity versus strategy. One's theory of negotiation is actually one's overall, basic strategy. Everyone has a "theory in use." Even those who claim their ability to negotiate is an art have a strategy; it just has not been articulated. The section of the model that deals with testing and modifying one's theory emphasizes that even the best strategy/theory must be responsive to the constantly changing empirical reality. Thus there is no "perfect" theory or set of skills out there to be learned.

This study presents theory as the constantly evolving product of personal and collective empirical research.

Questions and Issues to be Addressed in Future Research

An examination of the benefits of this study would be incomplete if it did not also address gaps in knowledge and as yet unanswered questions. Issues raised by evaluating this study provide the basis for producing a more reliable and useful theory in the future. The model will be evaluated in terms of the guidelines established in Chapter One. The appropriateness of the methodology will be measured using the following criteria for qualitative research: dependability, confirmability, credibility and transferability (Lincoln and Guba 1985)

Evaluation of the Conceptual Frameworks and the Detailed Model

The evaluation of the model can be divided into two parts: structure and content. The structure of the model is designed to serve both the practitioner and the researcher. Using different formats, however, might be more serviceable. The conceptual frameworks are adequately simple for practitioner use, but the detailed model may be overwhelming. Sim-

plification could be achieved by using a computerized, expert system format with separate menus for the key variables, sub-variables, tests and actions so the user would only be faced with the amount of information necessary for the decision at hand. There is also the question of how accurately this structure follows a negotiator's actual thinking process, and therefore how easily it could be used. Although the structure is derived from research on the replication of expertise (Argyris and Schon 1974; Cameron-Bandler 1985) its application in conflict situations needs to be experientially tested.

The structure of both the conceptual frameworks and the detailed model are implicit statements of a large number of hypothesized relationships that could be made more explicit for use by researchers. The sub-variables that define the key variables are identified, but the relative importance of each and their combined effects are not specified. (This is also true when several tests or actions are related to a single sub-variable.) These relationships need to be more thoroughly defined using existing or new research. It would also be useful to have citations for each statement in the model and a coding for the methodology used: experimental, case study, action research, practitioner prescription, or the author's deduction. This would assist in evaluating re-

liability and validity and help shape future research agendas.

The advantages of having the separate model for practitioners and researchers must be balanced against the desirability of a single, integrated format, providing a common text for the discussion and consensus building needed to narrow the split between theory and practice.

Evaluation of content

One of the challenges in this study has been to define tests and measures that will be useful to practitioners. Personality tests and attitude surveys used by researchers, for example, are usually not appropriate for use by negotiators. Variables need to be defined in terms of spoken language and observable behavior, and researchers need to verify that these external measures are, indeed, related to the assumed underlying psychological states and values. Concrete language is also needed to better define terms, many of which did not have universal meaning for negotiators.

There was more material on almost every aspect of the model than could possibly be incorporated. The selection was based on research findings and on the recommendations of respected

authors, but the final product is the result of this author's choices. The sub-variables, tests and actions needs to be verified to assure that only those that are directly related to the key variable are included and that they are compatible with how negotiators actually think and act.

Content areas that drew heavily on practitioner prescriptions and author deductions need to be tested in future research. For example, there is little current research on negotiations involving conflicts with multiple issues and parties. Recommendations for group creativity, quality communications and other related subject areas are based on research but need to be retested to assure transferability to conflict situations.

Situations where power is unbalanced also need more attention, especially when one party refuses to participate. The model could be expanded to include alternatives for addressing basic and often violent, social conflicts that exist, particularly in third world and urban areas.

Evaluation of the methodology

Confidence in the model is based at least in part on acceptance of the methodology. The first criteria for qualitative

research, "dependability", emphasizes that the procedures employed should fall within generally accepted practice and be carefully documented. Although the author found no precedent for a qualitative literature review, qualitative research guidelines for data coding, collection, display, analysis, synthesis and verification were followed (Miles and Huberman 1984). The records maintained for each function were useful in subsequent functions and provide a record of the process. If the study is duplicated minor modifications in the coding form and categorization of the verification notes would be advisable.

"Confirmability" is the concern for how well the conclusions are grounded in empirical evidence. This is a major issue in a qualitative literature review because the data (works reviewed) is often second hand and may be so theoretical that there is no direct link to actual situations or behavior. Further verification of the conclusions by investigating citations and documenting the supporting research and experience would greatly improve the confirmability of the model produced here.

The findings and interpretations of qualitative inquiry should be perceived as credible by those who supplied or will use the data. "Credibility" can be confirmed by having the authors of the examined works and planning practitioners re-

view the model and give feedback. The author will pursue this objective through direct requests to specific individuals and future publications.

"Transferability," the last criteria, is comparable to external validity in quantitative analysis. It questions how well this model will apply to the wide range of conflicts planners encounter. One means of testing this general theory of negotiation would be to compare it to theories developed for specific types of conflicts (e.g. labor/management or hazard waste sitings). Inconsistencies could be analyzed and appropriate modifications could be made. The model could also be tested in terms of its ability to explain well documented case studies for different types of conflicts. While potentially valuable, this testing was considered beyond the scope of this study.

Future Applications of this Study

This chapter has identified research questions that can be addressed using existing methodologies, but some will require a new approach. Standard quantitative and qualitative techniques can be used to test conclusions based on experimental results in realistic settings, as well as, on practitioner

prescriptions that need controlled examination in varied settings.

New research methods are needed: 1) to document how and what negotiators perceive, evaluate, decide and communicate; 2) to identify and test the effects of emotions, attitudes, values, conceptual frameworks and other intrapersonal variables that impact negotiations; 3) to test the hypotheses in negotiations that have multiple issues and parties, ongoing relationships and that occur over long periods of time; 4) to use realistic rather than experimental settings; and 5) to generate adequate sample sizes that will permit statistical analysis. The generalizability of traditional experimental results to complex public disputes and the transferability of case study results to situations where conditions are different has been seriously questioned. The following is a recommendation for a post negotiation evaluation that will address the objectives above and also provide a learning experience for the negotiators completing the evaluation instrument.

A negotiation experiential learning instrument (NELI), would be filled out by negotiators who have completed complex, public negotiations. One part of this instrument would help them reflect on their decisions regarding each of the consistently monitored and stage specific variables and the

overall process of the negotiation. A second part would ask them to consider alternative actions (based on the model) they could have taken at critical decision points and evaluate how these might have changed the course of the negotiation. The author envisions that the instrument taking from four to six hours to complete, but the potential for improving effectiveness in frustrating negotiations, that often take months or years, should make the time invested worthwhile.

NELI would serve both negotiators and researchers. Negotiators would better understand what actually happened and why, and they would learn new ways to respond in future negotiations. Researchers would be provided with detailed information on what variables negotiators consider, how these variables are defined and measured, their relative importance, and how they fit into an individual's conceptualization of the negotiation process. If this instrument becomes an accepted tool for research and education it will be possible to obtain data on hundreds or even thousands of negotiations, thus making statistical analysis possible. The second part of NELI, where alternative actions are considered, will provide researchers with qualitative, practitioner evaluations of the usefulness of academic prescriptions (from the model) in realistic settings. Practitioner suggestions

will provide insights for modifying hypotheses and formulating new research agendas.

The potential for negotiator bias in reporting a past event is a serious concern. This could be addressed by using impartial observers to record the events in the negotiation or by having all of the parties in a conflict complete the instrument and compare the results for consistency. Analyzing the inconsistencies could also help explain the affect of differential perceptions on conflict resolution.

The instrument may also be used to document how a negotiator's theory-in-use changes over time by having it completed after each of a series of negotiations. It could also be used in pre and post-testing of negotiator training programs.

Admittedly, this study has been an ambitious project. The author has sought to integrate and present the bulk of the "known" material on negotiation as it relates to planners, while formatting the material into a practical model for use by negotiators and researchers alike. Although the process and product may at times be cumbersome, it is envisioned that the amassed effort will lead to a refined, multi-purpose "theory-in-practice" that can meet the growing need of society to confront and handle conflicts more efficiently and

humanely. Negotiation and mediation may seem like alternative strategies at this time, but it is the author's hope that one day they will be the accepted cultural norm.

APPENDIX A. INITIAL KEY VARIABLES

The following is a composite list of key negotiation variables from different sources. The basic structure is from Druckman (1977), an edited volume containing contributions from the major social psychologists writing on negotiation. The references permitted rechecking definitions of terms and substantiating citations as the development of the general model of negotiation progressed.

ANTECEDENT VARIABLES (Druckman 1977)

Preconditions (Druckman 1977)

- Adequacy of goal structure (Sullivan 1984, Druckman 1977)
 - tangibles and intangibles (Lewicki and Litterer 1985)
- Availability of incentives (Druckman 1977)
- Negotiation skill and experience (Sullivan 1984)
- Motivational orientation (Lewicki and Litterer 1985)
- Power/dependency relations (Sullivan 1984, Druckman 1977)
- Existance of legal and admin. structures (Sullivan 1984)
- Influence of constituencies (Lewicki and Litterer 1985)
- Awareness of interdependence (Lewicki and Litterer 1985)
- Rationality (Lewicki and Litterer 1985)
- Degree of fairness (Lewicki and Litterer 1985)
- Recognition of subjectivity (Lewicki and Litterer 1985)

Background factors (Druckman 1977)

- Cognitive differences (Druckman 1977)
 - openness (Lewicki and Litterer 1985)
 - creativity/bargaining mix (Lewicki and Litterer 1985)
 - risk taking (Sullivan 1984)
- Ideological differences (Druckman 1977)
- Bargaining orientation (Druckman 1977)
 - integrative or distributive (Lewicki and Litterer 1985)
- Nature of mutual perceptions (Lesicki and Litterer 1985, Druckman 1977)
- Perceived benefit of negotiating (Sullivan 1984)
- Negotiator personality (Lewicki and Litterer 1985, Druckman 1977)
- Negotiator role (Druckman 1977)
- Existance of a nego. plan (Lewicki and Litterer 1985)
- Formulating goals (Lewicki and Litterer 1985)
- Research (Lewicki and Litterer 1985)
- Choice of conflict resolution approaches (Sullivan 1984)
- Knowledge of nego. processes (Lewicki and Litterer 1985)
- Understanding other parties (Lewicki and Litterer 1985)
- Efforts to influence perceptions and expectations (Lewicki and Litterer 1985)
- Site selection (Sullivan and Madigan 1984)
- Role of time and deadline (Sullivan and Madigan 1984)

CONCURRENT VARIABLES (Druckman 1977)

Processes (Druckman 1977)

- Bargaining tactics and strategies (Druckman 1977)
- Persuasiveness of the debate (Lewicki and Litterer 1985, Druckman 1977)
- Coercive influence tactics (Druckman 1977)
- Phases defined by concession exchanges (Druckman 1977)
- Phases of cooperation and competition (Druckman 1977)
escalation, stalemate, problem solving, settlement
(Pruitt and Rubin 1986)
- Communication quality (Lewicki and Litterer 1985)
message channel used (Sullivan 1984)
- Techniques to get N back on track (Lewicki and Litterer 1985, Sullivan 1984)

Conditions (Druckman 1977)

- Social environment (Lewicki and Litterer 1985)
- Open vs. secret proceedings (Druckman 1977)
- Number of parties and coalitions (Druckman 1977)
- Structure of groups: membership char. member interests, leader skill (Sullivan 1984)
- Existance of legal and admin. structures (Sullivan 1984)
- Third party approaches (Sullivan 1984, Pruitt and Rubin 1986, Lewicki and Litterer 1985, Druckman 1977)
- Stresses and tensions (Druckman 1977)
- Power balance (Sullivan 1984, Lewicki and Litterer 1985, Druckman 1977)
- Situational complexity (Druckman 1977)
- Context and external events (Druckman 1977)
- Affect of constituencies (Lewicki and Litterer 1985)

CONSEQUENT VARIABLES (Druckman 1977)

Outcomes (Sullivan 1984, Druckman 1977)

- Type of agreement: amount, speed, symmetry of concessions (Druckman 1977)
- Satisfaction with agreement (Druckman 1977)
- Range of outcomes and new alternatives (Druckman 1977)
- Provisions for protection of the public (Sullivan 1984)
- Completion of process obj. for each stage (Sullivan 1984)

ETHICAL QUESTIONS (Sullivan 1984, Lewicki and Litterer 1985)

APPENDIX B. DEVELOPMENTAL THEORIES OF NEGOTIATION

This appendix provides a partial record of the process used to develop the model of the developmental stages in the resolution of conflicts. It consists of three parts (1) the stages defined by each of eight different authors; (2) an integration of all the stages into a combined list; and (3) two alternative formulations that led to the list of stages presented in Chapter Three.

DEVELOPMENTAL STAGES LISTED BY DIFFERENT AUTHORS

Gulliver (1979)

1. Search for an arena
2. Composition of agenda and definition of issues
3. Establishing maximal limits to issues in dispute
4. Narrowing the differences
5. Preliminaries to final bargaining
6. Final bargaining
7. Ritual affirmation
8. Execution of the agreement

Lewicki and Litterer (1985)

1. Negotiation planning
2. Strategic process: dist. or integrative, communication, persuasion
3. Outcome

Druckman (ed.) (1977)

1. Antecedent: preconditions and background factors
2. Concurrent: processes and conditions
3. Consequent: outcomes

Van Gundy (1984)

1. Establish the "context": identify issues, set climate
2. Obtain needed "inputs": time, people, other resources
3. Structure the "content": group mbr., roles, tasks, phy. envir.
4. Creative problem solving "process": def., ideas, eval/choose, implement
5. Analyze and refine "product"
6. Evaluate "outcomes": satisfaction with the process and product

Arieti (1976)

Rossman (in Arieti)

1. Observation of a need
2. Analysis of the need
3. Survey of all info.
4. Generate obj. alter.
5. Analyze ad. and disad.
6. Innovation/invention
7. Test and refine solution

Osborn (in Arieti)

1. Orientation to the problem
2. Preparation - gather information
3. Analysis
4. Ideation - generate ideas and then alternatives
5. Incubation - invite illumination
6. Evaluation - judging the ideas

Pruitt (citing Druckman 78) (1981)

1. Agreement about the need to negotiate
2. Agreement to set objectives and principles
3. Agreement to rules of conduct
4. Agreement on def. of issues - set agenda
5. Agreement on formula
6. Agreement on details

Susskind and Madigan (1984)

1. Pre-negotiation
 - identify the salient interests and select representatives
 - select mediator or facilitator
 - define the ground rules and protocols
 - Set the agenda
 - Identify and allocate support resources
 - Engage in joint fact-finding
2. Negotiation and consensus-building
 - Prepare single negotiating texts
 - Identify underlying interests
 - Invent and present potential trades
 - Construct and sign a final agreement
3. Post-negotiation
 - Monitor implementation of the agreement
 - Renegotiate elements as necessary
 - Evaluate the negotiating process and final agreement

AN INTEGRATION OF THE DIFFERENT DEVELOPMENTAL STAGES

(Susskind's stages are used as a basis for integrating the steps of the other authors into one list. Duplications are indentified by listing author numbers.)

1. Orientation to the problem (Susskind and Madigan 1984)
1. Pre-negotiation (Susskind and Madigan 1984)
1. Negotiation planning (Lewicki and Litterer 1985)
 - Observation of a need (Arieti 1976)
 - Agreement about the need to negotiate (Pruitt 1981)
 - Def. "context": issues, setting, climate (Van Gundy 1984)
 - Structure the "content": group mbr., roles, tasks, phy. envir. (Van Gundy 1984)
 - Search for an arena (Gulliver 1979)
 - identify the key interests and select representatives (Susskind and Madigan 1984)
 - select mediator/facilitator (Susskind and Madigan 1984)
 - Agreement to set objectives and principles (Pruitt 1981)
 - define ground rules/protocols (Susskind and Madigan 1984)
 - Agreement to rules of conduct (Pruitt 1981)
 - Set the agenda (Gulliver 1979, Susskind and Madigan 1984)
 - Agreement on def. of issues - set agenda (Pruitt 1981)
 - Identify/allocate resources (Susskind and Madigan 1984)
 - Obtain "inputs": time, people, etc. (Van Gundy 1984)
 - Preparation - gather info. (Arieti 1976)
 - Engage in joint fact-finding (Susskind and Madigan 1984)
 - Antecedent: preconditions and background (Druckman 1977)
2. Nego. and consensus-building (Susskind and Madigan 1984)
2. Strategic process: dist. or integrative, communication, persuasion (Lewicki and Letterer 1985)
2. Concurrent: processes and conditions (Druckman 1977)
 - Est. max. limits to issues in dispute (Gulliver 1979)
 - Prepare single nego. texts (Susskind and Madigan 1984)
 - Identify underlying interests (Gulliver 1979, Susskind and Madigan 1984)
 - Analysis of the need (Arieti 1976)
 - Invent potential trades (Susskind and Madigan 1984)
 - Creative problem solving "process": def., ideas, eval/choose, impl. (Van Gundy 1984)
 - Formulation of obj. alter. (Arieti 1976)
 - Ideation - generate ideas - alter. (Arieti 1976)
 - Analysis of ad. and disad. (Arieti 1976)
 - Incubation - invite illumination (Arieti 1976)
 - Innovation/invention (Arieti 1976)
 - Evaluation - judging the ideas (Arieti 1976)
 - Test and refine solution (Arieti 1976)
 - Agreement on formula (Pruitt 1981)
 - Agreement on details (Pruitt 1981)
 - Narrowing the differences (Gulliver 1979)

Preliminaries to final bargaining (Gulliver 1979)
Analyze and refine "product" (Van Gundy 1984)
Final agreement (Gulliver 1979, Susskind and Madigan 1984)
Ritual affirmation (Gulliver 1979)
Execution of the agreement (Gulliver 1979)

3. Consequent: outcomes (Lewicki and Litterer 1985, Druckman 1977)
3. Post-negotiation (Susskind and Madigan 1984)
Evaluate "outcomes": process and product (Van Gundy 1984)
Monitor implementation (Susskind and Madigan 1984)
Analyze and refine "product" (Van Gundy 1984)
Renego. elements as necessary (Susskind and Madigan 1984)
Evaluate the negotiation process and final agreement (Susskind and Madigan 1984)

A SYNTHESIS OF THE DEVELOPMENTAL THEORIES I

Is the relationship adequate?

Agreement about the need to negotiate (Pruitt 1981)
Develop consensus on nego. approach: dist. or integrative
Structure the "content": group mbr., roles, tasks, phyc. envir. (Van Gundy 1984)
Choose mediator/facilitator (Susskind and Madigan 1984)
Define ground rules/protocols (Susskind and Madigan 1984)
Identify/allocate resources (Susskind and Madigan 1984)
(inputs (Van Gundy 1984))

Is the nature of the conflict understood?

Identify the issues (Van Gundy 1984)
Examine history of the relationship
Analyze the types and balance of power
Agreement to set objectives and principles (Pruitt 1981)
Set the agenda (Gulliver 1979, Susskind and Madigan 1984)

Is there movement towards agreement?

Narrow differences in positions (Gulliver 1979)
Influence others to change their positions
Seek integrative solutions
Prepare single nego. texts (Susskind and Madigan 1984)
Identify underlying interests (Gulliver 1979, Susskind and Madigan 1984, Arieti 1976)
Ideation - generate alter. (Arieti (Rossman) 1976)
Formulation of obj. alter. (Arieti (Rossman) 1976)
Analysis of ad. and disad. (Arieti (Rossman) 1976)
Innovation/invention (Arieti (Rossman) 1976)
Agreement on formula (Pruitt 1981)
Agreement on details (Pruitt 1981)
Evaluation - judging the ideas (Arieti (Osborn) 1876)
Test and refine solution (Arieti (Rossman) 1976)

Final agreement (Gulliver 1979, Susskind and Madigan 1984)
Ritual affirmation (Gulliver 1979)
Execution of the agreement (Gulliver 1979)

Is the agreement working?

Evaluate "outcomes": process and product (Van Gundy 1984)
Monitor implementation (Susskind and Madigan 1984)
Renego. elements as necessary (Susskind and Madigan 1984)

A SYNTHESIS OF THE DEVELOPMENTAL THEORIES II

STAGES	TRANSITION POINT
Latent conflict	Triggering event
Preparation	
Identify affected parties, teams, representatives, third parties,	
Select the arena	
Define issues and set the agenda	
Establish ground rules	
Allocation of support resources	Commitment to nego.
Agreement seeking	
Strategic choice: compete, avoid or collaborative problem solving	
Exploring the issues	
Narrow differences/seek solutions	Stalemate
Alter expectations and/or strategy	
Final bargaining	Agreement
Post-negotiation	
Ritual affirmation	
Implementation	
Evaluation and response	Satisfaction or new triggering event

APPENDIX C. LEARNING CYCLE THEORIES OF CONFLICT

This appendix provides a partial record of the process used to develop the model of how negotiators learn and communicate in each negotiation episode. It consists of three parts, (1) a summary of the phases described by six different authors; (2) an integrated list of the phases; and (3) two of the alternative formulations that preceded the model presented in Chapter Two.

LEARNING CYCLE THEORIES OF DIFFERENT AUTHORS

Gulliver (1979)

- >1. Receive info. - from other and elsewhere
- | 2. Perception and assessment
- | 3. Change in a) expectations of O, b) strategy
- | 4. Modification in preference set
- | 5. Tactical decision
- <-6. Send message

Pruitt and Rubin (1986)

1. Escalation
2. Stalemate
3. De-escalation

Arieti (Guilford) (1976)

- >1. cognition
- | 2. Production: divergent and convergent thinking
- <-3. evaluation

Walton (1969)

- >1. Issues: substantive and emotional
- | 2. Triggering events: substantive or emotional
- | 3. Resolving acts: competitive or cooperative
- <-4. Consequences

Folger (1984)

- >1. Diagnosis [monitoring key variables]
- | 2. Attitude change [issues, intention]
- <-3. Structural change: working habits, climate, power relations, need to save face

White (1985)

- >1. Perception of the situation based on: a) vital interests, b) structural factors, c) view of the other and d) info. processing style
- 2. Position I - bottom line
- 3. Strategizing
- 4. Position II - what will be presented
- 5. Communication formating
- <-6. Position III - resulting message

INTEGRATION OF LEARNING CYCLE THEORIES

->Issues: substantive and emotional (Walton 1969)

Triggering event: substantive and emotional (Walton 1969)
Receive info. - from other and elsewhere (Gulliver 1979)
cognition (Arieti 1976)

Diagnosis (Folger and Poole 1984)
Perception and assessment (Gulliver 1979)
Perception of the situation based on: a) vital interests, b) structural factors, c) view of the other and d) info. processing style (White 1985)
Escalation (Pruitt and Rubin 1986)

Stalemate (Pruitt and Rubin 1986)

De-escalation (Pruitt and Rubin 1986)
Attitude change [issues, desires] (Folger and Poole 1984)
Change in view of others and strategy (Gulliver 1979)
Position I - bottom line (White 1985)
Modification in preference set (Gulliver 1979)
Tactical decision (Gulliver 1979)
Strategizing (White 1985)
Divergent and convergent thinking (Arieti 1976)
Position II - what will be presented (White 1985)
Communication formating (White 1985)
Position III - resulting message (White 1985)
Send message (Gulliver 1979)
Resolving acts: competitive or cooperative (Walton 1969)

Consequences (Walton 1969)
Structural change: working habits, climate, power relations, need to save face (Folger and Poole 1984)

<-evaluation (Arieti 1976)

A SYNTHESIS OF LEARNING CYCLE THEORIES I
(done w/o Gulliver and White)

->Issues: substantive and emotional (Walton 1969)

Triggering event

Increasing awareness of the conflict

Stalemate (Pruitt and Rubin 1986)

Resolving acts: competitive or cooperative (Walton 1969)

Consequences (Walton 1969)

<-evaluation (Arieti 1976)

A SYNTHESIS OF LEARNING CYCLE THEORIES II

->Triggering event - message from others or the envir.

Perception of the message

Success of the last message?

Adequacy of relationship/communications info

Substantive info - what the other wants, ext. forces

Info about the process - type of messages and thinking

Analysis of input in relationship to

Personal vital interests

Beliefs about conflict resolution

History of issues and relationship

Modification of desires/interests Modifications of strategy

What others will accept

Long-term

What I can expect

What to say/do next

<-Formulate and send the next message

APPENDIX D. THE DETAILED MODEL OF NEGOTIATION

Key and Sub-variables that are
Considered in Each and All Negotiation Stages
with Tests and Action/strategies

Format

? .0 - Key Variables (highlighted)

? .? - Sub-variables

T Tests that define and measure the sub-variables

A Action/strategies to attain or maintain desired levels
of the key variables with comments on intervening
variables

If tests indicate inadequacy actions are taken until
adequacy is achieved. Then the next sub-variables are
tested and acted on. When all of the sub-variables test
to be adequate one moves on to the next most critical
key variable. Following this procedure allows the
negotiator to respond to the current situation and
proceed towards resolution.

Part I - Stage Specific Variables

**1.0 Choice to Engage in Conflict Resolution (Triggering
Event)**

Is the Adequacy Level of any Key Issue Critical or Threatened

1.1. Is the nature of the conflict accurately understood?

T - Are my aspirations realistic based on past experi-
ences, power relationships, rules or norms and in com-
parison with others?

T - Have all possibilities for a mutually acceptable
solution that the parties may not be aware of been con-
sidered?

T - Are there no interests in conflict other than those
that are apparent?

T - Has the party who is really responsible for the sit-
uation or the one with the resources to make changes been
identified?

T - Is it clear that the perception of the conflict is
not based on any misinformation or misinterpretation of
information?

A - Analyze and verify information as necessary to determine the true nature of the conflict.

A - If there are multiple issues, divide them into manageable pieces.

1.2 Does the desire for change or threat to the status quo justify taking action?

T - Is satisfaction of the issue in conflict more critical than other desires in both the short and long-term?

T - Is the probable satisfaction greater than the probable cost of achieving it?

T - What is the likelihood of reaching a successful resolution?

T - Does the probability of satisfaction and degree of satisfaction of resolving this conflict make this a better investment of time and resources than other options for one's attention?

A - If "no", do not act. Continue to monitor for changes in the situation.

A - If yes, determine if the other party is committed to resolving the conflict.

T - Will the threat to the variable continue to become more critical rather than decline over time if nothing is done?

T - Are the probable costs in time and resources of resolving the conflict worth the benefits, and the reduction in short and long-term threats to the status quo?

A - If no, do not respond. Continue to monitor the situation particularly for decline in the relationship and indirectly related attacks on the system.

T - Will the avoidance or suppression of threats cause short or long term repercussions in important relationships and organizational operations?

A - Provide acceptable conflict management mechanisms in the system to avoid destructive expressions of conflict.

1.3 Are the other parties committed to action on this conflict?

T - Do the other parties respond when confronted with your concerns? Do they acknowledge that the issue affects them?

T - Do the other parties understand the probable costs and benefits of resolving or not resolving (short and long-term)?

A - Encourage the other party to analyze the situation, do it jointly or do it yourself and present the results to them. Present the costs of no resolution and the po-

tential benefits of a solution in terms of ALL parties' interests so the statements do not sound like threats or bribes.

T - Do the other parties consider that this is a priority for them to act on?

A - If it is not a priority increase the attractiveness of possible resolutions and/or the cost of not resolving the conflict--use scenarios.

A - Increase costs to them of not resolving the conflict.

A - Decrease internal and external barriers to participation.

A - Decrease uncertainty and risk of substantive and image loss.

1.4 Do the other parties refuse to participate for reasons of power or prestige?

T - Do they see themselves to be in a position of power where they can achieve their interests without negotiating.

A - Emphasize a norm of decision based on reason rather than ability to do harm to the other. Express an openness to reason and a refusal to yield to blackmail.

A - Increase the costs of not participating.

A - Dramatize the negative impact of using threats and coercion on the social structure and relationships in both the short and long-term.

A - Increase dependency by unilaterally taking actions to satisfy their interests.

A - Identify and enhance one's alternatives to a negotiated solution and inform the other party if they underestimate the attractiveness of your alternatives.

Analyze your own and the others' sources of power and take steps to improve your relative position.

T - Do the parties refuse to negotiate because they feel that their social, economic or political status is threatened and that negotiation would be seen as acceptance that the others are at an equal level.

A - Hold private meetings without observers or constituents.

A - Use a mutually acceptable intermediary.

A - Appeal to a higher authority.

A - Emphasize a norm of responsible leadership (noblesse oblige) as the basis for positive long-term social structure.

T - Do they refuse to negotiate because they feel they have no power or because they feel the time spent negotiating will not provide sufficient benefit?

A - Engage them in considering scenarios that explore possible positive outcomes.
 A - Enhance their power through recognition, information and technical assistance.
 A - Point out the tactical advantage of low power resulting from the trust assumed by the more powerful party.

T - Do any of the parties express distrust of the other parties?

A - Encourage them to proceed independent of trust> Explore possible personal benefits that can assure quarantees in the final agreement.to address concerns about trust.

A - Communicate one's power to establish that the desire to cooperate and make concessions is sincere and not done out of weakness.

T - Do they view negotiation as a sign of personal weakness or recognition of your strength? Do they have a reputation of being tough to maintain or a constituency to impress?

A - Focus initial efforts on understanding each other's issues before discussing decision making procedures or solutions.

A - Establish a norm based on rational problem solving rather than winning and loosing.

2.0 Choice of Conflict Resolution Method

2.1 What is the most appropriate resolution method for the situation?

The situation is tested in terms of the listed concerns about the parties and the conflict. The alternative actions are the methods listed on the horizontal axis of the matix. The ratings in each cell indicate the relative usefulness of each method in addressing each concern. The relative importance of the concern will be determined by the situation. After the best method has been selected the analysis can be used to identify potential problems and take actions to address those concerns that may still exist, e.g. provide negotiation training, alter power relations, etc.

Resolution Method Considerations

SITUATIONAL VARIABLES

ALTERNATIVE METHODS

Bar-	Nego.	Medi	Ac-	Arbi-	Aju-
gain	CPS	ate	tive	trate	di-
		Med.			cate

Concerns about the parties

Ability to communicate	Mod.	High	Mod.	Mod.	Mod.	Low
Willingness to disclose	Mod.	High	Mod.	Mod.	Low	Low
Skill in problem solving	Low	High	Mod.	Mod.	Low	Low
Knowledge of the problem and possible solutions?	Low	High	High	Mod.	Mod	Low
Flexibility of the parties	Mod	High	Mod.	Mod.	Low	Low

Concerns about the conflict

Time available	Some	More	More	More	Some	Most
Finances available/required	None	None	More?	More?	More?	Most
Legal precedent is needed	No	No	No	No	No	Yes
If protection is needed for ext. groups or the public	No	No	No	Yes	No	Yes
If the abuse of power is probable	No	No	?	?	Yes	Yes
If the parties need a knowledge of their legal rights	No	No	No	No?	Yes?	Yes
If there are many parties and issues - complexities	No	Yes	Yes	Yes	?	?
If there are underlying issues to be addressed	No	Yes?	Yes	Yes	No?	No
If there are issues that are not facts of law	Yes	Yes	Yes	Yes	Yes	No
If joint problems can be defined?	No	Yes	Yes	Yes	No	No
If there are potential for integrative solutions	No	Yes	Yes	Yes	No	No
If 3rd parties need subject matter knowledge			No	Yes	Yes?	No
If privacy is desired	Yes?	Yes?	Yes?	Yes?	Yes?	No
If good relations are needed in future conflicts	No?	Yes	Yes	Yes	No?	No?
If a high quality of justice needed	No	No?	?	Yes?	Yes?	Yes
If agreement is be binding	No	No	No	No	Yes?	Yes
If voluntary commitment is needed to implement	No?	Yes	Yes	Yes	No?	No?

2.2 If one has chosen a non-adversarial method (collaborative problem solving or mediation) do the other parties concur?

T - Have the parties stated a desire to cooperate or have strong stands been taken that make a willingness to collaborate or mediate seem to be a sign of weakness?

A - Counter percetions of weakness by emphasizing that participation doesn't mean taking less and that they may

get as much or more by using a collaborative problem solving approach.

T - Is one's pursuit of self-interests accepted or seen as a breach of trust?

A - Analyze and redefine the context so that pursuing self-interest is viewed as a natural part of any conflict and not a breach of trust.

T - Do the parties feel competent and confident in the chosen method or are there fears of manipulation, loss of stature, the unknown, etc. that make the expertise of an attorney and the familiarity of the court system attractive?

A - Emphasize the limits of judicial consideration and that a range of divergent interests can be shaped into a mutually acceptable solution.

A - Emphasize that judicial proceedings can be conducted simultaneously or initiated if alternative approaches do not produce an agreement.

T - Is the emphasis on satisfaction of interests or is there heavy social or organizational pressure for winning?

T - Is there a low tolerance for errors or misjudgements?

A - Provide role models and recognition for the willingness to take personal risks and build for long-term rather than just short-term successes.

A - Build a climate of respect for individual differences and for constructive confrontation of conflicts.

T - Are lawyers involved who are supportive of collaboration rather than overemphasizing the adversarial nature of the conflict and dangers of ADR's?

A - Encourage lawyers to include as part of their professional services, advice on selecting and using alternative resolution methods.

3.0 Adequacy of Preparation for Negotiation

3.1 Are the appropriate parties involved?

T - Are the parties affected (costs and/or benefits) by the conflict or potential solutions actively involved?

A - Identify those individuals and groups that have taken stands on these issues in the past.

A - Analyze the costs and benefits of the existing conflict and possible solutions and identify and contact the individuals and groups affected.

T - Are those with power to decide, implement or block implementation involved?

A - Identify potential solutions, resources and approvals needed for implementation and parties responsible for decision making. Involve decision makers with the highest level of authority possible

A - If the actual decision makers are not involved in the negotiations, obtain clear authorization for the representatives to act.

T - Are secondary parties - friends, constituents, witnesses to be involved?

A - Involve secondary parties only if they have a specific function (providing necessary emotional support, encouraging fairness and non-manipulation), agree to limits on their participation and so they do not inhibit free expression or encourage grandstanding.

T - Are substance and process experts needed and involved? Is legal or technical expertise or assistance needed in problem solving or unraveling psychological dynamics?

A - Assess the complexity of the problem, the process, and the abilities of the parties, and involve experts as needed. If lawyers are to be involved as representatives or advisors for one party they should be asked to refrain from hard-line positional bargaining.

T - Is the media to be involved, who and how?

A - Generally exclude the media to increase candor and reduce posturing.

A - Utilize media to inform larger, more general constituencies and possibly solicit input when appropriate.

A - Open sessions may be appropriate if suspicion and accusations threaten to hinder acceptance or implementation of the agreement .

T - Is participation to include all parties or teams?

A - Involve all interested parties if there are multiple issues and parties and if there is a need for broad-based education on the issues and commitment to implementation.

A - Use representatives if groups are well structured, there is a clear authorization to act and contact is maintained with the group to assure ongoing understanding and support of the process and ultimate agreement.

A - Use teams made up of groups with similar interests if there is a mutually supportable representative and a process for maintaining consensus on objectives and solutions both between and within sub-groups.

3.2 Is there consensus on procedural and behavioral norms?

T - Are all parties pursuing the same basic negotiation tactic -- bargaining, debating, problem solving or a combination?

A - Discuss the advantages and disadvantages of each approach and make joint decision.

T - Is consensus on behavioral norms being built in the appropriate way?

A - Ad hoc - adopt guidelines as the need arises, e.g. interruptions or accusations become a problem if the parties are experienced negotiators/communicators or if it is a short-term informal session.

A - Using pre-prepared guidelines if time is limited for building norms.

A - Using negotiated guidelines if parties need an experience applying procedural and behavioral norms and a success reaching mutual agreement before tackling more complex, emotional issues.

T - Is it clear what types of sessions will be used and when?

A - Use formal information exchange sessions with time limits for presentations and questions if interruptions are or may be a problem

A - Use brainstorming sessions -- ideas are presented without criticism or commitment to them if there is a needed for alternative ways to define or solve a problem or if parties are hesitant to consider alternatives for fear of appearing soft on their positions.

A - Use caucuses -- parties/teams meet separately -- if representatives need input or approval from constituencies or if expressing emotions may be less disruptive in private than in joint sessions.

A - Use intermissions if emotions need to cool down, if additional information is needed or if there needs to be a clear separation between idea generation and decision making phases of the negotiation.

3.3 Is there an acceptable agenda and schedule?

T - Is the method of setting the agenda acceptable?

A - Use one party preparation - if other parties feel that party can reflect their interests and that they will have input.

A - Use third party to prepare the agenda - if the neutral party sufficiently understands the nature of the conflict and issues, time is limited and/or the parties have sufficient trust in the neutral person to represent their interests.

A - Negotiate the agenda - if issues need to be explored and defined, approach needs to be agreed upon, there is a question of manipulation of the process or there is a need for building successes in cooperation.

T - Are the parties competent negotiators? Do they have communication, problem solving or data analysis skills or technical knowledge?

A - Schedule for discussion of procedural and behavioral guidelines if there is a limited amount of time, if the conflict is simple and the process straight forward or if the parties are experienced negotiators.

A - Provide handbooks on negotiation and technical briefing papers.

A - Include training sessions if the conflict and process is complex and/or the parties are inexperienced in the negotiation.

T - Is there consensus on the key issues?

A - Solicit statements from all parties articulating key issues and their relative importance and develop consensus on a composite list of issues and include them in the agenda.

T - Is the agenda as simple as possible yet capable of addressing the complexity of the conflict?

T - Is the agenda flexible enough to adapt to emerging issues and opportunities that may arise during the process?

T - Will the agenda build initial successes that can be built on?

T - Is this a agenda that the parties feel comfortable with?

A - Ad hoc -- choose items as the process progresses, if the negotiations are simple and informal.

A - Simple agenda -- address each item on the list of issues separately and in order, if the issues are not interrelated.

A - Parties alternate choosing the items, use if parties cannot agree ahead of time on the order of issues or if lack of issue clarity or consensus requires flexibility.

A - Order of importance -- use if time is limited, if success is likely on the first issue or if decisions on the primary issues must be made before other issues can be considered.

A - Less difficult first - use if there is a need to build trust and cooperation before going on to issues that are more complex and emotional.

A - Building block or contingent agenda - use if decisions on some issues must be decided on before others are considered.

A - Principled agenda -- issues defined and grouped in terms of general principles, use if the issues and interrelationships are complex

A - Principled or formula approach -- examine interests, reach an agreement in principle and then work out the details -- if there are multiple, interrelated issues, there is a need to get parties out of entrenched positions and the parties are able to function at a high level of abstraction and defer decision making on minor issues until later.

A - Packaging issues and trade-offs -- present proposals and counter proposals addressing all issues until a package is presented that all parties can agree to, use if issues are not easily discussed separately and if the parties understand each other's interests.

T - Is adequate time allocated for each agenda item?

A - Get consensus on amount of time needed for discussing or developing procedural and behavioral guidelines and/or training.

A - Estimate time needed to explore and define issues.

A - Estimate time needed to seek solutions to each issue or package of issues; consider priority and order.

A - Schedule sessions considering the parties availability, time pressures and amount of time needed between sessions to gather information, confer with constituencies, etc.

3.4 Is there an acceptable location for negotiating?

Tests	Neutral Terri- tory	One Party's Place
Can distractions/interruptions be controlled?	Yes	No?
Can one party manipulate the use of space?	No	Yes
Is there a need for psychological distance from site of the conflict needed?	?	?
Will the location dictate the use of time?	No	Yes?
Psychological advantage of one's own space	No	Yes?
Does a site provide needed emotional support?	No	Yes?
Is access to information/support needed?	No?	Yes?
Does it meet the functional needs for the nego., caucuses, audio-visuals, typing, copying?	?	?
Is ease of leaving or providing info an issue?	No	Yes?
Perception/meaning of physical arrangements	?	?

3.5 Is there an adequate commitment of resources?

T - Are all parties committed to attend all scheduled sessions and others if necessary?

A - Adjust schedule and/or make provisions for delegation of responsibilities and designation of representatives.

T - Have commitments, financial or in-kind, been made as needed for 3rd parties, technical experts, support staff, space, supplies, etc.?

A - Secure commitments from one or more parties. If predominantly born by one party, precautions should be taken to prevent manipulation and assure a sense of joint ownership of the process.

A - Secure support from neutral sources if parties can not or will not provide resources or if support by one party would be perceived to bias the process.

4.0 Understanding of the Conflict

4.1 Have obstacles to exploring interests been overcome?

T - Do parties recognize the possibility of integrative solutions rather than seeing only a "win-lose" struggle?

A - Present examples of other conflicts that appeared to be "win-lose" but turned out to have "win-win" solutions.

A - Explore underlying issues and use these to suggest the potential for integrative solutions.

A - Emphasize that collaboration does not necessarily mean making concessions and that it is appropriate to make strong, clear statements of interests in the issue examination and agreement detailing stages.

T - Are the parties overcoming the tendency to hide their real interests to prevent feared manipulation?

A - Encourage cautious disclosures using a climate of contingent-cooperation to build the level of trust and openness.

T - Are parties willing to explore underlying interests rather than viewing one position as the only way to satisfy their interests?

A - Present examples of how adherence to positions prevented maximum satisfaction of one's interests.

A - Explore other positions that could satisfy stated interests to different degrees to demonstrate the value of flexibility.

T - Are parties being candid rather than misrepresenting their interests to "build a case," to make threats or inflate their "bottom lines" ?

A - Set a deadline for agreement to force parties to be candid and focus on the real interests.

A - In caucus have parties consider the long-term affects of misrepresentation on the relationship and the danger

of misrepresentations hardening into positions that could be embarrassing to switch later.

A - Provide a rationalization for changing a bluff or misrepresentation so that the party can "save face".

T - Do the parties' attitudes promote interest exploration?

A - State and encourage acceptance of common attitudes: that all parties interests are important to them, solutions should maximize satisfaction, that there are compatible as well as conflicting interests and there may be more than one solution.

T - Is the appropriate approach being used to overcome obstacles, indirect or direct?

A - Use indirect approaches -- model cooperative behavior, clarify communications, restate communications in non-destructive terms, etc. -- if parties are using positional bargaining, if they are unsure of their interests or if there is not adequate trust to merit direct exploration of their needs.

A - Use direct approaches -- training exercises, direct discussion -- if parties are not committed to absolute positions, feel enough trust to explore interests or will trust a neutral party to protect them as they explore interests and solutions.

4.2 Is there mutual recognition of the issues and underlying interests?

T - Is there a sense that all interests have been expressed: tangible and intangible, short and long-term?

T - Are parties clear about their own underlying interests?

A - Use indirect approaches if parties are focusing on positions or the level of trust is too low to directly explore their needs:

1. Communications techniques -- actively listen, paraphrase, fractionalize, reframe, etc. to decode and uncover interests. Name feelings and other intangible interests. Describe in objective terms what will be seen, heard or felt if they are being met.

2. Trial and error testing -- state perceived interest, request verification and restate until the interest and its implications are clearly understood.

3. Hypothetical modeling -- present a series of settlement options and discuss their affect on underlying interests.

A - Use direct approaches if parties are not committed to absolute positions, feel enough trust to explore interests or trust a neutral party to protect them as they explore interests and solutions.

1. Direct questioning -- explore why stated positions are important and the desired outcomes. Ask other parties to talk about intangible interests related to both the process and outcomes of the negotiations such as fairness, social approval/respect, reputation, revenge, winning, etc

2. Interest orientated discussion -- exclude discussion of issues and positions and focus on making interests concrete and explicit. Explore how each of the stated issues and interests relate to basic human needs: physiological, security, relationship, esteem, self-actualization, knowledge and aesthetics.

3. Brainstorming -- use heterogeneous groups of not more than 10, list all possible issues without criticism, integrate lists and develop consensus on a simplified list for the agenda.

4. Scenarios -- Consider impacts of alternative solutions (and non-resolution), and resources and actions needed to implement them. Analyze the long-term affects of both the process and outcome on one's ability to satisfy interests in the future, the setting of precedents, reciprocal actions implied, ability to resolve other conflicts, reputation, etc. Avoid focusing on the past.

4.3 Is each party's prioritizing of interests understood?

T - Are concessions being made on issues that are appreciated rather than seen as unimportant?

A - Have parties indicate importance by classifying interests as primary or secondary, ranking them or assigning weights.

A - Postpone consideration of interests of little importance until after agreement has been reached on primary interests.

4.4 Is the interrelatedness of interests understood?

T - Are all interests independent of each other with no possibility for tradeoffs?

A - Separate those issues on which parties are firm and those where flexibility and tradeoffs are possible. Emphasize a goal of maximum satisfaction on a package of interests.

T - Are the parties clear on which interests are held in common and which are unique? Have the parties been say-

ing, "We both want..." or has a list of common interests been prepared?

A - Integrate the list of all interests into categories and identify those that are shared and those that are important to only one party.

T - Is the affect on others of satisfying one's own interests understood

A - Use causal diagraming, systems analysis, analysis of scenarios. The method and detail of the analysis depends on the situation.

4.5 Have non-negotiable interests been excluded from the discussions?

T - Are some interests ideological and not open to negotiation?

A - Seek creative solutions to the immediate issues rather than trying to resolve ideological differences.

4.6 Have constituencies had adequate input into the definition of issues and interests?

T - Does the list of interests and rating of importance accurately reflect the constituencies' concerns rather than just the representatives?

T - Do the constituents understand the constraints and opportunities affecting the negotiations enough to accept the final resolution?

A - Hold caucuses with constituents, use surveys, request official resolutions, authorizations or approvals and/or use the media.

5.0 Generation of Options for Settlement

5.1 Have the obstacles to generating options been overcome?

T - Do the parties recognize that they cannot optimize their satisfaction without the cooperation of the other parties?

A - Vigorously defend individual interests.

A - Make accountability to tough constituencies clear.

A - Establish a climate where parties maintain a posture of "firm flexibility," firm about getting one's needs met but flexible about the means for meeting those needs.

A - Use leverage to induce flexibility, emphasize the cost of no agreement, strengthen the other parties position and their power to achieve it, even without agreement (BATNA) or convince them that their position may not be the best way to satisfy their interests.

T - Do the parties recognize the need for options in addition to current positions?

T - Have attempts to get acceptance of personal positions failed? Has anyone stated, "We are not getting anywhere!"?

T - Is there a perceived stalemate?

A - Identify psychological needs using active listening, restatement, etc. and get all parties to shift commitment from positions to needs.

A - Encourage a mutual reassessment of aspirations as needed to move beyond the stalemate.

A - Allow the parties to retain their positions while considering the possibility of finding a better settlement option.

A - Separate inventing sessions from deciding sessions.

A - Set a deadline for reaching agreement or considering ending negotiations to limit nonproductive posturing and delays that may be more costly to one party than another.

T - Have limiting psychological tendencies to judge prematurely, search for a single answer, assume resources are limited or thinking that "solving their problem is their problem" be successfully countered? (Fisher 59)

A - Focus attention on the problem rather than the people.

A - Broaden the options on the table rather than look for a single answer.

A - Expand resources available to satisfy interests.

A - Redefine the conflict as a shared problem solving process.

A - Invent ways of making their decisions easy.

T - Have the perceptual, emotional, cultural, environmental, intellectual and expressive blocks to creativity been adequately addressed?

A - Shape self-images that recognize fallibility and creative capability to encourage continual questioning of one's ideas driven on by the belief that one can always find a better solution. Present case studies of creative breakthroughs, use positive affirmations and recognize any individual and group innovation.

A - Encourage a "questioning attitude" by validating those who ask questions, using check lists of questions and consider the situation from different points of view.

A - Encourage flexibility in the use of thinking modes: verbal, quantitative, aural, visual, tactile, kinesthetic and gustatory by using graphic and pictorial representations, visualizations, multi-sensory language, questions that direct sensory consideration of the situation and descriptions of relationships in mathematical terms.

A - Utilize thinking aids such as: morphological forced connections, attribute listing, manipulative verbs: adapt, magnify, minimize, substitute, reverse and combine,

A - Encourage shifts to right brain functions using soothing music, visual imagery, drawing and focus on interrelationships.

A - Tap the unconscious by delaying judgment with breaks; using personal, direct, symbolic and fantasy analogies; reducing fear of failure and ridicule; focus on self-knowledge/actualization and meditation.

T - Are the level of trust and quality of communications adequate for the effective generation of options?

A - See sections B.0 and C.0.

5.2 Are the option generating methods appropriate?

T - Does the analysis and criticism of positions limit creativity?

T - Does polarization of the parties prevent fair consideration of the other's interests?

T - Are resources or interests devisable or negotiable in a way that a gain for one party does not necessarily mean a loss for the other? (Note: Win-win options are often not initially perceived.)

T - Is there the level of trust and cooperation adequate for developing a joint solution?

T - Do parties, at least tentatively, agree to restrain from the use of power tactics?

A - Brainstorming -- generate as many options as possible without criticism in groups of not more than 10; combine and assess the lists and shape the best ideas into alternative packages for further discussion -- use if parties are willing to consider options and suspend judgements.

A - Nominal group technique (NGT) -- members generate options independently and then share one idea at a time in order until all the ideas are out -- if some members are unwilling or uncomfortable sharing in a group brainstorming session.

A - Discussion subgroups -- options are sought for specific issues by small groups usually made up of representatives of different teams -- if members hesitate to participate in large groups or issues can be divided up and addressed simultaneously by separate groups.

A - Scenarios -- issues are described as a problem and small groups describe hypothetical scenarios for solving the problem, the features of the scenarios are then compared to establish ideas for a joint solution -- use

particularly if implementation is expected to be complicated and cooperative action will be needed.

A - Fractionation -- divide an issue into subissues or component parts, resolve separately and combine subissue resolutions into a final agreement -- use if discussions of issues are not productive, subissues are not overly interrelated or there is a need to move away from more controversial aspects of an issue.

A - Independent proposals -- each party prepares and presents a proposal they think will satisfy all parties, the pros and cons of each are evaluated and a final agreement is shaped using the best features of each -- use if parties have a good understanding of the other's interests and are not likely to be so attached to their own ideas that they become positions.

A - Single text negotiating -- identify the interests of all parties, develop a proposal that addresses a majority of the interests, circulate it among the parties for suggested modifications and repeat the process until an acceptable agreement is reached -- use if there are multiple parties and issues and if parties are having a problem envisioning an acceptable agreement.

A - Agreeing on a formula or principles -- devise an overarching formula, a brief statement of common objectives or basic principles that provides a framework for detailing a final agreement -- use if the issues are complex and the parties are getting mired down in details.

A - Expansion of the resources to be considered -- focus on the interests of each party and ways the other parties can contribute to their satisfaction in ways that may be unrelated to the conflict -- use in conjunction with single text or formula methods.

A - Covert problem solving -- use informal, private meetings, intermediaries, or conciliatory signals that communicate a willingness to consider alternatives or engage in joint problem solving -- use if the other parties persist in using contentious tactics and there is a danger of image, position or information loss by initiating problem solving. of alternative solutions.

5.3 Has the number of options been reduced to a manageable size for final bargaining? (Note: with single-text or formula negotiations there will only be one option that will be refined in final bargaining.)

T - Are there enough options to promote creative comparison without causing conceptual confusion?

T - Have low potential options been eliminated without loss of useful ideas?

T - Do the options represent a level of refinement in line with the importance of the conflict and the time the participants are willing to commit?

A - Combine ideas into categories.

A - Combine categories into option packages.

A - Eliminate those packages that have the least potential for acceptance by voting, using minimally acceptable criterion such as -- cost, implementation time, etc.

6.0 Degree of Agreement (Final Bargaining)

6.1 Is an appropriate method of option analysis being used?

T - Is the method efficient for analyzing the number of options to be considered?

T - Is the method appropriate for the type of criteria: implicit or explicit, subjective or objective, weighted or not?

T - Can the method be completed in the time the parties are able and willing to spend?

T - Does the method encourage constructive criticism that does not incite defensive reactions?

A - Voting -- the parties vote yes or no, rank or assign a set number of points to each option or components of the options. If there is no clear consensus on one option, the votes are discussed in search of tradeoffs and ways to improve the options. This is easier if the parties' votes are tabulated separately or presented graphically using colored dots -- use when there are a large number of options to consider, little time, and explicit, weighted criteria have not been developed.

A - Evaluate pros and cons -- list the advantages and disadvantages for each option or option component, individually or as a group. If not immediately clear which option is best, examine pros and cons and shape an option that will be more acceptable -- use when there are a large number of options, when criteria are explicit but not weighted and time is not critical.

A - Screens -- the options that do not meet agreeable, minimum criteria are eliminated with several levels of screens, progressively more rigorous but requiring consideration of fewer and fewer options -- use if explicit, weighted criteria exist and there is adequate time.

A - Weighted matrix -- the parties, individually or as a group, rate the options on one axis in terms of weighted criteria, and on the other axis of a matrix; if there is not a clear choice, the results can be analyzed and used to shape a more acceptable option -- use if the number

of options is small, there are explicit, weighted criteria and a moderate amount of time.

A - Scenario analysis -- this is a variation on the pros and cons analysis above that puts more emphasis on evaluation of the implementation process -- use if implementation is expected to be complex or controversial.

6.2 Are the appropriate approaches for final bargaining being used?

T - Is the approach appropriate for the options generated: a) the bargaining range is so small that the need for further negotiation is minimal, b) options are within an acceptable range but details still need to be worked out, c) considerable difference remains but existing options are better than no agreement and d) no option is mutually acceptable but parties are beginning to show flexibility?

T - Are the number of issues in conflict being reduced, simplified, or grouped into packages?

T - Are the differences on the issues narrowing?

T - Is there a potential for trade-offs on some of the issues?

T - Are there additional resources or means to increase overall satisfaction of interests?

A - Splitting the difference, drawing straws or other arbitrary decision procedures -- use if the differences in positions are small, there is an equal chance of winning or losing and a decision by another means would take more time and would not significantly increase one's gain.

A - Incremental convergence (on specific issues or comprehensive proposals) -- parties present offers and counter offers, making adjustments as interests and priorities become clearer until a mutually acceptable proposal is presented -- use if the number of issues is small, it is clear that there is a mutually acceptable settlement range and the use of positional bargaining is not likely to lead to escalation or stalemate. Reluctance to reveal "bottom lines" or make concessions can be reduced by discouraging rigid commitment to positions, testing acceptance with tentative offers, offering symbolic concessions to demonstrate good faith, using intermediaries, starting the "log rolling" with easy issues, holding private negotiations, "face saving" rationalizations, and reframing of the conflict.

A - Leap to agreement -- open with a high demand, offer few concessions and then make a final leap toward agreement -- use to establish a hard line on a principle, to take advantage of a deadline and to avoid starting a

string of concessions that may be difficult to stop, use if it is unlikely that the other party will become hostile because of initial inflexibility, or resent a new proposal just before the deadline.

A - Agreements in principle or to a formula -- the parties cycle between working out general agreements and more specific details until a package is acceptable at both levels -- use to prevent getting bogged down in details, in complex conflicts. Consensus on values can provide a criterion for a formula.

A - Expand the pie -- the parties look for ways to satisfy other's interests using resources that have not be considered in discussion of the conflict -- use if additional incentives or compensations are needed to get the other parties to agree, or if there is mutual advantage that can be gained on shared issues.

A - Tradeoffs or dovetailing differentiated interests -- each party's interests are listed or the results of the analysis methods above are examined for values put on certain outcomes, timing and risk; benefits are exchanged so each party optimizes their outcome -- use if the parties weigh interests differently and the potential benefits are worth the extra time required.

6.3 Has an appropriate deadline been set?

T - Does the deadline recognize external constraints: court dates, interest accruing, filing requirements, etc.?

A - Have all parties evaluate the costs and benefits of any delays.

T - Does the deadline impact all parties equally?

A - Provide compensation for the parties incurring costs by the ones who benefit if the deadline is not met. This will equalize pressure to negotiate in good faith.

T - Is the deadline realistic?

A - Have parties establish criteria for determining the deadline, gather needed information, and set a date that allows satisfaction of the criteria.

T - Is the deadline explicit and immediate enough to pressure parties into stating their true interests and positions and realistically adjusting their aspirations?

A - Set deadlines that demand sincere effort to progress toward agreement. Incremental deadlines can increase the number of "11th hour" breakthroughs.

T - Is the deadline limiting development of an optimal solution?

A - Include provisions for renegotiating of the deadline if parties agree that more time is needed, or make a provisional or partial agreement, scheduling additional negotiations and a new deadline.

T - Are parties using deadlines to threaten, pressure or embarrass others into unwise concessions?

A - Publicly label the tactics, privately warn of the danger of these tactics, provide "face saving" rationalizations or build incentives or penalties into offers that encourage timely progression towards solution.

6.4 Are deadlocks being dealt with appropriately?

T - Is the cause of the deadlock understood: refusal to adjust aspirations, unwillingness to consider options, inability to innovate, unacceptability of the other's behavior, grudges from past interactions, lack of authority to make decisions, insufficient expertise or understanding to evaluate options, using delay to force concessions, etc.

T - Has the deadlock lasted long enough for the parties to consider the importance of reaching agreement but not so long that they become discouraged and begin blaming?

T - Are the responses to deadlock helping parties affirm the desire for agreement, improve relations, redefine the problem and generate new options?

A - Affirm the investment in the negotiations.

A - Move quickly to agreement.

A - For unacceptable behavior, set ground rules, build norms, censor inappropriate behavior, ask the person to leave or the party to send another representative.

A - If old animosities exist, get the parties to start in the present to build a new relationship. See Section B, Negotiation Climate.

A - Create a "new ball game": a) change the process, e.g. work in small groups, b) establish and enforce tough ground rules, c) try a different technique for generating options or reaching agreement or d) change the setting, possibly a retreat center.

A - Change the people. If there is a problem of authority to act, bring in people with the power to decide. If the parties are hesitant to act because they lack understanding, bring in experts. If there are too many people, form a task force to develop and present a solution.

A - Address the deadlock directly. Identify the probable cause, have each party discuss what it would take to initiate movement towards agreement again, and negotiate a solution.

A - Keep trying. Agree to meet one more time or to stay no matter how many hours it takes to reach agreement.

A - Accept incomplete consensus. Allow a minority statement of disagreement to be incorporated into settlement or ask the dissenting party to stand aside so the rest of the group can reach consensus.

A - Reduce the strength of the agreement sought -- agree on a procedure for settlement if not on substance; agree provisionally, if not permanently; if not comprehensively, then partially; in principle if not in detail; contingently if not unconditionally; voluntarily if not binding; or at least agree on where you disagree.

A - Third-party decision makers -- the conflict is turned over to an arbitrator or judge for a decision -- use if an unbreakable impasse is reached or if a non-extendible deadline has been reached.

A - Postponement, avoidance or abandoning issues -- use for some or all issues if the costs of continuing negotiations or entering into other means of conflict resolution exceed the potential benefits. Beware of the tendency to avoid important issues just because addressing them is emotionally uncomfortable.

A - Reflect on one's approach and underlying theory. Question what could have been done differently for insights into what can be done to move beyond stalemate. See Section D, Dealing with Dilemmas.

6.5 Is there an adequate implementation plan?

T - Have the actions needed for implementation been clearly delineated and scheduled?

T - Are individuals responsible for implementation clear about and committed to carrying out the necessary steps?

T - Is there an adequate administrative structure for implementation?

T - Have the resources necessary for implementation been committed?

T - Is the implementation plan simple enough to be understood, yet detailed enough to prevent loopholes?

T - Is it realistic in its demands on the parties?

A - Select someone or use consensus to prepare an implementation plan, negotiate any controversial details and incorporate these in the final agreement.

6.6 Are provisions for monitoring and renegotiating in place, if needed?

T - Are there clear criteria for measuring compliance?

T - Has responsibility for monitoring been determined, and scheduled and resources allocated?

A - Establish a monitoring plan that specifies measurement methods, critical levels, monitoring responsibility and procedures for notifying concerned parties and renegotiating.

7.0 Sense of Closure (Formal Settlement)

7.1 Have all parties made adequate commitments?

T - Are there adequate guarantees and contingencies for mutual trust?

A - Negotiate what payments or actions will be taken if and when specified points of agreement are not complied with, and how performance will be guaranteed: mortgages, bonds, court orders, etc.

T - Has the agreement been approved by the constituencies?

A - Obtain necessary board, administrative, legislative or public approvals and endorsements.

A - Use voting or surveys to confirm that constituencies understand and support the agreement.

T - Has the self-executing commitment (public or private oral promises, informal or formal written agreements) and external executing commitment (administrative or court rulings, or actual execution of the agreement) been made?

A - The above are in order of motivational strength and enforcibility, and selection should reflect relative probability of compliance. The larger the number of issues and parties, the longer the terms of the agreement; the lower the level of trust, the more formal controls are critical.

7.2 Has there been a fitting terminating activity?

T - Does the terminal activity provide a symbolic, meaningful end to the confrontation/cooperative process?

T - Does the terminal activity strengthen the relationship and the commitment to compliance?

T - Does the activity provide recognition for individual and group efforts?

A - Have parties make oral exchanges of promises before the mediator, authority figures, people who are personally important such as family or religious leaders, the press or the public.

A - Exchange gifts, first payments, gestures of friendship that are symbolic of good faith and of willingness to fulfill commitments.

A - Officially sign informal written memorandums of understanding.

A - Sign legal agreements such as contracts, or covenants.

A - Perform symbolic acts or rituals such as handshakes, toasts, presentations of certificates or celebratory meals.

Part II - Consistently Monitored Variables

A.0 Satisfaction of One's Interests

A.1 Are my (our) interests clear?

T - Is it clear what I/we hope to gain or protect by engaging in this conflict?

T - Are underlying interests understood?

A - For each issue and/or interest identified ask the question, "Why is this important to me/us?"

A - Check to see if any interests are actually "means" for satisfying interests (positions). If they are, identify the underlying interests that these means will satisfy.

T - Have I/we considered all the possible impacts of alternative outcomes?

T - Have I/we considered intrinsic (short-term) and instrumental (long-term, strategic) impacts?

A - Mentally or graphically consider the intrinsic and instrumental interests for each category of interests.

CATEGORIES	INTRINSIC (short-term)	INSTRUMENTAL(strategic)
Resources	Division of material goods, property, money.	Impacts on attainment of personal and org. goals.
Relations	Quality of interactions, dominance, ceasing or performing specific actions.	The quality of ongoing work, relationships, my reputation and power.
Process	Enjoyable cooperation, exciting competition.	Commitment to agreement and implementation, future coop.
Principles	Equal division, balance past exchanges, accepted standards, ethics.	Set or modify precedents or standards that will affect future exchanges.

T - Is my/our focus on vital interests (real needs)?

A - Check apparent and underlying interests to see if they may be distorted by a) sentiments about what the other parties are doing, b) beliefs about what one "should" or "has a right to" have, c) concern for winning or even being sure the other side loses, d) attempts to "right past wrongs," or e) a desire for "as much as possible" rather than focusing on the satisfaction of real needs.

T - Are my/our interests stated in positive, attractive terms?

A - Reword what is "not wanted" into interests based on commonly held positive principles, and present motivating images of desirable outcomes. What would be seen, heard or felt if the interest were satisfied?

T - Is my/our concern about outcome certainty clear?

A - Rate interests in terms of degree of satisfaction certainty: absolute, probable, possible or unlikely.

T - Is my/our concern about immediacy of satisfaction clear?

A - Identify the timing for reaching satisfactory levels: immediately, by a set time, eventually or continually.

T - Are interests stated in measurable terms?

A - If there are costs or benefits that will occur over time, put them in current terms using "present value" calculations.

A - Ask yourself, "How will I/we know if the status of interests is changing?" What will be seen, heard, tasted, smelled or felt?

A - If interests are stated in ideological terms, identify discrete actions linked to the abstract principles.

A - Imagine services that one could buy to otherwise satisfy intangible interests, and use that cost to establish a comparison.

T - Have I/we considered all categories of impacts: resources, relationships, the process and principles?

A - Develop and examine scenarios-- probable, alternative outcomes. Monitor emotional reactions as well as rational considerations.

A - Conduct a cost/benefit analysis for alternative outcomes. This may be a simple subjective consideration or a detailed, measured analysis depending on the complexity and importance of interests.

A - Use systems analysis to identify inputs, process and outputs for alternative outcomes. Use if the importance justifies the time required, or if the requirements for

implementation are not well understood or will be complicated.

A.2 Is the range of acceptable satisfaction levels understood?

T - Is it clear what will completely satisfy each of my/our interests?

A - Determine the point at which any additional gains would not necessarily produce greater satisfaction or might even become a burden.

T - Is my/our "bottom line" (the lowest acceptable level of satisfaction) understood?

A - Examine the "real" limits of satisfaction that would exist even without competition or opposition: physical constraints, laws, administrative rules, etc.

A - Estimate the level of satisfaction that the other parties will support. What is their preferred approach to negotiation? What do I know about their past negotiation history? What is the relative balance of power? What appeals to reason, persuasion or intimidation will be needed?

A - Research the precedents for levels of satisfaction: past exchanges, what others have received, court precedents, perceived entitlements based on position, hardship, or other principled rights.

A - Determine if I am owed or if I owe compensation based on unequal exchanges in the past?

A.3 Is it clear how one's interests are interrelated? (This will vary if interests are all within the acceptable range, within critical ranges, or of mixed status.)

T - Is the relative importance of interests understood?

A - Evaluate importance by rating interests as primary or secondary, in rank order, or by assigning a set number of points. If there are many, interrelated interests, grouping them into categories before rating may be helpful.

A - If there is a wide range of satisfaction possible for the variables, points of importance can be assigned to appropriate increments so alternative combinations can be compared in a total score. This thinking process may aid in evaluating tradeoffs even if actual scores aren't tabulated.

T - Are my/our interests internally consistent?

A - Consider the impact of full satisfaction for each interest separately. Are there any negative impacts on other interests?

A.4 Do my/our interests dovetail with the other parties' interests?

T - Do I have key interests that other parties may be willing and able to help me/us satisfy?

T - Do the other parties have key interests that I/we are willing and able to satisfy in exchange for satisfaction of my/our priority interests, especially instrumental ones?

A - Analyze the power and resources of the other parties in terms of their ability to satisfy your interests.

A - Determine the other's interests, put yourself in their shoes, see through their eyes, study their past, observe their behavior and sensitively question their desires. Which of these interests do I/we have the willingness and ability to address?

A - Determine outside resources that may provide satisfaction of interests that do not dovetail. Attainment of these resources can be sought independently or as a joint effort.

A - If interests are in direct conflict, consider mutual reductions in satisfaction levels, or compensate by satisfying other valued interests not currently related to the conflict.

B.0 Is the Negotiation Climate Adequate?

B.1 Are all parties clear about the negotiation climate needed?

T - Is the adequacy of the existing climate understood?

A - Analyze body language, tone of voice, actions and statements, and verify impressions in individual interviews, by examining stories told and group discussions of agenda and ground rules.

T - Is it important to reach agreement in a timely, efficient manner?

T - Is voluntary compliance needed to implement the agreement?

T - Is there value in reducing the likelihood of future conflicts?

T - Is there interest in preventing hostile, emotional exchanges?

B.2 Is emotional intensity being managed adequately?

T - Is the emotional identification with the issues and desired outcomes adequate to motivate initial and continued commitment to the negotiation process?

A - See Section 1.0, Triggering Event for a discussion of the decision

A - Maintain a moderate level of tension that keeps the focus on key issues and provides a sense of urgency without limiting thinking flexibility and quality.

Heighten tension by: Increasing exposure through face to face contact, reducing the number of people present or limiting escape routes, Sharpening conflict issues by focusing on basic issues or citing the consequences of failure to agree, Promoting an exchange of feelings about interests (cautiously).

T - Is there evidence that unexpressed emotions exist in the: tone of voice, pacing of words, facial expressions, posture and body movements?

T - Do the parties recognize that they have strong emotions?

T - Are emotions being expressed?

T - Are emotions being expressed in a way that doesn't stimulate defensive or hostile responses?

T - Do the parties understand the cause of the strong emotions?

T - Has a strategy for managing strong emotions been adopted?

A - Encourage venting of emotions if the party needs a physiological release or others need to know how strong the feelings are about an issue, or if it will not stimulate destructive defensiveness or counter aggression.

Use: Active listening -- the listener decodes the message and names the emotional content of the message -- use for identification and diagnosis of emotions and to demonstrate concern for the others' interests. Ground rules -- establish guidelines for acceptable behavior and exclude character assassination, attribution and personal attacks, see Section 3.0 Preparation Focus on interests not people -- encourage parties to vent about interests not about the people who advocate the interests. Modeling -- identify unproductive venting and suggest and model ways to express the same emotions in a less volatile manner. Humor -- tell jokes that are not at the expense of any party but address the issues and release tension and anger.

A - Suppress emotions if their expression produces counter aggression, impedes getting to the real problem, intimidates others, or if it is feared that exchanges could get out of control. Use: Strict ground rules -- provide rules that limit the types of communications, see Section 3.0 Preparation. Direct communications to the mediator -- parties do not communicate directly. Shuttle diplomacy -- the parties are physically separated and the mediator carries communications back and forth -- use in extremely hostile situations.

A - Take actions to remove the objective cause of the emotions by meeting substantive interests--resolving the conflict. This can be done by following the steps in negotiation, Sections 1-0 - 7-0. Achieving early successes on easier issues often helps build positive patterns before tackling more emotional issues.

B.3 Are mutual perceptions accurate? Have misperceptions and stereotypes been corrected?

T - Are the perceptions the parties hold of each other accurate without getting into extraneous detail?

T - Are the perceptions hindering or furthering a productive substantive, procedural or emotional settlement?

T - Is the cause of misperception understood? Are the parties interacting authentically rather than masking their own natures and attributing negative qualities to others?

T - Do the parties "identify" with each other? Do they recognize common experiences, values, interests or styles?

T - Has an effective strategy for revising perceptions been implemented?

A - Penetrate masks (in caucuses if there is a mediator) by questioning and identifying discrepancies between how the parties want to be perceived and how they are perceived. Encourage accurate presentations of self.

A - Demonstrate similar attitudes -- show that a party shares similar attitudes toward an object, event, idea or third person. Use similar language, define a common problem, focus on potential shared benefits and common views of outsiders.

A - Encourage common association -- identify unrevealed commonalties and build on them. Use the negotiation of the agenda and ground rules and other formal and informal interactions associated with the conflict to provide shared experiences.

A - Disassociation -- Deemphasize associations with objects, ideas or people that remind the parties of past events or differences that stir negative emotions; eliminate them as topics of discussion, reframe them in more neutral terms or refocus on future possibilities.

A - Reinforce behavior and attitude changes -- reward positive behavior and punish negative behavior. Use compliments, appreciation, favors and mutual benefits or reminders of role obligations, comparisons of their positive self-concepts, or direct threats and sanctions to build more acceptable perceptions.

B.4 Do the parties recognize the legitimacy of the other parties?

T - Do the parties recognize each other as legitimate negotiators or representatives? Are they willing to talk to each other?

A - If parties are reluctant to participate in the negotiations, see Section 1.0 Triggering Event for actions to establish legitimacy.

A - If the question is about how the representative was selected explain the procedure or develop and carry out a mutually acceptable authorization procedure, e.g. a board resolution or vote of the membership.

T - Are the multiple roles defined and understood?

A - Encourage parties to preface comments by identifying who they are speaking for -- themselves, their constituencies, an uninvolved interest group or the public; the purpose of their comments -- facilitation, providing expert information, exploring options or being a devil's advocate; or their relationship role -- impersonal negotiator, friend or authority figure.

A - If there is concern about constituent support or tactics that manipulate the representative's role ("bait and switch" or "good guy, bad guy" routines), require specific authorization for representative power or participation of principals with authority to act.

A - If it is a question of the legitimacy of a particular person it may be possible to alter those perceptions or get a substitute negotiator.

A - If any parties can not be persuaded to accept the legitimacy of another party coercion may be needed. The means should be chosen carefully to have maximum influence with the least damage to the relationship.

T - Do the parties mutually recognize that the other parties' issues and interests are important to them?

A - Redefine the issues in terms that are more favorable or acceptable to the other party, link to recognized principles or accepted rules or standards, be more specific or more general

A - Get a respected third party to support the legitimacy of the issues and interests.

T - Is there mutual recognition that the others have a right to have emotions and that they are sincere?

A - Name the emotion that is stated or perceived and acknowledge the other's right to hold that feeling while making it clear that this does not imply that the emotion is merited.

A - Once an emotion is expressed and acknowledged shift perception to substantive issues. Do not allow the parties to dwell on emotions.

B.5 Is the level of trust adequate?

T - Is there adequate trust in the process -- the chosen negotiation method? Do the parties feel that this is the best way to satisfy their interests

A - Objectively evaluate the alternative methods of negotiation. This is especially important for collaborative negotiation and mediation which are generally not well understood. The following advantages can be described and illustrated using examples: Directly involves the parties in defining issues and making decisions. Softens interactions between the parties. Provides sufficient time for problem solving. Provides a structured process for integrating emotional needs and rational thought. Provides an opportunity to uncover the root causes of the conflict. Utilizes on the competence of those involved in the synergy of cooperation.

T - Do the parties question and require verification for all communications without challenging honesty or refusing to believe anything said?

T - Are the parties fulfilling expectations for acceptable behavior: respectful listening, keeping confidences, refraining from attacks and following other ground rules?

T - Are the parties confident of agreement compliance?

A - Build trust by emphasizing positive experiences in past negotiations and other interactions, ask them to recount times when trust was rewarded.

A - If negative past experiences are based on misinformation, discuss the situation to put it in the proper perspective.

A - If there are past experiences of misplaced trust or manipulation:

Encourage consistently congruent statements.

Help parties understand each other's perspectives.

Encourage and provide symbolic gestures that show good faith.

Ask the other party for help.

Demonstrate mutual concern for and willingness to help others satisfy their interests, Translate concerns about trusts into interests and then into specific proposals.

Provide guarantees that show a willingness to incur costs if commitments are not kept, Discourage threats or promises that are unbelievable, unbelievable.

Demonstrate understanding of the other's concerns even though one does not agree with them, and

Invite respected third party statements about trustworthiness.

T - Do the parties have trust/confidence in their own ability to negotiate?

A - Use artful questioning and modeling to lead the parties through the process of expressing interests, listening, generating, evaluating and choosing options and assuring compliance.

A - Provide manuals and case study materials or actual training sessions for skill development.

A - Use a mediator or facilitator to provide assurance that the process will be properly managed and manipulation minimized.

T - Do the parties trust the mediator's integrity and competence?

A - Address doubts about the negotiation approach and the mediator.

A - Present qualifications, training, past experience and preparation for this negotiation.

A - Emphasize common values, role definition and mutual responsibility for developing a positive working relationship. Ask that judgment be deferred to allow trust to develop.

A - Earn confidence by: being impartial, honoring confidences, drawing out appropriate information, articulating different interpretations of the situation, understanding feelings, transforming negative emotional expressions, morale building and demonstrating skill in problem solving and settlement strategies.

B.6 Do the parties recognize their interdependence?

T - Do the parties visualize their relationship in terms of a positive metaphor?

A - Replace noncooperative metaphors -- a "chess game" where the objective is to outwit, deceive, trap or overwhelm the other equally ruthless competitor or a "debate" where the best argument wins -- with positive long-term ones -- a family unit, where contributions are made for the good of the unit not just for one party's tangible benefits, or a "work team" where each gives their all for a mutual success.

T - Are the parties' motivational orientation cooperative rather than individualistic or competitive? Do the parties express a concern for the others' interests as well as their own and not use criteria to measure who is winning or losing?

A - See Section 2.0 Choice of Negotiation Method.

T - Is there a commitment to the negotiation relationship and is it equal?

A - Broaden the scope of commitment by considering additional ways the parties can increase satisfaction of the others' interests in the short and long-term.

A - Intensify the commitment by encouraging symbolic statements and actions to demonstrate mutual concern.

A - Put in extra effort with parties that have low commitment to the relationship, encourage parties with high commitment to identify alternative sources for relationship satisfaction to reduce the likelihood of exploitation of dependencies.

T - Do the parties recognize differences in importance placed on interests that make tradeoffs possible?

A - See Sections A.0 and 6.0 for ways to define and dovetail interdependent interests.

B.7 Is power being used to help rather than hinder satisfaction of interests?

T - Do the parties understand their own power and the power of the other parties to withdraw benefits, increase costs, provide rewards, invoke authority, build beneficial relationships, provide knowledge and expertise and set precedents?

T - Is there mutual respect for the others' power to do harm so they prefer to cooperate? Can the parties exert influence on the others?

T - If there are power differences have the parties agreed not to exploit them by using coercion to obtain concessions? Do they recognize the costs of using raw,

coercive power: damage to the working relationship, loss of public support, legal fees, diverted time and energy, retribution, subversion and future conflicts?

T - Do the parties see that the other parties have power to help them satisfy their interests and are they motivated to take steps to get their cooperation?

T - Do the parties see that the others' power is such that their willingness to participate and make concessions is sincere and not a sign of weakness?

A - Analyze the power of each party to help or hinder satisfaction of the other parties' interests.

A - Reframe threats into alternative options a party has to satisfy interests and make the choice part of joint problem solving.

A - Maintain a firm stance that all necessary actions will be taken to assure that interests are satisfied, but be flexible in considering the means of satisfaction; maintain threat capacity; refer to tough constituents; maintain a reputation of contingent cooperation.

A - If power is so imbalanced that one or more parties seems unmotivated to negotiate, increase the cost of non-participation and/or the benefits of being involved. See Section 1.0 Triggering Event.

C.0 Quality of Communications

C.1 Are the parties able to explore desires, ideas and emotions and disclose, when it is appropriate?

T - Are the parties adequately aware of their interests and the related emotions? Are they aware of what is important to them and why?

T - Are the parties disclosing their feelings related to the key issues? Are the disclosures being reciprocated? Is there a danger that disclosures will be manipulated?

A - Provide a climate of openness and trust where the parties feel safe to explore and express their emotions. See Section B.0

A - Use active listening to create a safe, unpressured time when parties can explore their feelings and ideas without probing questions or criticism.

T - Do people feel that personal expression is acceptable

A - Encourage the expression of feelings by: linking the emotions to interests and potential outcomes; modeling appropriate expression;

A - Affirm interest in others' emotions. "I want to know how you feel about..."

A - Model self-disclosure, acknowledge a desire to improve the relationship and that disclosure involves risk-taking.

C.2 Is information being expressed so it is listened to and understood?

T - Does body language indicate attention and listening: eye contact, tilted head and chin stroking rather than a blank stare, finger tapping or the head in hand?

T - Do I and the others feel understood?

T - Ask for feedback. Have others repeat what was said in their own words. Do responses indicate comprehension, or is there evidence of misunderstanding of content or motive?

A - Make the message specific.

A - Send complete messages, including adequate background information.

A - Make the message relevant to the other party's interests and frame of reference.

A - Recognize the differences in personality types and formulate messages that will appeal to all types.

A - Use multiple communication channels to reinforce the message.

A - Be sure that verbal and body messages are congruent.

A - Ask for feedback. Have others repeat what was said in their own words.

A - Establish sender credibility by: being consistent, clarifying motives, expressing friendliness, presenting qualifications, being emphatic/forceful and referring to one's credibility with respected outsiders.

C.3 Are parties assertive without damaging the relationship?

T - Are needs and supportive information stated with conviction or are comments withheld for fear of offending the other party?

T - Do the parties acknowledge statements and not become aggressive or defensive or withdraw?

T - Can one listen to the others' statements without feeling personally attacked?

T - Are parties refusing to make concessions in the face of threats to the relationship that would reward bad behavior or be mistaken for a lack of conviction?

A - Address relational and substantive issues separately.

A - Be soft on the people and hard on the issues. Acknowledge that there is some merit in what the others say. Be courteous.

A - Be firm on principles and flexible on the means of achieving them.

T - Do emotional expressions make it clear how important each interest is?

A - Avoid posturing, the use of extreme demands to demonstrate the importance of an issue.

A - Identify and communicate priority interests and minimal/desired levels of satisfaction in measurable terms.

A - Develop a wide range of emotional expression to differentiate the relative importance of interests, not just controlled, cool statements and explosive anger.

C.4 Are parties being assertive without producing negative reactions?

T - Have there been any unexplainable outbursts, defensive responses, counter attacks or avoidance?

T - Does the body language of receivers communicate acceptance: open hands, arms and legs, relaxed posture and expressions, etc. rather than anxiety: leaning aggressively forward or withdrawing back, crossed arms, clinched fists, tight face, rigid posture, etc.?

A - Name feelings and relate them to specifics. "When I hear you say... I feel..." or "I feel... because I think (or want)..."

A - Speak for yourself. Use first person descriptions of feelings and perceptions about the other's behavior rather than labeling them, e.g. "I feel hurt when..." rather than "You're heartless!"

C.5 Do the parties listen and inquire effectively?

T - Are the parties interested in what the others have to say?

T - Does body language indicate attention rather than avoidance, distraction or boredom?

T - Is the group conversation pleasant rather than increasing in intensity and volume?

T - Do the parties feel encouraged to explore less developed ideas and feelings and to share as much as they wish?

A - Emphasize that it is essential to understand the others' interests and point of view to reach an optimal agreement.

A - Repeat their statements and allow time for elaboration or explanation.

A - Inquire actively about the reasons behind other's statements.

T - Are any questions stirring anger, defensiveness or avoidance?

A - Avoid the following types of questions that may cause anxiety:

Close-out questions assuming the others see things from your point of view, "Since the parking lot runoff will not pollute the marsh, what is the acceptable flow rate?"

Loaded questions putting a person on the spot no matter how they answer, "Are you environmentalist still blocking economic development?"

Heated questions carrying emotional messages: "Having discussed this topic ad nauseam don't you think we should move on?"

Trick questions appearing to ask for a frank answer but put the respondent on the spot: "What are you going to do with the mall traffic -- congest the neighborhoods or slow up the commuters?"

Mirror questions asking for agreement with one's point of view: "This is the situation..., don't you agree?"

T - Are the parties listening or preparing for their next statements?

T - Do you feel that others are paying attention?

A - Designate time for each party to speak and get feedback. Separate understanding from judging and responding.

T - Are the parties responding and giving feedback in a way that encourages more disclosure and understanding without causing defensiveness?

A - Focus feedback on descriptions of behavior rather than judging.

A - Avoid attribution and verify assumptions about the other's thoughts, feelings, motives, etc.

A - Give feedback in an amount, at a time and in a place where it can best be accepted and understood. Hurt feelings are usually best addressed when they happen.

T - Is there a fear that acknowledgment will be mistaken for acquiescence or agreement?

A - Make it clear that what one says is a restatement, not a personal statement of agreement. "I hear (or sense) that you feel (or think) that..."

C.6 Are the parties remaining rational in the face of strong feelings and not contributing to destructive escalation?

T - Do the parties feel composed rather than angry, fearful, defensive or withdrawn?

T - Are emotional statements acknowledged without reactive emotions creating more and more hostility and rigidity?

T - Is the focus on the larger issues rather than on the last thing that was said?

A - Do not take attacks personally. Link feelings to the problem and seek a joint solution.

A - Use active listening to encourage emotional discharge to help put feelings in perspective and provide information needed to shape a satisfying agreement.

A - Look for and name the emotion. "When I hear you say... I sense you are feeling..."

A - Analyze what caused the feelings and take steps to alleviate them.

A - Use humor to diffuse tension and put emotions into perspective as long as it is not at anyone else's expense.

A - Question if the direction of the discussion serves the agreed upon purpose of the negotiation.

A - If emotions are escalating out of control, take a break or go into caucus, state reasons and make a commitment to return.

C.7 Are questions being used appropriately?

T - Are questions eliciting the kinds of responses needed to move the negotiations along towards resolution?

A - Use questions with the appropriate linguistic structure to achieve the following five functions in negotiation:

Initiate interaction - polite preliminaries to gain entry into the conversation and establish rapport, "Can you help me?" "How are your children?"

Get information - Use questions that seek understanding. Lead off with, "who, what, when, where, or why?" and then make it clear why the information is wanted so there will be no anxiety about the motive behind the question.

Give information - Avoid the use of questions to convey information. The receiver does not know whether to answer the question or respond to the hidden statement, e.g. "Do you want a development that kills wild life?"

Start thinking - Use interrogative adverbs like how, why, did, would or describe in open-ended questions. Place the subject after the auxiliary verb, "Are you sure?"

Use questions that develop logical sequence, "When that is done what is next?"

Ask romance questions, "What is the most wonderful solution you can imagine?" Window questions can be used to look into another's mind, "Why do you feel that way?"

Gauging questions seek feedback on the state of the other person, "How do you feel about that?"

Reach a conclusion - Ask for confirmation of a summary statement, "Will 1.4 acres and \$20,000 for the observation decks be acceptable?" or a description of a feasible outcome, "Would you agree if this was kept a marsh, with an evergreen screen and..."

Define the choices and request a decision, "You have considered the three alternatives. Are you ready to make a decision?"

Make a statement and use the inflection of a question, "This should work for both of us?" Use these questions only when the parties seem ready or they may produce anxiety or anger with others perceiving they are being led into a premature decision.

A - Create a question map that can be asked to guide the dialog through each functional step. Prepare lists of questions to: initiate interaction, get and give information, start thinking and bring about a conclusion. The other parties can take as much time as they need to give and get information and the questions can be used judiciously to assure that progress is made toward meeting the questioner's interests. The questions should be related to the issues in conflict and the interest of all parties.

C.8 Are the parties communicating effectively as a working group?

A - Are the parties demonstrating group communication skills that produce understanding and progress towards a resolution?

A - Identify communications problems, diagnose the cause, and model alternative ways to communicate the same idea or emotion. Usually best done by a neutral third party.

A - Discuss the characteristics of good communications and develop formal ground rules or informal norms to guide behavior.

A - Conduct a formal training session on communications if the problem is serious and the time commitment is justified.

T - Are the roles needed for good group communications being performed by one or more people: task roles -- in-

formation and opinion giver, questioner, direction and role definer, summarizer, energizer and comprehension checker; and maintenance roles -- encourager of participation, communication clarifier, tension reliever, process observer, interpersonal problem solver, supporter and praiser.

A - Assign the roles to one or more parties or to a mediator, facilitator or meeting manager.

A - Discuss roles in the orientation session and encourage all parties to fulfill the roles as they see the need - share the responsibility for good communications.

A - Conduct a training session to build group communication and problem solving skills.

T - Is the appropriate communications network in place: centralized or each-to-all?

A - Use a "centralized" network (all communications controlled by the mediator or an authority figure) only if the hostility or skill level of the parties is such that direct communications is potentially dangerous or the conflict is simple.

A - Use an "each-to-all" network (anyone can talk to anyone) to avoid distortions in translation of messages and to increase the amount of input, sense of involvement and commitment to the outcome.

A - Affirm the importance of equal participation if parties feel obligated to defer to or speak through a participating superior or authority figure.

A - Encourage parties to speak directly to each other if they tend to set up the mediator as an authority figure and direct all communications to him or her.

T - Is the physical setting conducive to good communications?

A - Seat people facing each other to encourage direct communication and facing the meeting manager if a centralized network is desired. Use a circular or undesignated arrangement to emphasize team or coalition lines if joint problem solving is to be used. Breaking into small groups with members of different teams also helps improve communications between parties.

A - Find the balance of formality that impresses the parties with the seriousness of the session yet contributes to comfortable interaction.

A - Control acoustics to block or mask distractions without making conversation difficult.

C.9 Are communications with constituencies adequate?

T - Are constituencies in agreement rather than showing evidence of conflict within the parties or lack of support for the representatives: letters to the editor, confidential phone calls, few representative references to the concerns of his or her group, etc.?

T - Have understandings developed among the participants been shared with the constituencies so they accept the process and the outcome of the negotiations?

A - Encourage caucuses and separate meetings with constituents at key points during the negotiation.

A - Inform constituents as needed using mailings or the media.

A - Use a Delphi system for getting input and developing and refining solutions.

A - Involve all interested constituents in a large group problem solving process if the conflict is poorly defined, the parties are not well organized or broad-based support is needed for implementation.

D.0 Adequacy of One's Negotiation Theory

D.1 Is what I (we) say/think and what I (we) do congruent?

T - Am I doing what I tell others to do?

T - Are my words and actions sending the same messages and are these accurate expressions of my ideas and feelings?

T - Is the content and intent of my messages being misinterpreted?

T - Do other parties respond with distrust or confusion?

A - Clearly define one's self-identity and eliminate any behaviors that do not make a positive contribution.

A - Examine one's current feelings and use words and body language to express them accurately.

A - If behavior seems appropriate consider changing one's theory. Redefine what is most important for satisfaction -- modify interests or find a better strategy that is consistent with one's self image.

A - Reconsider one's self-image. If this is not the kind of person one really wants to be, define and make desired changes.

D.2 Are my (our) interests internally consistent?

T - Consider all categories of interests in the short and long-term (see Section A.0, Satisfaction of Interests). Analyze their interrelationships using scenarios, systems analysis, etc.

T Is progress on one interest independent rather than resulting in reductions in another?

A - If the goal attainment requires a choice "between" interests, choose the one that is most important.

A - If goal attainment is variable find a balance that is acceptable. e.g. Concede enough so the other party will support the agreement.

A - If there is integrative potential "expand the pie", dovetail interests and/or analyze the problems caused by achieving each interest and seek ways to minimize their affects.

A - Change the importance assigned to interests and adjust one's aspiration levels.

D.3 Are my (our) actions/strategies effective?

T - Was the action carried out as prescribed?

A - If not, try again using corrected procedures.

T - Were any of the assumed conditions (intervening variables) not present or were there unexpected influences?

A - Change the strategy to reflect actual conditions or revise the theory to consider the appropriate intervening variables.

T - Did the governing variable change in the predicted direction and amount after the prescribed action was taken?

A - If correctly implemented and if assumptions were accurate, analyze the situation, goals, helping and hindering forces; formulate a new or revised action/strategy; try it and monitor the results.

T - Are previously successful actions becoming progressively less effective?

A - Question the conceptualization of interests not effectively attained. Re-ask "What is it that I really want to achieve?" Consider the long-term objectives implied in short-term concerns and use to redefine interests.

A - Break the interest into its component parts (defining dimensions), analyze where the problems are, and reformulate an overall interest statement.

D.4 Testability - Are the results of my (our) actions/strategies testable?

T - Are the desired outcomes, actions and intervening variables being described in terms of specific language, behavior, and other qualitative and quantitative measures?

T - Have all intervening variables affecting the success or failure of the actions been considered?

A - Specify the outcome and assumptions associated with all prescriptions. Present hypotheses in this form: If you take action "A" then the interest variable "I" will move toward the desired level given assumptions a(1)...a(k).

A - Develop direct and unobtrusive measures for determining goal satisfaction.

A - If testing norms or values, identify perceivable, symbolic measures and verify consensus on the meanings of the symbols.

T - Are my strategies and tests perceived accurately rather than producing self-fulfilling results?

T - Is my theory performance remaining consistent, congruent and effective over time?

A - Solicit input from outsiders who can evaluate performance and results from a different point of view and adjust one's theory accordingly.

T - Do I willingly accept results that contradict my hypotheses for action and change my strategies accordingly, rather than stick rigidly to my espoused theories of action?

A - Focus on the here and now reality and take firm action based on current information, while maintaining a willingness to change if new information is obtained.

A - Link firmness to objective measures so if the situation alters, change is appropriate.

A - Encourage a climate of flexibility where appropriate changes are valued more than consistency.

D.5 Are basic values being threatened even though strategies are succeeding?

T - Is my behavioral world satisfactory, with no pressing concerns (i.e. no hostility from others increasing, no inner guilt about my behaviors)?

A - Transform underlying, basic values into interest variables, develop strategies for achieving them and resolve any inconsistencies that may exist with other interest variables.

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