“Adaptive” Negotiation: Practice and Teaching

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Editors’ Note: Docherty argues that in addition to improved sensitivity to culture, argued in many of the writings in this series, it is time to demand that would-be negotiators and those who attempt to teach them become more sensitive to situations where the culture and norms are themselves in flux. What is needed, she says, is to re-center much of our teaching on the development of creative and critical thinking, including a critical awareness of the context, the self, the other, and the definition of the problem to be negotiated or negotiable. Docherty uses an ostensibly simple story of a negotiation in an Istanbul market to illustrate how a focus on the parties’ different ways of “worldviewing” changes perception as to what is really going on, and what is possible to negotiate.

Introduction
In the previous chapter (Negotiating Wicked Problems), my colleagues and I share five stories of using negotiation as part of a strategy for dealing with wicked problems. (A detailed description of wicked problems as compared with tame problems is included in Chapters 24 and 25. The definitions themselves are reproduced for the convenience of the reader here in endnote one.) In summary, tame

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problems are amenable to solutions that are deemed “technical,” against a backdrop of socially negotiated norms that are institution-
alized into organizations and social structures. Wicked problems arise when technical problems meet conditions of political, social, and institutional uncertainty or when the established ways of doing business are incapable of addressing the presenting problem. In both cases, dealing with the particular problem requires that we also consider how that problem interacts with socially negotiated norms and the attendant structures, organizations or social institutions that have become problematic.

The contextual problems can arise for a variety of reasons. A so-
ciety may be in a period of instability and chaos: e.g., Iraq and the former Yugoslavia (Leonard’s story and Calvin’s story in Negotiating Wicked Problems, Chapter 25); or it may be facing problems that cannot be addressed successfully without renegotiating cultural norms and institutions: e.g., dealing with global warming, health care reform in the United States, or on a smaller scale, fixing the public transportation system in Quito (Jamil’s story in Negotiating Wicked Problems, Chapter 25). In some cases, resolving the problem may require that we deal with chaotic violence in one part of the context while also shaking up entrenched patterns of behavior that are preventing creative problem solving in other parts of the context (Jayne’s story from Burma/Myanmar in Negotiating Wicked Problems, Chapter 25).

Addressing these types of problems requires a post-modernist theoretical foundation that incorporates two levels of analysis: “so-
cial constructionism, which posits that meaning is embedded in so-
ciety through patterns of social interaction” (Fox 2009: 20) and “relational or dialogic theories, which focus on the ways we co-
create meaning through our specific interpersonal and social interac-
tions” (Fox 2009: 21). Meaning-making is the common variable in the macro- and micro-levels of a process by which groups create their shared social world. I call the combined macro- and micro-level processes “social negotiation,” and I have argued that every issue-specific negotiation occurs inside a negotiated reality (Docherty 2001; see Figure One.) The influence goes in both directions be-
tween the micro-level and macro-level. Every negotiation encounter is a location for enacting macro-level meaning systems. Every nego-
tiation is also an opportunity to reinforce, challenge, or transform institutionalized meaning systems at the personal level (by changing behavioral norms) and at the social level (by changing organizations and social structures).²
From this theoretical framework we can reconsider the nature of the negotiator. She is not just a value-maximizing, self-interested, rational actor engaging in solving a particular problem. She is also a relationally located meaning-maker capable of using her agency to reinforce or challenge and renegotiate the social order, through the way she engages the process of negotiation and through the agreements she reaches with others. We can also reconsider the nature of negotiation itself. Negotiation is not just a tool for solving shared problems. Negotiation – whether focused on a tame problem or a wicked problem – is a social encounter rich with opportunities for remaking our social worlds.

These meaning-making aspects of negotiation, while present in all negotiations, are less obvious when we are dealing with tame problems. Tame problems are characterized by the fact that the parties tend to hold similar understandings of the problem, the frame for judging a good solution to the problem, and the “proper” way to negotiate. Or, put another way, tame problems are characterized by the fact that the parties have reached a level of “worldview détente” that enables them to agree on the nature of their problem, the process for negotiating a solution to their problem, and a sense of what constitutes a fair, just, acceptable, and/or appropriate solution to their problem. A problem is wicked, in part, because the parties do not define the problem in the same way and they reference incommensurate moral orders for defining the “proper” way to negotiate.
and the “goodness” of possible solutions. In other words, negotiators dealing with wicked problems find themselves in significant worldview conflict over the nature of their problem, the process for dealing with it, and the range of acceptable outcomes.

Consequently, parties dealing with wicked problems cannot choose to focus only on the presenting problem, or at least they cannot so choose without running the risk of doing great harm and making the problem even worse. They must negotiate problems related to the social order, which manifest in their conflict over defining the problem and in their conflict over judgment frames for assessing the legitimacy of their negotiation process, as well as the merits of proposed solutions. The negotiators must use a form of “double vision” in order to engage a process that is akin to a two-level game of chess; focusing on the immediate (problem-focused) negotiation, on the process of social (re)negotiation, and on the interplay between the two levels of negotiation.

Negotiating a specific problem is one venue in which the parties can engage in social (re) negotiation, but wicked problems cannot be resolved through negotiation alone. Even a series of such negotiations cannot address a wicked problem. As John Forester (2009) explains, public planning conflicts (which are often wicked problems) are addressed through a complex set of activities that includes but is not limited to negotiation. The goal is to promote “both inclusive representative participation and effective negotiations” (Forester 2009: 6), usually assisted by mediators. Furthermore, “skillful and wise practice involves a series of moves, phases, or even stages” rather than “just sitting down to make a deal” (Forester 2009: 4). The activities include: conflict assessment; convening the parties and their representatives; learning together about each other, the evolving context, and options for resolution; negotiation; and monitoring implementation of the agreement, followed by possible renegotiation (Forester 1985). These phases or stages are not neatly linear and they usually require the assistance of facilitative leaders and/or mediators. The ease with which parties can reach agreement about the process and viable outcomes correlates with whether the problem is tame or wicked.

To effect change at the level of social negotiation, this two-level problem requires a type of strategic planning to coordinate multiple interventions, which is not required for dealing with even the most complex tame problems. When our team of writers first started talking about “Negotiation 2.0,” we were conflating the question of what needs to change in the way we negotiate specific problems and the process of thinking strategically about the overall intervention...
for dealing with a wicked problem. We have since concluded that it makes more sense to separate these problems, by asking:

- What needs to be changed in the way we think about and teach problem-focused negotiation, if we are going to prepare negotiators to recognize and deal adequately with wicked problems? We are now calling this “Negotiation 2.0.”
- What needs to be added to problem-focused negotiation if we are going to use negotiation as one part of our strategy for dealing with wicked problems? We can think of this as a “guidance system” for using problem-focused negotiation (“Negotiation 2.0”) when facing a wicked problem.

Leonard Lira addresses issues of strategic planning for dealing with wicked problems in *Design: The U.S. Army’s Approach* (Chapter 27). We know that there is much more to say on this question, and we have some partially written but not-yet-ready-for-publication chapters that we look forward to refining and sharing in the next volume in this book series.

Meanwhile, this chapter focuses on “Negotiation 2.0” because problem-focused negotiation cannot help with wicked problems if the process we bring into play “at the table” is incapable of focusing our attention on the two-level process of negotiating a particular problem and the social context that gave rise to the problem. Three features of this “two-level game” need to shape the way we think about, practice, and teach problem-focused negotiation. First, meaning-making plays a central role in wicked problems. Therefore, “Negotiation 2.0” must be imbued with a deep cultural awareness and a rich understanding of culture as a central feature of all negotiations. Second, ethical judgment is also critically important when dealing with wicked problems. Therefore, “Negotiation 2.0” must include a clear focus on the social ethics (general societal principles of right and wrong) as distinct from the procedural ethics (typically incorporated into professional codes of conduct) sometimes taught in “Negotiation 1.0.” Third, as stated above, wicked problems can never be addressed only through problem-focused negotiations. Therefore, “Negotiation 2.0” should be taught in a manner that helps negotiators understand the difference between tame and wicked problems, so that they understand both the limitations of problem-focused negotiations and their potential power to play a significant role in addressing wicked problems.

In the rest of this chapter, I explain what I believe *must* be included in “Negotiation 2.0” if we are going to use it to address particular sub-sets of problems and thereby leverage desired changes in a larger wicked problem. Because I am talking about problem-focused negotiation, many of the issues I address are equally impor-
tant for dealing with tame problems today. Using a story from a negotiation I engaged in during the second Rethinking Negotiation Teaching conference in Istanbul, I will make the case that many of these requirements are also necessary for addressing standard transactional negotiations in a world that is, in the words of Thomas Friedman (2009), becoming hotter, flatter and more crowded (and I would add, more beset by wicked problems) every day.

Our Assumptions About Negotiation

First Assumption: Negotiation is a Culturally Specific Universal Practice

Every human group identifies issues that they choose to manage by exchanging information, developing shared definitions of the problem, and creating responses to the problem that allocate the costs and benefits of action among the members of the group. In other words, the presence of problem-oriented negotiations appears to be universal in human communities. However, every human community also engages in disagreements which appear to be universal “concerning who properly should engage in negotiation and how those individuals ought to act” as well as “the procedures and rules to be followed in negotiation” (Stolte, Fine, and Cook 2001: 395). The disagreements about how to negotiate problems are settled through processes of shared meaning-making about power, authority, privilege, legitimacy, group membership, rights, and a host of other socially constructed variables. Or put another way, any problem-focused form of negotiation is socially negotiated through the creation of shared cultural meanings. To summarize: negotiation is a universal human activity, but there is no universally applicable form of negotiation.

Every cultural group does develop problem-focused negotiation practices; many of those practices may look similar, while others look radically different. However, we can never assume that surface similarities implicate deep cultural similarities or that surface dissimilarities indicate large cultural differences (see Figure Two). The best we can do is to compare which problems different communities are willing to negotiate, along with those they consider non-negotiable, the processes they use for negotiating specific problems and reaching agreement, and the social rules and norms that regulate the entire negotiation process.

Let us refer to the tennis skills metaphor first described earlier by Howard Gadlin (see Honeyman and Coben, Navigating Wickedness, Chapter 24). Let us describe the sometimes simple and sometimes complex negotiations around transactions for the exchange of goods
and services – a relatively tame problem – as analogous to a sort of meta-game of sport played with a racquet. Let us further suggest that different cultures on Planet Earth have developed their own sets of rules for playing the game, as well as implicit understandings of a game well-played, both in terms of “sportsmanship” and of caliber of play. And let us further suggest that members of each culture have developed skills at handling complex problems and situations which arise in their version of “racquet sport,” problems and situations more complex than those in which the players first learned the basic skills, and which have presented the players with opportunities to integrate those skills creatively into a much more sophisticated repertoire of responses.

Those carefully drilled skills and the more sophisticated expertise acquired through years of play will be invaluable for a player who engages with opponents (and partners) who share her understanding of the game that is being played. Those same skills will need to be “held loosely” and adapted if she finds that her opponent (or partner) has been schooled in another racquet sport – say squash or badminton – and even more loosely held if she discovers that her opponent (or partner) comes from a culture where they turn the racquet into a bat, and play a game called cricket.

From this perspective, any effort which takes a local negotiation practice and treats it as immutable over time, and universally applicable in other cultures or subcultures, is problematic from the outset. One of the central issues for the project that has given rise to this book is how we can correct for problems arising out of the fact that “Negotiation 1.0” is largely an “American export product.”
put differently, “Negotiation 2.0” is expected to correct the problems that grew out of the fact that the first generation enterprise seems to have forgotten that the negotiation practices being taught were socially negotiated by a particular community in a specific location in order to address a set of problems that are themselves socially negotiated. If we are serious about making a generational advance, then we need to “remystify” what is currently being taught, by approaching it with fresh eyes in order to remind ourselves of the worldview assumptions embedded in our particular way of playing the “racquet sport” of negotiation.

According to John Paul Lederach, Reina Neufeldt, and Hal Culbertson (2007: 3), the first step toward becoming a reflective practitioner is taking the time to remystify our practices and demystify our theories. We remystify our practices when we slow down enough to ponder, “Why am I doing this the way that I do it?” This is quite different from engaging in drills and training to refine our skills, which is also a useful activity. We demystify theory when we slow down long enough to ponder our tacit theories of change: “How do I think things are connected or related? How do I think things are related? What do I think will happen if I do X or if I do Y?”

We need to demystify theory and remystify practice because it is increasingly apparent that “Negotiation 1.0” not only does not transport across cultures, it may also not be transporting well over time even within its culture of origin. Current realities no longer resemble the background against which the first generation practices were developed. I illustrate this point not with my own experience in “exotic” locales, but with problems identified by Leonard Greenhalgh and Roy Lewicki (2003) when considering how to update or alter first-generation teaching practices to meet the rapidly changing demands of the organizational and business world that gave rise to “Negotiation 1.0.”

According to Greenhalgh and Lewicki, the failure to account for the co-construction of a negotiated social order and problem-focused negotiation practices was reflected in the way the researchers and teachers involved in the enterprise approached knowledge creation and teaching. Knowledge about negotiation was frequently generated through artificially de-contextualized simulations or role plays that focused on isolated variables in the problem-focused negotiation process. Information gleaned from research was then translated into lessons for practitioners. Consequently, what is being taught frequently does not match the students’ everyday experience of negotiation. Specifically, much of what is being taught fails to account for the fact that most students spend most of their time negotiating with “people with whom they have a past history and an anticipated
future relationship” so that they cannot easily identify a best alternative to a negotiated agreement, they cannot separate the person from the problem, and “their commonwealth bond [makes] interests inseparable within the dyad” (Greenhalgh and Lewicki 2003: 25).

In addition, consider the gender, culture and class biases that were inculcated into first generation negotiation practices by the pioneers of the field, who were primarily “relatively affluent Western white males culturally situated in a free-enterprise context… [whose] world view emphasized individualism, self-interest, economic rationality, dominance-submission, rights and rules” (Greenhalgh and Lewicki 2003: 26). And apropos to our experience, first generation practices also tended to isolate out contextual factors and tended to assume relative stability in the milieu surrounding the parties at the table. Consequently, the model of first generation negotiation does not easily take into account the problem of rapid change, instability or contextual turbulence (Docherty 2005). But change occurs whether it is examined or not, and rapid changes have overtaken even the original contexts (business, law, and governance) in which first generation practices were developed. For example, globalization has led to larger power differentials among the parties at the table, greater diversity in the types of parties at the table, and competing rule systems for regulating negotiations and their outcomes (Greenhalgh and Lewicki 2003: 28-29). It should be noted here that when they talk about greater diversity at the table, Greenhalgh and Lewicki are not speaking only about the ethnic, cultural and gender diversity of individual negotiators. They are also noting that whereas first generation negotiation practices seemed to assume that the organizations involved in negotiation were similar in type, the new global context often brings together corporations of various sizes, governments, international regulatory bodies, and NGOs in a single negotiation.8

Second Assumption: Context Matters
We can say context matters because the type of problem-focused negotiation we are teaching in “Negotiation 1.0” programs needs to be tweaked for somewhat different contextual factors. In that case, we push negotiators to become a little more alert to features of the surrounding context that “intrude upon” the negotiation process or that might impact the implementation of an agreement. The underlying image of negotiation is that of a bounded time and space apart from the surrounding context; a location for interactions that are governed largely by tacit or explicit rules agreed to by the parties. This is not what I mean when I say context matters. I am arguing
that the context of negotiation matters because problem-focused negotiations and social negotiations are interdependent and dynamic activities.

The very problems we negotiate and the way we negotiate them are constituted by the ongoing process of social negotiation. Even when the goal is only to solve a problem, we are either reinforcing or challenging the negotiated social order as we deal with that problem. In other words, every problem-focused negotiation has power in relation to the social order, and we should not overlook that power just because we or others choose to use that power to reinforce and sustain the existing order. This is the social ethics piece of our work.

We can see the influence of social negotiation on problem-focused negotiation if we look at the “moral orders” of the parties at the table. “The term moral order… denotes the patterns of one’s compulsions and permissions to act in certain ways and one’s prohibitions against acting in other ways” (Pearce and Littlejohn 1997: 54). The parties can only freely enter into a problem-focused negotiation if they all see themselves as permitted (or even required) to be there. And they will only come freely into the process if it does not force them to violate cultural prohibitions that they have internalized. Of course, parties can be forced into a negotiation if they are overpowered, but I do not hold out much hope that agreements reached in this manner will be sustainable.

The same internalized but culturally derived system of compulsions and prohibitions influences the ways the parties conduct their negotiations once they enter into the process. The influence can be as simple as engaging in prescribed social rituals, such as offering tea or hospitality or shaking hands. Or the influence can be as complicated as determining who sits where, who does and who does not speak, in what order they speak and to whom, how directly a participant may speak, and which issues may or may not be discussed. These cultural patterns are carried by the parties in the form of scripts or schema for action. Referring back to our “racquet sport” metaphor: if a negotiator has negotiated only with others who play the game as tennis, he will just assume that “this is how negotiation is done,” because he has never encountered someone who holds a different script or schema (perhaps squash or badminton) for negotiation.

When Dean Pruitt (1995) talks about collective scripts, he is trying to capture some of the ways that negotiators work together so that they can anticipate the reactions of others. Collective scripts “are enacted only if other people are also enacting them, and they involve interlocking roles and/or substitutability (i.e., if one person
fails to perform an element of the script, others fill in)” (Pruitt 1995: 44). The interesting thing about Pruitt’s work on collective scripts is that he grounds it in a fundamentally Western, individualist and modern view of the world by locating collective scripts as part of working (or as he notes, instrumental) relationships. This is in contrast to communal relationships. In several of the stories in Negotiating Wicked Problems (Chapter 25), however, we saw places where some of the parties were playing a different negotiation game – one shaped by collective scripts that are grounded in communal rather than instrumental relationships, or as is commonly the case, in a mix of communal and instrumental relationships, with the balance tipped toward communal rather than instrumental relationships. I certainly see this type of script significantly influencing patterns of negotiation in Myanmar/Burma.

We cannot assume in today’s world that individuals arrive at a negotiation with the same script (individual or collective), or the same balance between individual and collective script elements. Let us return again to our metaphor of racquet sports. When playing a particular racquet sport (say tennis) we do not know for sure what actions our opponent will take in response to our play. However, their range of possible responses is not infinite, because they are shaped and delimited by the rules of the game, norms regarding sportsmanlike behavior, the equipment authorized for use in play, contextual variables such as type of surface or weather, and the limitations of human endurance and fitness. If, however, we were to try playing a racquet sport against someone who plays a different game (we play tennis and they play squash), many of these variables would be contested, as we each tried to tell the other how to play properly. If we just started to play without negotiating the rules, we would be mutually puzzled (perhaps even offended) by the “wrong play” of the other.

Problem-focused negotiations also require that the parties have some ability to anticipate how others will respond to their ideas and their proposals. In addition to scripts which direct our attention to the moves and countermoves of an interaction, negotiators need to develop an understanding of the “bounded decision-making” of the others involved in the process: How will they define the problem? How will they respond to an alternative definition of the problem? How will they evaluate the merits of a proposed solution to the problem?

I am using the concept of bounded decision-making as a form of shorthand for two different constraints on the negotiators’ choices. First, there are the constraints and mandates on individual action created by social norms, which manifest in moral orders as compul-
sions and prohibitions. Second, there is the person’s limited ability to gather information, process options, and evaluate the costs and benefits of action proposals. To deal with this cognitive limitation, negotiators use heuristic devices and reasoning short-cuts to reduce the number of options from which they select a course of action; this is known as bounded rationality. Social norms and bounded rationality intersect when the negotiator uses social norms to limit (based on concepts of what is and is not permissible) the range of possible “rational” decisions and simplified heuristic devices to identify a solution that is effective and logical, although not rational in the way that term has been used by economists. A really effective negotiator will understand the need to gather information about the social norms that shape the bounded rationality of her interlocutor. But even gathering that information does not locate both players in the same game, and leaves much uncertainty about how the other person will respond to our play.

In inter-cultural situations, the challenge of defining a range of “rational” solutions and “appropriate” responses to the moves of other negotiators is sometimes handled by establishing a “third culture” that bounds the negotiation. Wendi L. Adair, Catherine H. Tinsley, and Masako S. Taylor note that multicultural teams that come together for a common purpose may develop not only shared knowledge about their team and task and similar behaviors, but also a shared set of values and norms that underlie and guide those behaviors. Such a shared knowledge structure, consisting of team and task knowledge, as well as values and norms rooted in the traditional cultural belief system of one or more team members, is what we call a third culture (Adair, Tinsley, and Taylor 2006: 2).

Some researchers focus on the development of a third culture in close personal relationships between individuals from different cultures. Through their repeated interactions they create a new set of shared meanings that form the basis for a “third culture [that] is characterized by unique values and norms that may not have existed prior to the dyadic relationship” (Broome 1993: 104). Others have noted that third cultures or negotiation regimes that establish standard ways of framing and resolving disputes arise in business (Weiss 2006), international diplomacy (Bolewsky 2008), and other forms of regularized interaction among corporate actors.

However, the creation of a third culture as a process for handling cross-cultural negotiation encounters requires time and repetition,
and therefore depends on contextual stability. Insofar as a negotiation is taking place in unstable environments, creating a third culture may not be achievable; in situations where solving a wicked problem requires shaking up entrenched systems (see Negotiating Wicked Problems, Chapter 25), the third culture may be part of the problem. A significant source of the presenting conflict is the competition to impose a set of “meta-rules” on society, and those include the rules for governing negotiation as a process as well as the frames for judging good or acceptable negotiated agreements.

Problem-focused negotiations are a powerful location for either supporting or challenging the surrounding (socially negotiated) context. Whether they understand it or not, negotiators are in a position of social leadership, because they enter into a space where existing social orders can be modified or reinforced. To operate effectively in these situations, negotiators need to understand their own goals and those of their interlocutors on two different levels: goals related to the specific problem, and goals related to the larger process of social negotiation. A failure to reach agreement on a particular issue – or even a failure to enter fully into a negotiation process – may say more about the parties’ differences around (re)negotiating the social order than it does about the presenting problem under discussion.

To summarize our assumptions: Negotiation per se is a pervasive social practice, through which human beings create, sustain, and modify their relationships and institutions. What we currently teach in our trainings and basic courses is only one form of negotiation that was developed in a particular historical and cultural location for specific purposes. In other settings, different negotiation practices are used to accomplish similar goals, such as negotiating the sale of goods or services. If we want to develop a robust “Negotiation 2.0,” we need to re-center our attention on the way negotiations manifest in different cultures and on the relationship between negotiating specific problems and negotiating our shared lives. To illustrate my points, I will share and then analyze a story of a seemingly simple transactional negotiation.

**Buying a Red Leather Jacket in Istanbul**

Based on our adventure learning outings to the Grand Bazaar and the Spice Market during our second conference in Istanbul, many participants were talking about how Turkish merchants “use” relationships to make sales. As with any cross-cultural observation, that statement says as much about the culture of the speakers as it does about the culture of those they are explaining. I did not see the local merchants as “using” relationship building; I saw it as an indicator of a relationally based social world. I surmised that if relationships
are central to negotiating sales, then the marketplace itself might be a system of relationships of reciprocity. This thought was affirmed when merchants sent us to someone else for products they did not offer themselves. So, in theory, if an individual could gain entry into the network of relationships, she would experience greater negotiation success.

My theory about the local culture was put to the test the day after the conference. I made an offer on a jacket in the shop of seller Mr. A, but it was firmly rejected. Worse, Mr. A refused to bargain any further. The palpable sense of indignation in his rejection led me later to describe Mr. A as grumpy – my “frame” but probably not his.

I had attempted to strike a deal by importing a technique which works well for me in the marketplace in Chiang Mai, Thailand: I bid a price less than the asking price, but a bit higher than what I believed Mr. A’s “reservation price” might be. Thinking that Mr. A’s reservation price might be the price “locals” might pay, plus 10 percent, I calculated my bid on the basis of a 15 percent markup. I hoped he might be pleased to negotiate with a “knowledgeable” and “culturally savvy” negotiator.

Walking out of Mr. A’s shop without having even defined or entered a zone of possible agreement (ZOPA), I thought, “If I just had a Turkish person with me to negotiate on my behalf, I think I could have gotten that jacket for that price.” Much later, while I was reflecting on what ensued, I remembered one of our Turkish colleagues talking about the issues of face and hospitality in Turkish culture. She said that if a Turkish person brought a foreigner into a shop, the foreigner was seen as the “guest” and the shopkeeper felt honor-bound to make the local person look good in front of his guest. In the moment, however, I was not so conscious of my logic.

In the shop of Sonny, another merchant, I was still pondering my disappointment about the jacket when he slid into his relationship-building patter. I learned all kinds of things about Sonny: he had worked at a U.S. Air Force base in Turkey; he loves Americans. My father was a career Air Force Officer, so we chatted about the Air Force. The chit-chat continued as Sonny tried to sell me earrings and a scarf. I told him that I loved the scarf. I would surely want to buy it, if I had been able to purchase the matching and beautiful red leather jacket for the price I could afford. But, alas, without the jacket, I did not need the scarf. Sonny asked me what I had offered for the jacket and I told him my offer as well as the original price. Sonny did not seem to think it was an unreasonable offer. He said, “You should have your jacket.” And as he said that, he came out from behind the counter, took my elbow, guided me out of the shop.
and locked it up. Sonny walked me around the corner – chatting all the way – to see if his friend Mr. B. might sell the same jacket. Sadly, his friend’s shop was closed. I figured it was a nice try, but I would leave Istanbul without my jacket.

Not so! Sonny walked me right back to Mr. A. As we entered the shop, Sonny greeted Mr. A. as he simultaneously urged me to try on the jacket. “Oh,” he said, “you really should have that jacket. It looks like it was made just for you and it is so sexy.” Another part of the relationship-building ritual in Turkey involves a great deal of flirtation with female customers – not a practice that would transfer well into many other cultures! As I was looking at the jacket in the mirror, Sonny started negotiating in Turkish with Mr. A. I departed Mr. A’s shop with the jacket; I paid the exact amount I had originally offered.

Unpacking the Story

My working theory to explain this bargaining success is based on the meta-theory of two-level negotiation outlined above. I theorize that my “partners” in the negotiation process chose to accord me status within the culture-specific community of relationships within which a problem-focused negotiation could proceed. My participation in the process of social negotiation was matched by their generous reframing of our mutual relationship. As someone “sponsored” by Sonny, I was at least temporarily transformed into someone other than an outsider tourist, but what was the nature of that transformation, and is this just an Istanbul phenomenon?

I reside for extended periods in Chiang Mai, Thailand. There, I have negotiated what I think of as “pseudo-insider” status with local merchants. I pay slightly more than locals do, but not what tourists are charged. Based on longevity of residence, loyalty to particular merchants, and my care not to take my special price in front of “those rich tourists,” I pay close to the local price. In Istanbul, I think Sonny helped me get a good deal by sponsoring me as a “pseudo-guest of a local,” so that rules of hospitality and face-saving came into play. Even though I was not Sonny’s friend, he was playing the script of hosting a foreign friend and thereby invoking the norms for friendship. This might explain Mr. A.’s grimace as he conceded the price. He knew, as did Sonny and I, that I was not really a friend of Sonny’s at all. I was just a customer that Sonny was treating as a friend. The rules for negotiating with “a foreign guest” should not have applied to me, but Mr. A. had no way out that would not damage his face and/or Sonny’s face. He had to cooperate with Sonny’s play-acting or he had to defy social norms he valued.
Taken together, my experiences in Thailand and Turkey indicate that relationships matter significantly when it comes to “getting into the game” of negotiation. Furthermore, socially negotiated identity (even pseudo-identity) affects the boundaries of the game and the range of possible agreements. This is just for buying a jacket! How much more complicated is the process for getting in the game and delimiting the rules of the game if we are talking about negotiations used as part of resolving a wicked problem?

From a “Negotiation 1.0” perspective, the questions about the jacket story might be more like: “How did Sonny ‘use’ relationship building as instrumental to making a sale? What did Mr. A. get out of this whole deal and, because we are talking about relationships of reciprocity, what did it ‘cost’ Sonny to negotiate with Mr. A. on my behalf?” Those very questions reflect a worldview rooted in less personal relationships, but they still have some validity. I bought the scarf and a pair of earrings from Sonny, both at discounted prices. He also got a great story to tell other customers as a way of building rapport. I know he did just that, because three of my colleagues sought me out to see my jacket and discuss the way the deal was done! They had all heard the story from Sonny. And, honestly, I think Sonny and I both had fun. Mr. A. was not thrilled about making the sale, but it was a very slow day and it did not hurt to add the money to his take for the day. His profit margin was low, but I do not think he lost money on the jacket. In addition, I am sure he reached a tacit agreement with Sonny that Sonny will send other customers to Mr. A. And some day, if Mr. A. shows up in Sonny’s shop with a customer posing as a friend in tow, I am sure Sonny will need to return the favor.

Implications for “Negotiation 2.0”

What We Need to Teach

The social construction of negotiation
Buying a red leather jacket in Istanbul would appear to fall under the heading of a tame problem. It is a transactional negotiation made cross-cultural by the fact that I am not Turkish. How hard can it be? Viewed from this perspective, the red leather jacket story suggests the possibility that every culture, within its own particular brand of “racquet sport,” employs its own version of certain key concepts (e.g., zone of possible agreement (ZOPA) or best alternative to a negotiated agreement (BATNA)) of problem-focused negotiations. We can choose to teach negotiation by focusing on these similarities; we can act as though ZOPA and BATNA are acultural or universal
concepts. Indeed, “Negotiation 1.0” trainings make just these assumptions. But in so doing, we miss much more important truths about negotiation.

If the way Sonny and Mr. A. do business is embedded in a culture, then we must assume that the way we negotiate – the tools we are teaching in our trainings and courses – are also culturally loaded. Our negotiation practices, like those of the Turkish merchants, were developed in a cultural and historical place (the “where”) for use by individuals who are themselves products of larger social negotiation processes (the “who”) in order to solve culturally negotiated and bounded problems (the “why”). If we want to offer our negotiation practices for consideration by others who work and live in different circumstances, then we need to teach them in a way that acknowledges our cultural assumptions as well as those of our students. Indeed, if we want our practices to continue to be relevant in our own lives as circumstances change, then we need to teach any negotiation tools we offer in a manner that is flexible, and adaptive, and we need to help our students develop self-awareness and cultural awareness.12

As my story illustrates, the application of concepts such as ZOPA and BATNA are culturally determined and are engaged through social negotiation. One way of looking at my negotiation is to say that Mr. A and I actually did share a ZOPA. However, we were unable to define or enter that zone until we had successfully completed the social negotiation, facilitated by Sonny, which gave me access to the problem-focused process as practiced in that Istanbul marketplace. That may or may not be completely accurate, since we do not know whether Mr. A. felt coerced by Sonny’s ploy to bring me into the marketplace in the guise of a guest rather than a customer off the street.

There are many unanswered questions surrounding my purchase of the jacket. I do not know why Mr. A. refused my initial offer so forcefully. He may have been offended by what he considered a “low-ball” bid; he may have been working from a foundational assumption that non-locals should pay a full price; he may have been constipated and having a bad day. Whatever his reason (and it may have been one I have not yet even considered), the fact is that I engaged in a process which was culturally informed without yet being fully informed of the cultural “givens” about the process.

I also do not know why Sonny decided to befriend me, or why Mr. A. cooperated with Sonny’s actions. I do know, however, that the decisions they made were not just instrumentally rational cost-benefit decisions. They were making meaning and they were exercising judgment, as they negotiated my inclusion in the marketplace
and decided on the rules that would apply to my purchase of the jacket. “Is she an insider or an outsider?” “Which set of negotiation rules apply to her?” “Is it appropriate for one merchant to sponsor a customer as a ‘pseudo-insider’ in the shop of another merchant?” “Do face-saving rules apply if one merchant is pretending that his customer is a friend?” These are all questions that evoke judgments loaded with meaning-making and ethical implications.

We have no way of knowing whether the fact that I could pass for Turkish (many merchants spoke to me first in Turkish) influenced their decisions to treat me as a pseudo-insider. Would I have been extended the same status if I were a member of a group being marginalized in Turkish society? Under those circumstances Sonny might have never extended the offer to help me. Or Sonny might have taken up my case only to have Mr. A. refuse to reach an agreement on the price – choosing to deny the relationships of reciprocity among merchants, because he disagreed with Sonny that I should be treated as a pseudo-insider or a foreign guest. The marketplace can and does serve as an indicator of social conflicts that need to be addressed in societies. This is true in societies experiencing large-scale social conflict and in societies undergoing significant but peaceful social changes, such as an influx of immigrants. It may be easier to see in societies where the marketplace is a bazaar, but it is equally – albeit differently – true in Westernized societies where the marketplace does not involve direct haggling between buyer and seller. For example, in the United States some communities have no access to a grocery store, but are populated with a plethora of fast food restaurants. The residents of those communities are so powerless in the social negotiation process that decides food distribution systems that others have decided for them that they will have nutritionally deficient and expensive diets and all of the attendant health issues.

Negotiation and social responsibility
The marketplace can also become a venue for renegotiating the wider social world, and merchants can become key allies for dealing with a significant social conflict.13 If Sonny, Mr. A., and other merchants engage in enough modifications of their practices regarding inclusion and exclusion from the relationships of the marketplace, then the culture starts to shift in directions that are either positive or negative. Whether they like it or not, Mr. A. and Sonny are social leaders by virtue of the fact that they manage and apply a socially validated negotiation process.

The same is true for our students. Every negotiation encounter over an ordinary problem is an opportunity to reinforce, challenge, or transform our socially negotiated world. As such, every negotia-
tion encounter involves social ethics (general societal principles of right and wrong) and not just procedural ethics (typically incorporated into professional codes of conduct). We need to acknowledge this power when we hand students tools for negotiating more effectively. They have stepped into the role of potentially influential social leaders; we have a responsibility to educate them to take that leadership role seriously. If we teach negotiation by only focusing on the questions of what and how and detach the process from questions of where, why, and by (and for) whom (see Lewicki and Schneider, Instructors Heed the Who, in this volume), then we risk creating negotiators who lack the critical capacity to recognize their own role in larger social issues of justice, power, and privilege. If we teach negotiators in a manner that allows them to disconnect their activities from larger social issues, we risk creating capable, efficient technocrats who can bring about social, economic, and political disasters.14

If we teach “that the negotiator’s central challenge is learning how to develop and enact rational strategies to claim and/or create maximum value that satisfy the negotiator’s (or her principal’s) self-interest” (Fox 2009: 14), our students from cultures that construct the individual in more relational terms or cultures that rely on differently rational15 decision-making processes are likely to be puzzled or even offended. I have had trainees tell me in no uncertain terms that this form of negotiation is just the latest in a long line of tools imported from the West for the purpose of imposing on others a hyper-commercialized, rabidly secular, and morally bankrupt worldview. From their perspective, negotiation as we teach it is just the latest means of colonizing and denigrating local cultures and turning local resources – including ancestral lands and water supplies as well as minerals and other portable materials – into monetized commodities. This is particularly true in situations where negotiation is taught to the privileged elites who have appropriated for themselves resources that belong to the collective. And U.S. trainers do not need to have a passport to get that reaction. Just take standard negotiation techniques to Native American communities, and if you really develop a relationship of trust and transparency with those you are teaching, you will hear this same discussion.

Negotiation and values
This is not to say that our model – or the worldview on which it rests – is wrong or deficient or defective. In fact, our practices carry several assumptions that I personally would like to uphold and promote. Our way of negotiating assumes that the participants in negotiation training experience themselves as (relatively) autonomous agents with the power to make (relatively) free choices about
their goals and commitments. Or, put another way, negotiators are presumed to have developed a level of mental complexity beyond the “socialized mind” which makes the person “subject to the values and expectations of his ‘surround’ (be it his family of origin, his religious or political reference group, or the leaders of his work setting, who set terms in his professional and financial reality)” (Kegan and Lahey 2009: 52). We also assume that the participants understand what it means to live and work in places where decisions are made by groups of individuals who are – or who are willing to behave as if they are – more or less equal in status, authority and importance. Or, put another way, negotiators are presumed to have experienced – and embraced as valuable – relatively democratic decision-making systems in which value is attached to good ideas and creative problem-solving more than to the status of the participants and maintaining the status quo or preserving harmony.

These attitudes and assumptions are not universally held. My own experiences include conversations with younger individuals who believe that their cultural group’s value of respect for elders prevents them from negotiating with anyone older or higher in status than they. For example, a very capable young leader recently lamented to me that he feels terrible that he is always unable to meet his obligations because he has double-booked appointments. Further exploration of why he booked double appointments revealed that, in fact, he had not done that at all. Rather, two different senior leaders in his organization were telling him that he needed to be attending different events at the same time. When I suggested that this was a situation where negotiation tools could be useful, he was horrified. “I could not possibly start that conversation with them. They are my elders and my leaders!” If this were just one person, I would attribute that response to a personal quirk, but the truth is that I have seen this pattern among young people in many organizations in more communally and hierarchically organized cultures. They have acquired negotiation skills in workshops, but they are unable to transfer them into their context when such a transfer requires that they challenge socially negotiated patterns of acceptable interactions. In similar fashion, their seniors have said similar things about moving negotiation skills from the “training” venue to their real-world problems. The context they are living in simply does not allow the creation of the space for negotiating the problems they want to address in the way I have been teaching them. There is a disconnect between their values and the values embedded in “Negotiation 1.0” practices; the result is internal dissonance and a sense of identity threat when they think about using their new “skills” to address the problems they know need to be handled.
So, “Negotiation 2.0” needs to be clear about the values behind the practices. I value both relative autonomy (tempered by interdependence, which is also part of our negotiation model) and democratic, non-hierarchical decision making. But I recognize that these are values; they are not value-neutral tools. As such, they are not universally held. I have exercised my autonomy and I have lived in a society that applauds me for doing that. I have also had personal experiences of democratic decision-making even in hierarchically organized institutions. But I know this is not a universally shared life experience. In a multi-cultural world, the individuals we are teaching may speak the language of autonomy and democracy in their workplace without fully embracing the values and behaviors associated with this language. This is not just an issue “out there” in some “underdeveloped” country, either. Many individuals we train live their personal lives in families and other organizations that value compliance to group-defined values over autonomy, while also relying on autocratic rather than democratic decision-making processes. This is as true for “mainstream Americans” (whatever that means) as it is for individuals from other cultures.

How We Need to Teach

Negotiation and “liberatory” education

The story of the young leader who cannot negotiate his appointment calendar with his superiors points to a pedagogical issue for “Negotiation 2.0.” Kevin Avruch (2009) has argued that we need to think of our pedagogy as education rather than training, and I agree. But what type of education are we talking about? Our students come from diverse settings. They face different types of problems that can be negotiable if they so construct them. Contrary to the claim often made in “Negotiation 1.0,” not everything is negotiable. We all operate in contexts that enable some negotiations and repress others, or that rule certain problems as non-negotiable. The definition of negotiable problems, the development of negotiation practices, and the rules for their application (what can be negotiated, who can negotiate, etc.) are intertwined processes of meaning-making and ethical judgment.

In a globalized context, everyone entering into a negotiation training or course arrives with culturally shaped ideas about negotiation and some life-experience negotiating in his or her own culture. I am suggesting that in a multicultural world, our pedagogy should not be using a “banking model” of education where we assume our students arrive as empty vessels and we fill them up with knowledge and coach them in skills. Rather, we should adopt a mutually reflective and liberatory educational approach (Freire 2009: 71-74) based
on dialogue about the various ways that people and groups have learned to negotiate, what kind of problems they consider negotiable or non-negotiable, and the types of organizational or institutional systems they have developed to support the process of negotiation and the agreements reached through negotiation.

This approach to teaching negotiation weaves in a level of self-awareness and self-reflection that is not common in “Negotiation 1.0” courses, where self-awareness tends to focus on particular pre-defined skills. How well does the student listen? How well does she manage interactions with the other party? How well does he present proposals that create value? How well does she claim value? By contrast, “Negotiation 2.0” should work on helping students reflect on questions such as: Who am I in my society, and how does that shape the way I negotiate with others? Where am I able to negotiate and where am I not able to negotiate? How do I feel about those social rules? How can I use my negotiation skills or other conflict transformation skills to change social systems that I do not like or that I consider unfair or unjust? How can I help my group frame shared problems in a way that makes them amenable to negotiation (or other transformative activities)?

This type of self-awareness – or awareness of self in relation to a socially negotiated context – is a necessary step to prepare students to handle problems that are complex rather than technical (Kegan and Lahey 2009). Both technical and adaptive problems demand change, but not the same types of change. As noted by Kegan and Lahey (2009: 29):

*Technical changes are not necessarily easy, nor are their results necessarily unimportant or insignificant. Learning how to remove an inflamed appendix or how to land an airplane with a stuck nose wheel are examples of largely technical challenges, and their accomplishment is certainly important to the patient on the surgeon’s table or the nervous passengers contemplating a crash landing.*

We know how to teach technical skills: “the routines and processes by which we might help an intern or a novice pilot become an accomplished practitioner are well practiced and proven” (Kegan and Lahey 2009: 29).

It is not so easy to teach someone to handle adaptive problems, because by their very nature, they require that we name a new problem clearly and we make changes in ourselves in order to address the problem. We can teach technical skills by focusing on the physical and mental aptitudes of our students, but self-change requires a dif-
different model of teaching and learning. Part of the process of self-change involves identifying and learning to reflect on and modify our “theories-in-use,” which “are means for getting what we want” (Argyris and Schön 1978: 15). Among other things, our theories-in-use “specify strategies for resolving conflicts, making a living, closing a deal, organizing a neighborhood – indeed for every kind of intended consequence [as well as for] maintaining certain kinds of constancy” (Argyris and Schön 1978: 15). Insofar as negotiators are embedded in and operating on behalf of organizations, dealing with adaptive problems also requires developing the ability to question and challenge the established theories-in-use that are embedded in organizations.

The process of uncovering theories-in-use, including those theories-in-use that guide our practice of negotiation, is referred to as double-loop learning (Argyris and Schön 1978, citing Ashby 1952). Interestingly, Chris Argyris and Donald Schön use the following example to illustrate the difference between single-loop and double-loop learning:

In the context of theories-in-use, a person engages in single-loop learning, for example, when he learns new techniques for suppressing conflict. He engages in double-loop learning when he learns to be concerned with the surfacing and resolution of conflict rather than with its suppression (Argyris and Schön 1978: 19).

In our project, we might say that a person engages in single-loop learning when she learns how to employ “Negotiation 1.0” practices for problems similar to those she negotiates at home in unfamiliar cultural settings, but she engages in double-loop learning when she learns how to uncover the existing negotiation practices in an unfamiliar cultural setting and blend those with “Negotiation 1.0” practices to manage, resolve, or transform a conflict effectively.

This sounds complicated, but it is really not that difficult if we (the instructors) alter our own self-perception and adopt a more humble stance toward our subject matter. After all, we are only offering a set of practices that was developed in a particular context; we are not offering a set of universal truths or the magic bullet for handling all problems. Perhaps trainings should always start with an activity that uncovers the existing negotiation practices in a particular setting. I do this either before or at the start of any training. I start with a minimalist definition of negotiation: negotiation involves two or more people or parties who communicate with one another in order to promote shared understandings, overcome dif-
ferences, reach compromises, or make mutually beneficial tradeoffs. After making sure that they understand all of the concepts – I ask them for examples of reaching a compromise, making tradeoffs, etc. – I ask the participants (or a pre-training consultation group) to identify situations where they have participated in or observed any of those activities. Then, I have them act out several cases they have identified, selecting the cases so as to get a variety of issues, venues, and parties.

Together, we identify the patterns of negotiation that are revealed in these cases, and we explore some of their assumptions about conflict, power, relationships, and norms for communication. Only after this grounding in their own situation and their own culture do I start to introduce “Negotiation 1.0” practices and ideas, with careful attention to identifying the similarities and differences between existing practices and what I am sharing, and between their context and the environment in which the “Negotiation 1.0” practices were developed. The participants are the ones who ultimately need to decide how much or how little they want to take from what I bring into the discussion and how they want to use it in their context.

If we start with a “Negotiation 2.0” educational program that incorporates the issues and uses the methodology described here, it is not difficult to direct students’ attention to the differences between tame and wicked problems. Furthermore, they will be prepared for the following complex activities:

- Holding a “two-level vision” of the world that allows them to see both the immediate problem and the systems that create and sustain that problem.
- Recognizing the meaning-making and ethical judgment processes that are giving rise to wicked problems.
- Identifying their own power to act as change agents by the way they use negotiation, and reflecting on their own ethical obligations as leaders of their society.
- Engaging in – and modeling for others – the process of personal change necessary to address a wicked problem.

Conclusion
In this chapter, I have focused on what needs to be taught in “Negotiation 2.0” in order to prepare negotiators for the more complicated process of using negotiation as part of the solution to wicked problems. In the chapter to follow (Design: The U.S. Army’s Approach), Leonard Lira provides a sobering tale of the limits of “Negotiation 1.0” training as it affected his summer 2007 U.S. Army mission in Iraq.
He goes on to detail the Army’s current and ambitious effort to prepare troops to negotiate more effectively in such situations.

This is only the start of our discussion. We look forward to continuing the conversation with our colleagues, and invite others to help us figure out ways to prepare negotiators for the kinds of situations we described in Negotiating Wicked Problems (Chapter 25).

Notes

1 For purposes of this chapter, the term “wicked” describes problems that exhibit some combination of the following features:
   - The problem is ill-defined and resists clear definition as a technical issue, because wicked problems are also social, political, and moral in nature. Each proposed definition of the problem implies a particular kind of solution which is loaded with contested values. Consequently, merely defining the problem can incite passionate conflict.
   - Solutions to a wicked problem cannot be labeled good or bad; they can only be considered better or worse, good enough or not good enough. Whether a solution is good enough depends on the values and judgment of each of the parties, who will inevitably assess the problem and its potential solutions from their respective positions within the social context of the problem.
   - Every wicked problem is unique and novel, because even if the technical elements appear similar from one situation to another, the social, political, and moral features are context-specific.
   - A wicked problem contains an interconnected web of sub-problems; every proposed solution to part or the whole of the wicked problem will affect other problems in the web.

See generally Rittell and Webber (1973), Ritchey (2005-2008) and Conklin 2005). This stands in sharp contrast to the nature of problems that the planning profession has labeled “tame.” As summarized by Ritchey (2005-2008: 1), a tame problem:
   - Has a relatively well-defined and stable problem statement.
   - Has a definite stopping point, i.e., we know when a solution is reached.
   - Has a solution which can be objectively evaluated as being right or wrong.
   - Belongs to a class of similar problems which can be solved in a similar manner.
   - Has solutions that can be tried and abandoned.

2 I am using Kevin Avruch’s (1998) approach to culture by focusing on interpreted social action or practice that locates culture both outside the individual (in images or schemas or models) and inside the individual (in meaning-making processes that shape action).

3 Adapted from Docherty (2001: 55).
I am using agency in the social-psychological sense although I realize that might be confusing to some readers who are more accustomed to using the term “agent” to mean someone who represents a party in negotiations. An individual who claims and uses her agency is engaging in the exercise of power, by using her ability to bring about effects and to (re)constitute the world (Karp 1986: 137).

The concept of “moral order” is taken from the work of W. Barnett Pearce and Stephen W. Littlejohn (1997). It focuses attention on the internalized patterns of “must do’s” and “must not do’s” that individuals bring into a conflict situation. Looking at the moral orders that negotiators bring to the table is a useful way to uncover the meaning-making processes that shape individual action. In this way, we begin to uncover the individually internalized dimensions of culture identified by Avruch (1998) as critically important in understanding conflict and efforts to resolve it.

Worldviewing is another useful way to focus on the meaning-making processes of individuals (and groups) in conflict. It is also a good antidote to the tendency to think of worldviews as coherent packages of ideas, when they are more amorphous, less tidy and therefore more malleable than we often assume. Worldviewing is a universal human activity; we can obtain useful information by focusing on the socio-cognitive and emotional processes of worldviewing such as “categorization, boundary establishment, and the creation and use of scripts of schema” (Docherty 2001: 50).

Examples of questions that we hope to have answered in a “guidance system” include: How do you recognize which specific problem-focused negotiations are most likely to generate opportunities for renegotiating the social order? When working in situations where multiple problem-focused negotiation processes are vying for legitimacy, how do you help the parties craft a shared negotiation process? How do you know when to use negotiation and when to use other processes such as dialogue? How do you move from other processes to negotiation and back again in the most effective way? How do you avoid “overselling” the efficacy of negotiation for dealing with a wicked problem?

This is a common experience in public negotiations, and it is becoming more common in the business world. See Jayne Seminare Docherty and Marcia Caton Campbell (2006) for guidance on factors that need to be taken into account when dissimilar parties negotiate complex problems.

Leigh Thompson, Erika Peterson and Laura Kray (1996), summarizing a wealth of literature, define a script as “an implicit theory of a situation that specifies a coherent sequence of social activities. Individuals may have several scripts relevant to negotiation. For example, a script about selling cars may evoke the familiar used-car lot scenario, or a script of a luxury automobile car dealership, or a script of a college student selling her car through the local classified ads. Each script calls for different behaviors from the actors in the negotiation” (p. 18). And that is just talking about selling a car! Wicked problems and conditions of instability usually call forth an even greater variety of competing social scripts.
“[Herbert] Simon’s vision of bounded rationality has two interlocking components: the limitations of the human mind, and the structure of the environments in which the mind operates” (Gigerenzer and Todd 1999: 12). Humans use heuristic devices to simplify their decision making and this reasoning works “if the structure of the heuristic is adapted to the environment” (Gigerenzer and Todd 1999: 13). This is why Gerd Gigerenzer and Peter Todd use the term “ecological rationality” to remind us that “a heuristic is ecologically rational to the degree that it is adapted to the structure of an environment” (Gigerenzer and Todd 1999: 13). When we are talking about a social ecology made up of human actors, heuristic devices may be more difficult to maintain at optimal adaptation, and it is constantly necessary to monitor and adjust the heuristics that guide our decision making.

It is important to combine the social normative elements of decision making alongside the idea of bounded rationality. Otherwise we risk losing an important ethically critical perspective. Or, in the words of John Forester (1985: 77), “‘Bounded rationality’ in its standard political and administrative form had perversely socialized rationality by presuming existing relations of power to be fully legitimate (or, in what amounts practically, if not theoretically, to the same thing, by presuming them to be above challenge in any specific case). If policy analysts and planners, as satisficing rational actors, are ever to assess potentially illegitimate or coercive influences constraining their satisficing solutions, they must consider the political legitimacy of the relations of power at hand.”

Elsewhere I advocate for teaching negotiators to become adept at practicing a “symmetrical anthropology” that subjects their own culture to the same scrutiny they direct to the culture of the others (see Docherty 2004).

For a good example of a group of individuals using the marketplace to deal with the problem of clan violence, see The Wajir Story (1998). This thirty-minute video captures the complexity of using a series of negotiations and other activities to deal with community violence.

Carrie Menkel-Meadow and Michael Wheeler (2004: 367) note that “beyond the parties who participate in a negotiation, most negotiations have consequences for others outside the negotiation. Whether thought about as humans or economically based “externalities,” there are a whole host of people (and things) who will be affected by what is accomplished (or not) in any given negotiation. How absent parties...are treated or accounted for in negotiations is a seldom discussed but often crucial issue in evaluating the effects and fairness of any negotiation process.” These issues are rarely included in “Negotiation 1.0” training. If, however, we recognize negotiations as locations where socially negotiated patterns of power and resource allocation are addressed – either through reinforcement or through challenge – this is an issue that warrants greater attention in “Negotiation 2.0.”

“[Max] Weber classifies social action according to four ideal types: (1) goal-rational (zweckrational) action; (2) value-rational (wertrational) action; (3) affectual action, and (4) traditionally oriented action” (Docherty 2001: 167. See also Varshney 2003).
References


