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You've Got Agreement: Negoti@ting via Email

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Editors' Note: *Astonishing amounts of negotiation are now conducted by e-mail – often with scant regard for underlying strategy, or even common courtesy. The authors unpack why this happens, and propose methods that will better prepare students for the realities of future business.*

Introduction

Negotiation teaching has, in most instances, attempted to prepare students for multi-contextual encounters. Students of negotiation in business schools are trained to recognize and take part in a wide range of negotiation settings, including their own salary and benefits negotiations, intra-organizational negotiations (such as a negotiation over resources with the manager of a competing unit within the same organization), inter-organizational negotiations (such as discussing a joint venture or partaking in a sales/purchasing bar-

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gaining session), and others. Similarly, we expect the negotiation training we give law students to facilitate their interactions with a variety of people, including clients, other counsel, judges, and juries. In fact, participants in negotiation courses are usually invited and encouraged to use their new insights and skills in just about *any* context: at work, with their families, in their own transactions (e.g., buying a house or a car), in their social relationships, and in casual encounters. In taking this omni-contextual approach, however, teachers must manage a tension between the general and the specific, building general skills applicable to a variety of situations but also fostering sensitivity to the more particularized ways those skills will be used in specific contexts.

Our concern in this chapter is with one contextual element that receives inadequate attention: physical proximity versus distance. Too often, teachers of negotiation assume one or both of the following propositions: 1) people negotiate with others who are physically present "at the table" or "in the room," and 2) when people negotiate with others who are *not* physically present, negotiation skills and strategies do not significantly differ from the "normal" condition of physical proximity.

This does not reflect the reality of most negotiators' work. Factors such as the proliferation of low- to no-cost communication tools, along with increasing numbers of technologically adept workers, have made e-communication an ever-increasing alternative to face-to-face meetings. We have all seen the proliferation of wireless handheld devices ("crackberrys" for the truly addicted); email is ubiquitous. According to David Shipley and Will Schwalbe, "trillions of emails are sent every week" and "office workers in the U.S. spend at least 25 per cent of the day on email" (Shipley and Schwalbe 2007). As an illustration of this in the U.S., Shipley and Schwalbe note the roughly three-fold increase in the number of emails produced by the Bush administration over the number created by the Clinton administration (100 million expected under Bush by 2009 compared to 32 million turned over to the National Archives by Clinton in 2001). Clearly, email is a fact of life for any negotiator, and we ignore its potentials and pitfalls at our peril.

In this chapter, we will focus on the use of email, the most common form of online interaction in professional contexts, and acknowledge the clear advantages of this mode of communication. First, we present research showing how the medium may affect the message. We outline a framework for understanding the specific elements of communication that are most altered in the shift from in-person conversation to exchange of email messages. The next part of the chapter delineates five major implications of these differences for negotiating via email and suggests four basic skill sets that email negotiators need to acquire in order to cope with these implications. The chapter concludes by addressing negotiation teachers and trainers. We suggest effective ways to familiarize students with email negotiation's benefits and challenges and then to equip them with the tools necessary to navigate the online medium.

Part I: Negotiation via Email: Yes, it *is* Different!

In negotiation, communication media influence not only what information is shared and how that information is communicated (Carnevale and Probst 1997; Valley et al. 1998; Friedman and Currall 2001), but also how information is received and interpreted. Some information may be easy to communicate face-to-face, but difficult to convey in an email. Other information might be laid out clearly in an email message but misconstrued in a face-to-face setting. We can understand these differences more clearly by comparing face-to-face and email negotiations with reference to two dimensions of communication media: *media richness* and *interactivity* (Barsness and Bhappu 2004). Media richness is the capacity of the medium to transmit visual and verbal cues, thus providing more immediate feedback and facilitating communication of personal information (Daft and Lengel 1984). Interactivity is the potential of the medium to sustain a seamless flow of information between two or more negotiators (Kraut et al. 1992). Both characteristics account for differences across media in the structure of information exchanged (Daft and Lengel 1984), the number of social context cues transmitted (Sproull and Kiesler 1986; Kiesler and Sproull 1992), and the social presence of negotiators (Short, Williams, and Christie 1976).

Media Richness

Email is considered a "lean" medium because it transmits neither visual nor verbal cues. Face-to-face communication is considered a "rich" medium because it transmits both. In face-to-face communication, a significant proportion of a message's meaning comes from its associated visual cues (such as facial expressions and body language) and verbal cues (such as tone of voice) (DePaulo and Friedman 1998). Because these contextual cues are absent in email, negotiators both transmit and receive information differently than they would in person. For example, even in "high context" cultures, where communication tends to draw upon pre-existing knowledge or indirect signals rather than rely upon the explicit content of the message itself (Hall 1976; Ting-Toomey 1988), email may pull participants into communication patterns that resemble (and therefore potentially privilege) "low-context" cultures, where meaning is primarily found in the explicit message conveyed. The absence of contextual cues affects the way negotiators *present* their information. Email negotiators rely more heavily on logical argumentation and the presentation of facts, rather than emotional or personal appeals (Barsness and Bhappu 2004). The communication medium also affects the *content* of the information negotiators share, as a result of its affecting their communication. Research suggests, for instance, that communication styles in email are more task-oriented and depersonalized than in face-to-face interactions (Kemp and Rutter 1982). This results in less small talk and rapport building, and a more "down to business" approach, as will be discussed below.

Reduced contextual information may also affect the way negotiators receive and interpret email messages. Information exchanged in email tends to be less nuanced than information exchanged face-to-face in the same situation (Valley et al. 1998; Friedman and Currall 2001). Back channel and clarifying information such as speech acknowledgements (e.g., "mmm" or "huh?") and reactive body language such as head nods are eliminated (O'Connaill et al. 1993). Another interesting outcome of the elimination of contextual cues is that negotiators are more likely to focus on the *content* of messages when using lean media (Ocker and Yaverbaum 1999). Although technology is evolving to permit negotiators to include additional visual cues through color, font, and pictures (such as emoticons), these cues are far cruder than the nuanced signaling available in face-to-face encounters. Additionally, use of these cues is not widespread in professional communication, inhibiting the development of a shared culture or code as to their intent and significance. Indeed, the ambiguity of such text and graphics- based signals can give rise to potential problems in email negotiation, as we shall discuss below.

Interactivity

Interactivity has two dimensions. The first, a temporal dimension, captures the synchronicity of interactions. Face-to-face communication is synchronous and co-temporal. Each party receives an utterance just as it is produced; as a result, speaking "turns" tend to occur sequentially. Email is typically asynchronous: negotiators can read and respond to others' messages whenever they desire and not necessarily sequentially. Minutes, hours, or even weeks can pass between the time a negotiator "sends" a message and the time the recipient reads it (Friedman and Currall 2001). Because email messages usually appear in recipients' inboxes with most recent messages above the older ones, recipients may read messages out of order, even responding to later messages *before* they have read the antecedent message.

The second dimension of interactivity is parallel processing, which describes a medium's ability to allow two or more negotiators to simultaneously submit messages. Email certainly permits the simultaneous exchange of messages, but negotiators will not necessarily know that this simultaneous submission is occurring – in contrast to face-to-face communication, where the parallel processing will be patent. As we shall see below, the "turn taking" required by email can facilitate communication by preventing one party from interrupting the other, giving both parties the chance to express their views fully before relinquishing the floor; however, the same quality that prevents interruption also prevents the parties from engaging in the kind of conscious parallel processing that is possible when face-to-face.

These two characteristics of email – that it requires asynchronicity but allows parallel processing – have profound effects on the way messages are transmitted and the way they are received. On the transmission side, the use of asynchronous media may accentuate analytical-rational expression of information by negotiators. Previous research suggests that there are at least two distinct information-processing modes: an *analytical-rational mode* and an *intuitive-experiential mode* (Epstein et al. 1996). Individuals who adopt an analytical-rational mode rely more heavily on logic and deductive thinking and their associated tactics (e.g., development of positions and limits, use of logical argumentation, and the presentation of facts), while individuals who adopt an intuitive-experiential mode rely more heavily on intuition and experience and their associated tactics (e.g., appeals to emotion, the presentation of concrete personal stories, and the use of metaphors) (Gelfand and Dyer 2000). Email does not lend itself equally to these contrasting information-processing styles.

On the receiving side, email imposes high "understanding costs" on negotiators because it provides little "grounding" to participants in the communication exchange (Clark and Brennan 1991; Friedman and Currall 2001). Grounding is the process by which two parties in an interaction develop a shared sense of understanding about a communication and a shared sense of participation in the conversation (Clark and Brennan 1991). Without the clues provided by shared surroundings, nonverbal behavior, tone of voice, or the timing and sequence of the information exchange, negotiators may find it challenging to accurately decode the messages that they receive electronically (Clark and Brennan 1991). In addition, the tendency of email negotiators to "bundle" multiple arguments and issues together in one email message (Adair et al. 2001; Friedman and Currall 2001; Rosette et al. 2001) can place high demands on the receiver's information processing capabilities.

Part II: Media Effects: Implications of Email Communication for Negotiation

The foregoing comparison of face-to-face negotiation and email negotiation gives rise to five major implications – incorporating both challenges and opportunities for parties negotiating by email:

1) Increased contentiousness
2) Diminished information sharing
3) Diminished process cooperation
4) Diminished trust
5) Increased effects of negative attribution

1) Increased Contentiousness

Even before the advent of Internet-based e-communication, research showed that communication at a distance via technological means is more susceptible to disruption than face-to-face dialogue. Aimee Drolet and Michael Morris, for example, have found that whereas face-to-face interactions foster rapport and cooperation, telephone communication was prone to more distrust, competition, and contentious behavior (Drolet and Morris 2000).

In Internet-based communication, these findings not only hold true, they are intensified. Communication in cyberspace tends to be less inhibited; parties ignore the possible adverse consequences of negative online interactions because of physical distance, reduced social presence, reduced accountability and a sense of anonymity (Griffith and Northcraft 1994; Wallace 1999; Thompson 2004). The lack of social cues in e-communication causes people to act more contentiously than they do in face-to-face encounters, resulting in more frequent occurrences of swearing, name calling, insults, and hostile behavior (Kiesler and Sproull 1992).

Research shows that these findings on e-communication also hold true in e-negotiation. Early research showed that negotiators are apt to act tough and choose contentious tactics when negotiating with people at a distance (Raiffa 1982). As researchers began to focus on e-negotiation, they discovered the effects of diminished media richness in e-negotiation: the social presence of others is reduced (Short, Williams, and Christie 1976; Weisband and Atwater 1999) and the perceived social distance among negotiators increases (Sproull and Kiesler 1986; Jessup and Tansik 1991). Thus, negotiators' social awareness of each other may be seriously diminished

(Valley and Croson 2004) when communicating through email. This might explain why e-negotiators feel less bound by normatively appropriate behavior than face-to-face negotiators apparently do. This weakening of the normative fabric translates into an increased tendency to make threats and issue ultimata (Morris et al. 2002), to adopt contentious, "squeaky wheel" behavior, to lie or deceive (Naquin, Kurtzberg, and Belkin, forthcoming), to confront each other negatively, and to engage in flaming (Thompson and Nadler 2002).

Hence, email negotiators are contending on a much rougher playing field than face-to-face negotiators. Still, the better we understand the nature of email as described in the previous section, the greater our abilities to turn the potentially hazardous characteristics of email to good use – i.e., *reducing* contentiousness. Used properly, lean media may facilitate better *processing* of social conflict exactly because these media do *not* transmit visual and verbal cues (Carnevale, Pruitt, and Seilheimer 1981; Bhappu and Crews 2005). First, the visible, physical presence of an opponent can induce arousal (Zajonc 1965), which leads to more aggressive behavioral responses. Therefore, the absence of visual and verbal cues in email may defuse such triggers. Second, email may also reduce the salience of group differences. By masking or deemphasizing gender, race, accent, or national origin, to name just a few, email may actually reduce the impact of unconscious bias (Greenwald, McGhee, and Schwartz 1998) on negotiation. Deemphasizing group membership may also suppress coalition formation. In addition, because negotiators are physically isolated and the social presence of others is diminished, they can take time to "step out" of the discussion and thoughtfully respond rather than merely react to the other party's behavior, potentially limiting escalation of social conflict even further (Harasim 1993; Bhappu and Crews 2005).

2) Diminished Inter-party Cooperation

Experiments in email negotiation have explored two connected concepts: the measure of inter-party cooperation throughout the negotiation process, and the degree to which resulting outcomes are integrative at the end of the negotiation. The connection between the two is obvious: the potential for integrative outcomes grows as parties become more aware of each other's needs and capabilities, and areas of potential joint gain emerge.

Email negotiations make information exchange likely to be constrained, analytical, and contentious. This diminishes negotiators' ability to accurately assess differential preferences and identify potential joint gains. Indeed, one comparison of face-to-face and computer-mediated negotiations revealed that negotiators interacting electronically were less accurate in judging the other party's interests (Arunachalam and Dilla 1995). Reduced social awareness in lean media causes parties to engage more heavily in self-interested behavior when negotiating by email. As a result, they may simply ignore or fail to elicit important information about the other party's interests and priorities. The use of email may, therefore, accentuate competitive behavior in negotiations (Barsness and Bhappu 2004).

However, when used properly, email could *increase* information exchange. Lean media may work to promote more equal participation among negotiators. Diminished social context cues (Sproull and Kiesler 1991) and resulting reduction in the salience of social group differences can reduce social influence bias among individuals (Bhappu et al. 1997) and encourage lower-status individuals to participate more (Siegel et al. 1986). Rather than discounting or ignoring information provided by lower-status individuals, as they might in face-to-face encounters, negotiators may be receptive to this additional information when using email. Attention to this "new" information may subsequently enable negotiators to identify optimal trades and create more integrative agreements.

The nature of email interactivity reinforces this tendency toward increased participation and more diverse information. As discussed above, the parallel processing allowed by email frees negotiators from sequential turn-taking, prevents interruptions, and allows negotiators to voice their different perspectives simultaneously (Lam and Schaubroeck 2000). Parallel processing can also undermine existing power dynamics and encourage direct confrontation because it stops one individual from seizing control of the discussion and suppressing the views of another (Nunamaker et al. 1991). Thus, in a sense, email exchange can tame and discipline the free-for-all form of parallel processing that can occur in face-to-face encounters. By making parallel processing more coherent, email may further support the simultaneous consideration of multiple issues during negotiation. Coupled with the greater diversity of information produced when social groups are deemphasized and power differentials are reduced, parallel processing in email is likely to promote the search for joint gains (Barsness and Bhappu 2004).

3) Reduction in Integrative Outcomes

As previously mentioned, reduced process cooperation is expected to result in a lower level of integrative agreements. Many experiments measuring these two indicators – cooperative behavior and integrative outcomes – have shown that in e-negotiation, as opposed to face-to-face negotiation, one is less likely to encounter cooperation in the process, and less likely to achieve integrative outcomes (Arunachalam and Dilla 1995; Valley et al. 1998; see also Nadler and Shestowsky 2006). Additionally, the potential for impasse appears to be greater than in face-to-face negotiation (Croson 1999). Conversely, other researchers have found no difference in rates of impasse and frequency of integra-tive outcomes when comparing email and face-to-face negotiations (Nanquin and Paulson 2003; see also Nadler and Shestowsky 2006).[1]

Why, we might ask, should email bargaining be less integrative than face-to-face encounters (if in fact the trend goes in this direction)? We believe that a reduction in the likelihood and degree of integrative solutions could result from lower levels of process cooperation and the difficulty of building rapport in email negotiation. If email somehow encourages negotiators to become more contentious and confrontational in the way they communicate (Kiesler and Sproull 1992), this can lead to spiraling conflict and the hardening of positions. This problem is made even more severe by the difficulty of establishing rapport in email (Drolet and Morris 2000), which we will expand on below. The development of rapport has been shown to foster more mutually beneficial settlements (Drolet and Morris 2000), especially in lean media contexts (Moore et al. 1999) perhaps because it engenders greater social awareness among negotiators (Valley and Croson 2004).

On the other hand, the media effects of email negotiation include one feature that might promote integrative thinking and outcomes. As we have seen, negotiators tend to exchange long messages that include multiple points all in one "bundle" when using asynchronous media like email (Adair et al. 2001; Friedman and Currall 2001; Rosette et al. 2001). Argument-bundling may facilitate integrative agreements by encouraging negotiators to link issues together and consider them simultaneously rather than sequentially (Rosette et al. 2001). This can promote log-rolling, a classic tool for reaching integrative outcomes. However, negotiators should avoid "over-bundling:" too many issues and too much information delivered at one time can place higher demands on the receiver's information processing capabilities. Negotiators may, therefore, have more difficulty establishing meaning and managing feedback in asynchronous media (DeSanctis and Monge 1999), further hindering their efforts to successfully elicit and integrate the information that is required to construct a mutually beneficial agreement.

4) Diminished Degree of Interparty Trust

Trust between negotiating parties has been identified as playing a key role in enabling cooperation (Deutsch 1962), problem solving

(Pruitt, Rubin, and Kim 1994), achieving integrative solutions (Lewicki and Litterer 1985; Lax and Sebenius 1986), effectiveness (Schneider 2002) and resolving disputes (Moore 2003). Negotiators are trained and advised to seek out and create opportunities for trust-building whenever possible, and as early as possible in the course of a negotiation process (Lewicki and Litterer 1985).

Communication via email, however, is fraught with threats to trust that are inherent in the medium and in the way parties approach and employ it (Ebner 2007). It has been suggested that lack of trust in online opposites is the factor responsible for the low levels of process cooperation and of integrative outcomes reported above (Nadler and Shestowsky 2006). Low levels of inter-party trust in email negotiation have been measured not only through indirect indicators, such as low process cooperation and infrequently integrative outcomes, but also directly: when questioned about the degree of trust they felt in negotiation processes, e-negotiators reported lower levels of trust than face-to-face negotiators did (Naquin and Paulson 2003). Email negotiators enter the process with a lower level of pre-negotiation trust in their counterparts than do participants in face-to-face negotiations (Naquin and Paulson 2003). This initially low expectation regarding interpersonal trust may exacerbate the fundamental attribution error by reinforcing the tendency to seek out reasons to distrust rather than to recognize trustworthy actions. This becomes a self-fulfilling prophecy: expecting to find counterparts untrustworthy, email negotiators share less information; this reinforces their counterparts' expectations. As a result, participants in email negotiation also experience lower levels of *post*-negotiation trust than do participants in face-to-face negotiations (Naquin and Paulson 2003).[2]

5) Increased Tendency Towards Sinister Attribution

The media effects of email negotiation exacerbate the tendency toward the sinister attribution error: the bias toward seeing negative events as the outgrowth of others' negative intentions rather than unintended results or conditions beyond their control. The lack of social presence and of contextual cues lends a sense of distance and of vagueness to the interaction. The asynchronous dynamic of email negotiations adds to this challenge. Research shows that e-negotiators ask fewer clarifying questions than face-to-face negotiators do. Instead of gathering information from their counterparts, email negotiators may be more likely to make assumptions (Thompson and Nadler 2002); if those assumptions later prove unfounded, the negotiators may perceive the other's inconsistent actions or preferences as a breaking of trust. The power of the sinister attribution error in e-negotiation is clearly demonstrated by experiments showing that e-negotiators are more likely to suspect their opposite of lying than are face-to-face negotiators, even when no actual deception has taken place (Thompson and Nadler 2002). Analysis of failed email negotiations shows that they tend to include unclear messages, irrelevant points, and long general statements (Thompson 2004), each of which provides ample breeding ground for the sinister attribution error.

Summary

In this section, we have described five important implications of the unique characteristics of email communication for negotiation. Highlighting these particular media effects is particularly important in order to understand the challenges posed by the media to negotiators trained to conduct face-to-face interactions. Next, we turn to recommending skill-sets that negotiators need to be equipped with in order to cope with these implications.

Part III: Repacking the Negotiator's Toolbox: Recommended Skill-Sets for Email Negotiators

In this section, we will briefly introduce four basic skill-sets that email negotiators need to acquire in order to cope with the media effects of email discussed in the last section. These four skills are discussed as initial proposals, and are certainly not suggested as an exhaustive list; no doubt, others will emerge.

Skill-Set #1: Writing Ability

A central skill that may seem both so obvious and so crucial that we need not address it is the ability to write – clearly, persuasively, and (at times) movingly. For most lawyers, fortunately, writing is a skill used and developed daily. Much of their legal training has been devoted to developing clear, effective writing. For some lawyers as well as other professionals, however, writing is not considered a central activity in their employment. Skills become rusty from lack of use, or a particular style of writing (marketing, for example, in the management context; brief writing in the legal context) may not lend itself well to email. Particularly when it comes time to establish rapport, defuse tension, or even apologize, some email negotiators may find that their writing skills are simply not up to the task at hand. Thus, a central skill set for effective email negotiation may be to improve the clarity and emotional power of writing. And when writing skills fall short of the task's requirements, email negotiators need the wisdom to discern their own limitations, pick up a phone, or make an appointment to meet in person with their negotiation counterparts.

Skill Set #2: Message Management

Managing Our Own Anxiety

The art of negotiating solely by exchanging written messages through postal mail is a long-forgotten one. We have become accustomed to exchanging opinions through synchronous communication, either face-to-face or over the telephone. Email negotiators need to relearn the art of asynchronous communication. This may not be intuitive, for one of the Internet's promises is instant access to anything and anyone. Our synchronous-communication upbringing, combined with our expectations of instant access, clash with the basic nature of asynchronous communication. As a result, email communication often involves an anxiety that blends distrust of the channel with distrust of the other. When we send messages and do not receive responses promptly, not only do we question whether our counterparts received the messages, we begin to wonder why (if indeed they *have* received them) they are taking so long to respond (Thompson and Nadler 2002). To manage this anxiety and prevent a downward spiral of distrust, e-negotiators need to understand and bear in mind the limitations of the medium they are using. They also need to develop gentle but effective ways to follow up when counterparts do not respond in what seems to be an appropriate period of time, generously calculated. Shipley and Schwalbe suggest that when a response is not forthcoming, email users can resend the original email, but if they do this, they should "acknowledge that this is the second time around, and apologize ('I know how busy you are…')" (Shipley and Schwalbe 2007: 152-53). They warn against simply resending the old message without comment or with "blaming language," such as "Why haven't you responded to this?"

Managing the Other's Anxiety

Research has shown that frequent message exchanges, as opposed to communication broken by intervals, are conducive to trust-building within groups (Wallace 1999; Walther and Bunz 2005). This is also true for the dyadic group formed by two people negotiating. Responding to an email within 24 hours, even if only to say that we are considering what a negotiation counterpart has written, might be a useful standard (Katsh and Rifkin 2001). On the other hand, delivering a strongly negative response or a total rejection of the counterpart's proposal should not be done too hastily. Negotiation counterparts want to know that we have carefully read and processed their proposals to us. But when a negotiator realizes that she has taken an inexcusably long time to respond in an email negotiation exchange, she should usually acknowledge that fact in the interests of preserving the relationship. Shipley and Schwalbe suggest phrases such as "I have the awful feeling that I've neglected to respond to your email…" or "My profuse apologies for the slowness of my reply…." (Shipley and Schwalbe 2007). Thus, in order to manage the other's anxiety, a good email negotiator needs sufficient empathy to sense how the other may be feeling about the negotiator's behavior and the emotional vocabulary to put the other at ease by signaling that understanding.

Utilizing Asynchronicity

Once we become aware of, and overcome, the challenging characteristics of asynchronous communication, we can focus on the potential it offers for improved communication dynamics. It can be a very conducive channel for reasoned discussion, careful responses, and trust-building moves. It can help control our response time – to our own advantage. Asynchronous communication allows us to avoid knee-jerk reactions or escalatory cycles of contentious behavior, and to think proactively. The slower pace allows us to fashion and frame our response thoughtfully and productively. It enables us to verify details instead of giving off-the-cuff responses that may later turn out to be inaccurate – providing for more exact information-sharing. Email creates a searchable thread of exchanged email messages so that we can hold others accountable for representations and commitments. And, we can check our own past communications if they over-claim something we have allegedly promised. We can read a received message twice, or ask a colleague to take a look at it and tell us what she thinks, before we reply to it, lowering the effect of sinister attribution. We can do the same with a message we have written, before sending it. By learning when *not* to click "Reply," and when to delay clicking "Send," email negotiators can use the medium to maximum effect.

Skill-Set #3: Relationship Management

Setting the Stage: Unmasking

As we have seen, the mutual invisibility inherent in email negotiation facilitates adversarial, contentious, and trust-breaking behavior. It is easier to cause damage to a faceless other, particularly when we feel protected by a shield of anonymity and physical distance. The sense of anonymity and distance created between email negotiators leads both to assumptions that one can get away with aggressive or trust-breaking behavior, and to a lowering of moral inhibitions against doing so (Nadler and Shestowsky 2006). This necessitates that negotiators consciously adopt a proactive agenda of unmasking themselves *toward* the other. The more negotiation counterparts perceive us as *people they know* rather than anonymous, faceless email addresses, the more likely they are to share information, rely on us, and trust in us (Nadler and Shestowsky 2006).

Building Rapport

The concept of using pre-negotiation social interaction to create a positive and unmasked environment for an upcoming negotiation process is widely discussed and advocated in the negotiation literature that focuses on face-to-face interactions. Negotiators are advised to create "instant relationships" absent a past relationship with their negotiating partners. This process has been dubbed "bonding" (Shapiro and Jankowski 1998) or "building rapport" (Drolet and Morris 2000; Thompson and Nadler 2002). Holding preliminary face-to-face meetings has proven to be a highly effective means for building trust that carries over into subsequent e-negotiations (Rocco 1998); indeed, it may be *the* most effective means (Zheng et al. 2002). Supporting an ongoing email negotiation with a face-to-face meeting in the middle of the process has also been advocated (Cellich and Jain 2003). However, notwithstanding the value of incorporating a face-to-face meeting into an email negotiation, this will often prove to be impossible or impractical; sometimes any rapport that will be achieved must be built online.

In face-to-face encounters, introductions and light, social conversations come naturally; in e-negotiation, this tendency diminishes. As we have discussed, negotiators tend to remain on topic, task-oriented, and analytic, leaving little room for social lubrication. As a result, e-negotiators need to *consciously* dedicate time and effort to the unmasking process. Experiments have indicated that even minimal pre-negotiation contact, at the most basic level of "schmoozing" via preliminary email introductory messages or brief telephone exchanges, has the potential for building trust, improving mutual impressions, and facilitating integrative outcomes (Morris et al. 2002; Nadler and Shestowsky 2006). By inviting the other to reply, we are initiating a cycle of unmasking which not only transcends physical distance but also reshapes the process into one allowing for recognition and empathy, which can continue to develop as the negotiation progresses.

We would suggest building rapport through words rather than emoticons. A negotiator could write the business part of the email first – working for absolute clarity and thoroughness – and then go back to insert the schmooze factor at the beginning of the email, e.g., "lovely to see you last week," "thanks much for getting back to me," etc. We habitually begin in-person conversation with some ice breaking or small talk, but often forget to include it when using the medium that needs it the most. Exceptions to this guideline exist, of course. When negotiators are engaged in rapid-fire exchange of short, clarifying emails, it could become quite annoying to wade repeatedly through a paragraph of schmooze before reading the point of the email.

Because email lends itself to informal communication, negotiators should be urged to think carefully about the level of formality they want to establish when negotiating by email. Though e-negotiators need to establish rapport and unmask their own humanity, it would be a mistake to open informally, e.g., using the counterpart's first name or simply opening with "Hey Bill!" for many negotiations. For some email recipients, a greater level of formality will actually *increase* rapport and trust. A good way for negotiators to manage this is to note their counterpart's tone and formality level, and reflect this in their next message, taking care to err on the side of caution.

Showing E-empathy

Demonstrating empathy is universally described as a powerful tool and important skill for any negotiator (Ury 1991; Mnookin, Peppet, and Tulumello 2000; Schneider 2002). This has been found to hold true in online communication as well: e-negotiators who show empathy are trusted by their negotiation opposites more than those who do not (Feng, Lazar, and Preece 2004). This trust might cause the empathic negotiator's actions and intentions to be construed more positively, diminishing the tendency towards sinister attribution. Negotiators will be more likely to share information with a trusted counterpart, opening the door for more integrative agreements (Lewicki and Litterer 1985; Lax and Sebenius 1986).

Showing empathy toward another person via a communication channel characterized by limited contextual cues and by low interactivity is quite a challenge. Unable to smile, nod understandingly, or lay a supportive hand on the arms of their counterparts, email negotiators need to learn new methods for showing e-empathy.

In teaching students to convey empathy in email exchanges, teachers might explain ways to adapt face-to-face methods to the online venue, beginning with the use of communication tools. Many of the most basic communication tools negotiators are advised to employ facilitate the showing of empathy to one's negotiation opposite. Three examples might be active listening, reflecting (or summarizing), and asking questions focusing on the counterparts' needs and concerns (Ury 1991). While some aspects of these tools might appear to be difficult to transfer to the online medium, this does not mean that showing e-empathy is impossible or prohibitively clumsy. All of these communication tools can be adapted for online use. Additionally, mindful use of specific elements or characteristics of email communication can actually serve to *enhance* our ability to convey empathy at-a-distance (Ebner 2007). For example – word processing makes reflecting a relatively simple process. The ability to ask multiple questions in a single e-mail without the other breaking in to respond or stopping the flow, facilitates a show of interest and engagement.

Skill-Set #4: Content Management

The absence of contextual cues focuses email negotiators on the actual *content* of messages (Ocker and Yaverbaum 1999). This necessitates particular skills with regard to three issues:

Clarity

As we have seen, message clarity helps avoid sinister attribution and allows for precise information sharing. Clear messages allow e-negotiators to focus on what their counterparts have written, reply to their points and consider their proposals. Clarity in reply creates a virtuous cycle.

To achieve such clarity, e-negotiators should avoid unnecessary length. "In summary" sentences might be useful. Negotiators should always remember that, in contrast to a telephone or face-to-face conversation, email creates a searchable file of information. The downside is that this can give rise to "gotcha" opportunities; the upside is that searchability disciplines both sides to stay honest about their representations and commitments. Perhaps because instant messaging does not use subject fields, some e-communicators leave this field blank when sending emails. This, we believe, is a mistake that negotiation students should be urged to avoid. Mindful use of the subject field helps with searchability and message clarity, and also presents a valuable opportunity for framing. Further, even before drafting the text of an email, negotiators should think carefully about each field. To whom should the email be sent? Should anyone appear in the "cc", or disappear in the "bcc" field? Is the negotiator inadvertently offending someone by leaving them out of the exchange or relegating them to the "cc" field when they ought to appear in the "to" field (Shipley and Schwalbe 2007)?

Bundling

Email negotiators tend to bundle multiple points and multiple arguments in a single message. While on the one hand we have noted how this tendency might potentially facilitate the identification of integrative agreements by encouraging negotiators to link issues together and consider them simultaneously rather than sequentially, it might also clash with basic message clarity. Additionally, even if clearly written, an excessive amount of data might send the message recipient into an information overload. Email negotiators need to learn and practice balanced bundling. Judicious use of the "subject" line in an email helps both negotiators and their counterparts to search for and to frame the content of emails they receive. Thus, negotiators should craft subject lines that are sufficiently general that a broad search will produce a list that includes them (e.g., "Smith v. Jones") but also specific enough that they alert the recipient to what they contain and facilitate targeted searches (e.g., "Smith v. Jones – concerns about Smith deposition").

Framing

With the bulk of a message's impact shifted to its content, language and wording become paramount. This is especially important in the framing of issues and discussion topics. Asynchronous communication allows for careful framing of issues and well thought-out revision of frames proposed by the other party. As we have noted, opportunities for using an email message to frame an issue begin with the wording of the subject field.

Part of framing is also thinking about the formatting of the email, which affects the perceptual frame through which the other recipient takes in the message content. In the body of the email, negotiators should alter default settings for style and font with caution and only for good reason. Wallpaper might be too informal for business contexts, including negotiations. Colored fonts should be used only for distinguishing comments written into an earlier document; some email programs will do this automatically when replying or forwarding. Most of the time, however, a simple black typeface is most appropriate. Times Roman, Arial, or other default fonts are preferable to the more exotic options; as Shipley and Schwalbe hilariously point out, some fonts (such as "Chalkboard") "create a homey effect," while others (such as "Blachmoor") "indicate to the reader that a necklace of garlic, a silver bullet, and a wooden cross should be kept close at hand" (Shipley and Schwalbe 2007). A negotiator should also think carefully about using all caps – IT IS THE EQUIVALENT OF SCREAMING in email. Finally, we would suggest not using too many !!! to make a point or too many ☺ to try and lend "tone" to a particular comment - unless negotiators are certain that the relationships they have with their opposites make this suitable.

Part V: Pedagogy: Teaching Email Negotiation

In the previous section, we made suggestions regarding what a negotiator needs to know about negotiating via email. In this section, we suggest some ways that this content might be effectively taught – and learned.

One preliminary question is that of venue: should the art of email negotiation be taught in the classroom, or online? On the one hand, the majority of negotiation courses are taught in traditional face-to-face settings, and we are suggesting that these courses should all incorporate the topic of email negotiation. On the other hand, by interacting in an online classroom of some sort, students have the opportunity to experience firsthand the dynamics of online communication much in the way that the dynamics of a face-to-face negotiation classroom serve to mirror dynamics of negotiation interaction.

For the majority of negotiation courses, an engagement in online exercises is optimal, even if the face-to-face setting is retained for transferring the content. However, we encourage teachers to consider using new methods for teaching the subject, allowing the pedagogical change to mirror and emphasize the departure from the traditional content.

Based on our experience teaching this subject in settings including online, face-to-face, and hybrid formats, here are some suggestions for exercises that can be used to demonstrate and emphasize the major points discussed in this article:

Conducting Negotiation Simulations Via Email

An obvious method for teaching the pluses and minuses of email negotiation is to have the participants engage in email negotiations. In a longer course, it would be relatively easy to find time for this exercise – outside of classroom time for the email exchanges to occur, and in class to debrief. Almost any preexisting role play exercise could be adapted simply by requiring that students come to agreement *without* meeting face-to face or speaking on the phone. Alternatively, in order to avoid artificial situations and to enhance learning through using realistic scenarios, teachers might prefer to use simulations in which the need to avoid face-to-face communication is imparted as part of the storyline and makes internal sense in the simulation environment (see Ebner and Efron 2005). Of course, teachers could also allow some conversations in person or by telephone in order to sensitize students to differences in communication media. In large classes, professors could secretly divide the negotiating dyads into three groups: some would meet in person before initiating email negotiation, some would speak by telephone, and others would move directly to online interaction; during debriefing, students could compare their experiences and possibly their outcomes. Professors might consider running an email negotiation early in the semester to best replicate the lack of preexisting personal relationship that characterizes many email negotiations; later in the semester, students will already know each other too well to experience the conditions of blank anonymity in which email negotiation often occurs. Teachers wishing to replicate these conditions of zero prior familiarity or relationship might also consider partnering with teachers in other universities, pairing up students in their respecting classes as negotiating opposites.

In a shorter course or an executive 1-2 day training, the time and opportunity to conduct email negotiations would be more limited. Still, exchanges that occur via email can be simulated in the classroom in a very short period of time to demonstrate some of the issues. For example, the teacher could project sample exchanges (real or fictional) for critique, group editing, or other discussion.

Conducting "Semi-synchronous" Simulations Via Email

In this type of exercise, students are divided into pairs. Each is assigned a role in a negotiation simulation, and they are positioned in rooms or seated on different sides of a room. Participants, each equipped with a computer, negotiate via email exchanges. As this is in real time, a "semi-synchronous" type of interaction occurs: parties need to reply to each other fairly quickly in order to keep the ball rolling, but can still take a little time to deliberate, frame and fine-tune their messages. One could also divide the class and have some students conduct the role-play face-to-face while others would conduct the same role-play over email. Debriefing this approach provides increased richness in terms of demonstrating the issues outlined earlier.

Fishbowl Back-to-Back

In this type of exercise, two students with laptop computers sit with their backs to each other and negotiate through email or instant messaging. This semi-synchronous interaction is observed by the rest of the class by having the email messages projected on a screen. In this way, all students can observe (silently) what is going on between the negotiators. A trainer could also "tag-team" other participants to step in if they have a better idea for how to conduct the negotiation or to try out different responses.

Real-time Negotiation Simulation

In this type of exercise, students are put into a situation developing in real time (in other words, it is a synchronous situation), in which the only means they have to communicate with each other is via email. Students are in separate rooms (or cities, for that matter), and the only way for a student to get a clear picture of what is going on is by communicating quickly and effectively by email with multiple other parties. Fact patterns that present a crisis situation are particularly well suited to this sort of exercise.

Designing Simulation-games of Online Negotiation Scenarios

Beyond participation in the various types of simulation discussed above, teachers might assign students the task of envisaging online negotiation situations, and writing them up in the format of a simulation game (in design-styles similar to face-to-face or online simulation-games they have previously participated in). In creating their scenarios with an eye towards triggering online negotiation dynamics (if these simulations were to be play out), students need to integrate their understanding of these dynamics into their design and storyline. This has been shown to trigger both understanding of discrete concepts as well as an appreciation for how different elements interact with each other when they play out in reality. In addition to these educational benefits, designing exercises enjoy high degrees of student interest, enjoyment and motivation (Druckman and Ebner 2008).

Bringing Real Email Negotiations into the Classroom

Another method for discussing email, particularly useful in executive trainings, is to ask participants in advance to bring their "favorite" emails – sent or received. What are examples of awful communication? How can we fix these? How can we avoid these mistakes in the future? The trainer can project the emails onto a screen or hand them out and engage the whole class in discussions about how to respond – and how to avoid the more unfortunate examples.

Integrating Email into the Negotiation Process

A final way to think about teaching email negotiation is to consider integrating it as part of the lessons focusing on communication skills in any negotiation training. When teaching about active listening, rapport, or empathy- or trust-building, after covering basic theory that assumes face-to-face negotiations, teachers could pose questions about the ways email technology might change best practices. In an executive training, almost everyone will already have good (or bad) stories about email communication gone awry. How do our basic guidelines change when eye contact and vocal tone are not available to send signals? What do we assume about motives and intentions? Knowing all of the research available to us (and outlined above), what other advice can we give? To build empathy and communication-related skills, negotiation teachers and trainers could require their students to respond, in writing, to a series of written assertions, complaints, laments, or other emotionally charged messages. Putting other considerations aside, teachers might instruct the students to then write three to four sentences that demonstrate an understanding of what the other person has expressed. These responses could be projected by PowerPoint, enabling students to critique and edit them to improve the empathetic power of the responses.

Conclusion

Negotiating via email is a day-to-day activity for businesspeople, lawyers, and many other negotiators. However, negotiation education has not yet assimilated this fact, and the need to equip negotiators with an updated toolbox of knowledge and skills is vital. In this chapter, we have stressed this, with an eye to bringing about change in the fundamental content of any course or workshop on negotiation: *all* negotiators need to be prepared to engage in online encounters. By providing not only this prescription but also suggestions for what negotiators need to know and how this might be taught, we hope not only to trigger this change, but also to facilitate it.

Notes

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[1] Reading through much of the literature on this topic, one might get the sense that most practitioners and researchers have adopted the *assumption* that e-negotiation, as a rule, involves diminished inter-party trust and results in fewer – and less integrative – agreements. The intuitive strength of this assumption notwithstanding, the best one can say about the research exploring it is that it is inconclusive. Several authors have noted experiences and experiments challenging this assumption (Nadler and Shestowsky 2006; Conley, Tyler, and Raines 2006; Chamoun-Nicholas 2007), indicating that more careful examination needs to be done, which might differentiate between different e-communication platforms (only

some of the experiments were conducted via email), or examine e-negotiation's suitability to specific types of disputes (Conley, Tyler, and Raines 2006).

[2] While this tendency for trust-diminishment in online communication holds true for those brought up in a predominantly face-to-face relational environment, it might not be as strong regarding people for whom the online environment has always been a primary meeting place. The more reflective experience and familiarity people have with online communication, the more they will develop new senses for receiving and assessing new types of contextual cues. This would suggest that people born and raised after the internet revolution may need to put less time and effort into becoming adept at trust-building and trust-assessment than might older communicators, who might be more prone to apply reception, transmission and assessment processes not suitable or not attuned to the medium. On the other hand, familiarity with the medium might lead younger users to being less careful in its use, causing them to send off-the-cuff or excessively informal messages that undermine their goals. The greater care and formality characterizing many older, less experienced users might be helpful in avoiding this. A negotiator's generational affiliation notwithstanding, understanding the differences between face-to-face and email negotiation, and conscious practice at developing new senses and sharpening old senses to new types of nuance, will result in a degree of medium-familiarity conducive to improved decision-making and negotiation results. For more discussion of this issue see Larson (2003) and Ebner (2007).

[3] Exercises involving email negotiation should be considered as a potential vehicle for teaching not only about the process differences of email, but also about substantive issues that permeate multiple communications media, including face-to-face interactions. For example, a teacher focusing on face-to-face negotiation skills could show students an exchange of emails that contain strong indicators of anchoring or attribution bias. The class could discuss that barrier to agreement and then think about the ways the negotiation might proceed to overcome the barrier. This will enable them to facilitate their recognition of these issues in face-to-face situations. Email negotiation exercises also provide an opportunity to practice some of the primary skills imparted in negotiation courses – at a slower rate than do face-to-face exercises. Example of such skills might include reframing and the use of I-messages. Often counter-intuitive, these tools may be difficult for a novice to use effectively in face-to-face simulations. At the reduced pace of an email negotiation simulation, however, these communication tools may be easier to incorporate and perfect.

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