



## Addressing Partisan Perceptions

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*Editors' Note: Brown focuses on a central problem in teaching negotiation: when negotiators or principals refer to "the facts," what they are really referring to is a partisan interpretation of a selective memory of the facts. How are we to help them pass beyond this mental blockage? Brown finds a curious paradox at the heart of the problem, and suggests a teaching strategy.*

### Introduction

Often, parties in conflict are unable to reach agreement because they maintain disparate perceptions, recollections, or analyses of the facts underlying their deal or dispute. In such cases, as Roger Fisher and his coauthors have argued, "the key aspects of [a] dispute are determined by what is going on in the heads of the parties, not by some objective set of facts;" thus "understanding how the parties see a conflict is invaluable when trying to influence them" (Fisher et al. 1997). "In the end," Fisher and colleagues have said, "the parties' perceptions – of history, the current situation, the various courses of action open to them and the relative attractiveness of those options – are the problem."

When people in conflict align themselves with one "side" or the other, they often filter facts according to their affiliations. Partisans note and attach great weight to the facts that support their side, and ignore or downplay the facts that cut against them (Thompson and Loewenstein 1992; Loewenstein et al. 1993).

People's *perception* of reality can be strongly affected by their location on one side or another in a conflict, and this problem of parti-

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san perceptions may be particularly acute in conflicts involving deeply held values. These are the disputes that can most powerfully threaten core elements of people's identities. In such cases, often before they have even encountered their future adversaries, people see themselves as part of a group likely to come into conflict with members of the "other" group. Thus, social psychologists have repeatedly found that partisans on "hot button issues," such as capital punishment or abortion, can display "standard information assimilation biases by accepting belief-congruent information at face value, resisting belief-incongruent evidence, and becoming more polarized in their views when exposed to mixed evidence" (Cohen, Aronson, and Steele 2000; Cohen et al. 2007).

When partisan perceptions are impeding dispute resolution, third party intervention is often necessary. This is because it can be difficult for the parties to see that their perceptions are skewed. Though biased, to the parties the perceptions seem accurate. Thus the parties will be unlikely to see or correct the bias on their own. This chapter will describe some of the methods mediators use to address partisan perceptions. Because third party intervention is not always possible or desirable, however, the chapter will also examine ways that negotiators might implement variations on these methods when a third party is absent. Finally, the chapter will suggest ways that these methods might be integrated into negotiation training.

### **Mediator Moves to Address Partisan Perceptions**

"Debiasing" parties and helping them to increase their receptivity to threatening information is commonly considered to be one of the chief functions of a mediator. Although the parties' perspectives may never be perfectly aligned, with a mediator's help they can better understand their opponents' view of the case. A mediator might address partisan perceptions by discussing the bias directly with the parties – e.g., describing psychologists' findings that partisan perceptions impede experimental subjects' ability to remember adverse facts. In addition, as Russell Korobkin has suggested, the mediator could caucus with the parties privately to go over their cases and highlight vulnerabilities; the mediator could ask the parties to list weaknesses associated with their cases or reasons that their "prediction concerning a future event might be wrong" (Babcock et al. 1998; Korobkin 2006). Mediators can ask lawyers, particularly, to imagine what the opposing side will argue in order to help them attend to facts and law they might otherwise be inclined to ignore (Korobkin 2006). Thus the lawyers, who are as subject to partisan perceptions as their clients are, can be led to confront the potential weak points in their own clients' cases.

Geoffrey Cohen and several coauthors recently published the results of four studies that suggest another promising approach. They

found that standard assimilation biases were reduced when partisans were asked to think about “an important personal value” or when partisans received positive feedback about a valuable skill prior to hearing evidence or argument counter to their views. With this “self-affirmation” intervention, subjects were more likely to hear and assimilate evidence, even if it threatened their belief system (Cohen et al. 2007).

In all of the studies, Cohen manipulated “the salience of an identity that would be relevant either to the later review of a persuasive report or to participation in a negotiation.” In two studies about patriotism and receptivity to anti-American information, the relevant aspect of identity was the subjects’ self-concept as a patriotic US citizen. In two other studies, which measured willingness to make concessions on simulated legislation that would restrict access to abortion, belief about abortion was the salient aspect of identity.

Cohen also manipulated self-affirmation, so that “participants either affirmed a personal value irrelevant to the pertinent political domain or were exposed to a threat to such a value.” The subjects read a list of “personal characteristics and life domains,” such as “sense of humor” or “creativity,” but *not* including characteristics related to “socio-political issues or national identity.” The subjects ranked the characteristics in order of personal importance. To “affirm” subjects, the researchers instructed them to write about “a time when your #1 personal characteristic or life domain...was important to you.” Subjects assigned to the “threat” condition were instructed to “describe a time when you failed to live up to your #1 personal characteristic or life domain.”

Significantly, Cohen and his colleagues found that self-affirmation had a debiasing effect, increasing subjects’ receptivity to information and arguments that ran counter to their beliefs. The debiasing effect of self-affirmation was *greatest* in subjects who also fell into the “identity salient” group. That is, these subjects were both affirmed for characteristics independent of the report or negotiation *and* primed to think of themselves in terms of the relevant aspect of identity (patriotism, say, or being pro-choice). For self-affirmation to have the effect of increasing receptivity to counter-arguments and information, it helped rather than hindered that the subject negotiators had been primed to think of themselves as people with strong convictions about the subject matter who stood up for their beliefs.

Cohen’s theory is that the self-affirmation allows subjects to see that their identities as patriots or pro-choice advocates do not exclusively determine their self-esteem; some other characteristic or skill has also been affirmed. But equally important, the salience of their convictions and sense of self as people who generally stand up for their beliefs takes some of the pressure off of the specific exercise or

interaction; they don't have to use this specific report or negotiation to prove to themselves that they are patriotic or pro-choice.

Conversely, and quite counter-intuitively, subjects who were primed to think of themselves as "rational" before reading the report showed *reduced* receptivity to identity-threatening information and those primed to see themselves as "cooperative" before negotiating actually made *fewer* concessions. Again, Cohen and his coauthors posited that the "rational" priming served to justify subjects' resistance to identity-threatening information, while "cooperative" priming took the pressure off of the specific negotiation to validate the subject's self-concept as a cooperative or reasonable person. "In short," wrote Cohen and his colleagues, "self-affirmation freed people to act and think in ways that deviated from the particular challenged identity made salient in the situation." People primed to focus on the aspect of their identity under threat but also affirmed for an independent value were freed to consider information and arguments inconsistent with that identity; people affirmed for cooperation were likewise freed to behave less cooperatively.

Some mediators attempt to "prime" parties not only by emphasizing shared interests but by affirming them as reasonable people who can listen to others and act cooperatively. Gary Friedman, a renowned mediator who, along with Jack Himmelstein, is credited with an "understanding based" model of mediation, takes a slightly different approach. Early in every mediation, Friedman makes it his practice to secure an agreement from parties that in addition to listening to and trying to understand their opponents, they will also stand up for and assert their own views and preferences (Friedman 1993; Friedman and Himmelstein 2008). The experimental work of Cohen and his colleagues provides some empirical support for Friedman's practice. Having been affirmed for their assertive abilities at the outset of mediation, perhaps Friedman's clients are freed to behave cooperatively as the mediation progresses.

The implications of Cohen's research for mediation seem clear. When a mediator is present, he or she could conduct self-affirmation exercises in early joint sessions or in caucuses.

### **Negotiator Moves to Address Partisan Perceptions**

In addition to guiding the work of mediators, the findings of Cohen and his coauthors yield potentially helpful lessons for negotiators handling highly charged values conflicts. Litigation narrowly focuses on the values in conflict, but if the parties sit down to negotiate a resolution, the conversation can include a richer, more complex picture of the people involved. This may create opportunities for self-affirmation.

Cohen's finding that self-affirmation has greatest effect on people for whom the relevant aspect of identity has been made salient

(e.g., “patriot” or “pro-choice”) suggests that self-affirmation may be especially useful when negotiating settlement of lawsuits. Litigation tends to keep the contested element of identity always at the forefront, and parties’ self-concepts (e.g., “I am a dedicated mother” or “I am an honest business person”) frequently motivate the parties to persist in prosecuting or defending lawsuits. Thus, a lawsuit will often provide a background for negotiation in which contested elements of identity are salient for the negotiators.

Because lawyers often negotiate as agents, they can use self-affirmation when interviewing and counseling their clients in preparation for the negotiation. For example, if lawyers fear that their clients are suffering from disadvantageous partisan perceptions,<sup>1</sup> lawyers could increase their clients’ receptivity to identity threatening information and their willingness to make concessions by encouraging their clients to affirm positive aspects of their lives and personalities that are independent of the values clash (e.g., creative teacher, energetic volunteer, dutiful son to an aging parent, etc.).

However, some lawyers may find it difficult or ethically problematic to debias clients in this way. If self-affirmation causes the client to make concessions, while the other side remains resolute in its partisan stance, the client’s interests could suffer. Joint – and therefore reciprocal – debiasing could increase the willingness of lawyers and their clients to undertake the process of self-affirmation. The trick would be devising a credible way to ensure that reciprocity. Trust and a good working relationship between the lawyers would help, as would some method for verifying that each has conducted the self-affirmation exercise with the client prior to negotiation.

Whether conducted in mediation, joint negotiation sessions, or individual meetings between clients and their advocates, self-affirmation raises interesting and possibly troubling questions about mediator disclosure, manipulation by lawyers, and party self-determination. Michael Moffitt has raised important questions about mediator manipulation of parties in dispute (Moffitt 1997). Debiasing through self-affirmation creates yet another decision point at which mediators and lawyers must determine how much to tell the clients about what is going on, balancing efficacy and transparency.

Ethical concerns could arise for lawyers who take clients through a debiasing self-affirmation process, but do not explain why they are doing it or the likely effects on the ensuing negotiation. Few parties would willingly undergo an exercise designed to increase their openness unless they were assured that their new-found receptivity would be met by similar openness on the other side. On the other hand, complete transparency might reduce effectiveness: would the benefits of self-affirmation found by Cohen and his col-

leagues be reduced if people were told that they were being affirmed for one value so that they might become more pliant with respect to another? In other words, if a mediator or advocate/representative were to explain the purpose of the self-affirmation exercise, would it still help?

Cohen, in ongoing research with David Sherman and others, has explored just this issue. Their research has shown, unfortunately, that the debiasing effect from self-affirmation is significantly *reduced* when research subjects were made aware of the connection between self affirmation and subsequent biased judgments. Indeed, when subjects made a connection between the affirmation and “the evaluation of the threatening information, the theorized affirmation effect was eliminated.” Thus, they conclude, “the key to an effective affirmation intervention may lie in the subtlety of its delivery and the minimalism of its administration” (Sherman et al. 2009).

If Sherman and coauthors’ experimental result is robust in the field, mediators and perhaps lawyers for parties in negotiation might find that they can reduce partisan perceptions and assimilation bias in negotiation, but only if they adopt affirmation interventions that are undetectable by the parties. This could create another category of mediator actions that lose effectiveness as soon as parties become aware of them (Moffit 1997). For lawyers representing clients in negotiation, the “subtlety” Sherman et al. prescribe may cross the line into impermissible client manipulation. The answers to these ethical quandaries are not self-evident. At the very least, negotiation training should include information about affirmation interventions and an opportunity to debate the issues.

### Teaching Self-Affirmation in Negotiation Training

A final question for this chapter is how the self-affirmation process might be integrated into negotiation training. One approach would replicate the very experiment Cohen and his colleagues ran: students or trainees could negotiate over provisions in legislation related to the regulation of abortion. Prior to the negotiation, the teacher/trainer could survey students regarding their stance on abortion. Selecting several students who self-identify as pro-choice, the teacher/trainer could have some, but not all, of these students go through a process of self-affirmation prior to the negotiation exercise. Cohen and his colleagues would predict that these pro-choice and self-affirmed students would make more concessions than the pro-choice students who were not self-affirmed. In debrief, the trainees could see whether resulting legislation varied in ways that replicated Cohen’s research, and discuss the reasons why this did or did not happen.

An additional way to teach self-affirmation as a remedy for partisan perceptions would be to create a strong values-based identity

for a character to be played by trainees in a role play. Following the research methodology of Cohen and his colleagues, the role play exercise would make that element of character salient. Again, some participants would go through a self-affirmation process while others would not be affirmed (this raises interesting pedagogical questions about whether self-affirmation will have as great an impact on negotiation behavior if both the strongly held values and the self-affirmation arise from a fictionalized role rather than the participant's "true" identity). The research of Leigh Thompson and George Loewenstein shows that partisan perceptions can be triggered when research subjects are given a fictionalized role; research is less clear about the efficacy of self-affirmation as a debiasing technique in such fictionalized settings. If simulation therefore proves impractical for conveying the lessons of Cohen and colleagues (work built upon research subjects' own "true" values and experiences rather than simulation), the best approach may simply be to have students and trainees read this excellent and fascinating scholarship.

## Note

<sup>1</sup> Lawyers are probably as subject to partisan perceptions as their clients are. Therefore, it may be more difficult for lawyers than for a neutral to facilitate a debiasing process. Some lawyers would, moreover, be unwilling to debias themselves or their clients; they appreciate the way partisan perceptions lead them and their clients to focus on the strengths of their cases, bolster aspirations, and increase persuasive power. As Robert Frank has noted, faking optimism can be difficult, so cultivating genuine belief in one's case can be an advantage for parties in negotiation, including lawyers (Frank 1988).

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