

Appendix: An Evolution

This book represents the culmination of an organized effort to combat the trend toward fractionation discussed in the Introduction, and to develop an alternative, more sophisticated, view of negotiation as inherently interdisciplinary. It should be evident from all of the preceding text that an initiative to create even a start toward a true “canon of negotiation” is inherently ambitious on its own terms. Its function as part of a larger strategy, however, is not as obvious. This Appendix places the effort in context. Partly, this is for those general readers who are simply interested. More particularly, the Appendix is offered in the interest of any reader who contemplates some similar action in the future, and who wonders what that might take.

The Origins of This Effort

We would like to acknowledge immediately our great debt to the William and Flora Hewlett Foundation. In a sense, this effort began in the mid-1990s, when the Foundation concluded that despite extraordinary discoveries in how conflict, negotiation, and conflict resolution worked, the nineteen Hewlett Theory Centers, a constellation of research and theory-building groups, had been less successful in communicating these discoveries to practitioners. One of the co-editors of this volume designed the Theory to Practice project in response, and was thereafter funded generously by the Foundation to address that gap (a story told, for its own lessons, in the chapter on Negotiating Access). [Hawkins, et al., *Access*] The Theory to Practice project demonstrated, and made concrete strides to resolve, a pattern in which scholars and practitioners were clearly producing large quantities of new knowledge about human conflict and its resolution, but separately and without effectively integrating theory, research and practice.

Five years’ ensuing work made some progress—but also demonstrated that the gap between theorists, researchers and practitioners was just the beginning. Investigation showed that Theory Centers’ and others’ efforts at bridge-building and collaboration, though numerous, had not kept pace with the burgeoning pressures toward specialization; the field now had so many separations and gaps that it could not properly be called a field at all. In 2002, the Foundation accepted a new proposal, that the “Broad Field” project be chartered specifically to address the reintegration of the many specialties now making up negotiation and conflict resolution. The Broad Field project set out not only to demonstrate the existence of

the field's fractionation to the key audience (defined as the field's innovators and "early adopters") but to combat it, by demonstrating the results that could be achieved when sophisticated scholars and practitioners were challenged to work together across the customary boundaries.

The other key purpose of the Broad Field project was the formation of a strong, collaborative, continuing network of scholars and practitioners across academic disciplines and across practice specialties that had mostly ignored each other. Without a sustained such effort throughout the broad field of conflict management, ours can never emerge as a true *field* at all; we believe the consequences, to put it mildly, would be adverse.

These two successive projects, accordingly, have worked with an array of dedicated partner organizations to create a series of new discussions. Each such discussion has had its own immediate purpose; but beyond that, together they have tried to model forms and degrees of interaction that will create a continuing dynamic toward a true cross-fertilization of the field as a whole.¹ To pick one discipline as example, in the series of publications produced in the Broad Field project, various law professors have published co-authored pieces with two social psychologists, a planner, a physicist, a behavioral economist, a conflict transformation specialist, a cognitive psychologist, a professor of management, a hostage negotiator and more. For reasons Docherty discusses early in this book this was not always easy for them. [Docherty, *Models*] But we believe it is essential for our field's future.

The projects have benefited enormously from the enthusiasm of a key group of our colleagues. Promisingly, they come from many domains of expertise. One of the project meetings, for instance, resulted (beyond the directly co-authored pieces) in a coordinated set of publications that brought to bear perspectives from anthropology, mediation and arbitration practice, law teaching, urban planning, conflict studies, family therapy, physics, and Navajo peacemaking (see #2 below). Another resulted in articles from perspectives of law, mediation and arbitration practice, education, government agency administration, sociology, economics, psychology, engineering, ethics, political science, public policy, community relations, court administration, and religious/ethnic conflict (see #3 below). Taken together, our colleagues' efforts are starting to outline how conflict resolution can truly develop into an integrated "broad field."

We have learned a great deal from these academically interdisciplinary and multi-practice-field initiatives. In part the learning has been substantive; the output of the Broad Field project's discussions has included more than 70 articles published to date, not even counting this book. But as noted above, another aspect of that learning has been procedural, in developing a model to make such interdisciplinary efforts less daunting to others than they have been in the past.²

In the three-year lifespan of the Broad Field project, four successive topics were chosen for intensive investigation, each in collaboration with one or more academic partners. Each in turn produced a large quantum of new thinking and writing. Each has been far too rich and complex to note here in more than generalities, but it is important at least to do that much, to set the context. They were:

1. *The need for better feedback from practice experience into theory-building and research design.* Partners with the project in this effort were the Dispute Resolution Consortium of the City University of New York and the Institute for Conflict Analysis and Resolution, George Mason University. Published results included 19 articles in *Negotiation Journal*, Fall 2002 and Winter 2003 (plus another 20 published on the Web).

2. *The truncated and even arbitrary structures of negotiation training.* The project's partner here was the University of New Mexico School of Law. The published results included ten articles in *Conflict Resolution Quarterly*, Spring and Summer 2003.

3. *Threats to the fields of negotiation and alternative dispute resolution arising from increasing routinization of both practice and teaching.* The project's partner was Penn State Dickinson School of Law; published results included 19 articles in the *Penn State Law Review*, Fall 2003 and subsequently.

4. *The need for a truly interdisciplinary "canon of negotiation."* In this, the final and most ambitious phase, the project's institutional partner is the Marquette University School of Law; published results include 25 articles in the *Marquette Law Review*, Spring 2004.

The Existing Common Core of Negotiation

It would be absurd for us to claim to have invented the idea that there is a common core to negotiation, one that transcends practice domain and academic specialty. Others deserve the enormous credit for having broken that ground over the past 25 years. But for reasons described below and in the Introduction, we felt the time had come for a new initiative. In the summer of 2003, we invited an initial group of scholars and practitioners to begin work on developing a "canon of negotiation."

Although we have been fortunate both before and since that occasion to work with some of the best-known and most experienced scholars and practitioners this field has produced, we decided to begin with a population that might seem counterintuitive. We invited leading members of the field's *second* generation to be the first participants. Because they had actually been through the initial courses designed by the first generation of leading scholars, they had read materials in depth and recently. That made for an ideal starting point.

We encountered ready acceptance among this group; it seemed others, too, felt the time was right for this effort. The resulting twenty-five initial essays published in the *Marquette Law Review* became the start toward this book.³ The scholarly fields we drew from included law, psychology, behavioral economics, cultural studies, urban planning, and philosophy; practice backgrounds included labor mediation and arbitration, ethnic and tribal disputes, and civil and criminal disputes involving the U.S. Department of Justice. In an immediate confirmation of our hypothesis, the group's first day of meetings identified more than two dozen topics that every member agreed *should* be shared across every field in which negotiation was taught, but which currently were not so shared. We estimated that on average, *each of the topics addressed in the first round was substantively known already to no more than half or two-thirds of those present*, despite our having hand-picked an exceptionally well-read group. For example, the core concept of interests in a negotiation was reexamined in light of findings from "hedonic psychology" that people don't actually know what it takes to make them happy. These studies should have broad impact across disciplines; but they clearly have not yet had such an impact. [Guthrie & Sally, *Miswanting*.] The two dozen topics identified, moreover, immediately outnumbered those already taught in common across the major disciplines.

Analysis of the field's textbooks across disciplines demonstrated that the list of topics that had developed in one discipline and that had effectively migrated to others remained astonishingly short. As recently as the winter of 2003-2004, we found only six negotiation topics clearly taught in common across business

schools, planning schools, law schools and international relations programs—i.e. six subjects which were seen as part of an interdisciplinary canon of negotiation.⁴ They were:

- the idea of personal style, strategy or personality (including the concepts of competitive or adversarial v. interest-based or principled or problem-solving);
- the use of communication skills—both listening and talking;
- the concept of integrative v. distributive negotiations;
- the concept of a “bargaining zone” between the parties along with BATNA and reservation prices;
- the use of brainstorming and option creation; and
- the importance of preparation.

All of these, moreover, were found in texts originating in the United States; examining texts in use in the same fields in other countries would probably have narrowed the “in common” group even further.

From First Steps, Toward a “Canon”

It is self-evident that the initial group's 25 identified topics grew to 80 in less than two years. The “how” is discussed briefly below. But we must first emphasize that the “canon” initiative would simply not have been possible without the preceding efforts in this series. These not only demonstrated that it was possible rapidly to develop new working relationships across disciplinary boundaries, and in substantial numbers, but also that it was possible to “produce” dozens of significant new publications on an extremely tight time schedule. The number and reputations of those who have agreed to devote significant effort to one or another of these phases speak for themselves as to the rising confidence of our colleagues that the problems the Broad Field project was chartered to address not only should, but can, be addressed effectively. For us, the result has been an extraordinarily rich series of discussions that have taught us where to look for new knowledge.

A concrete example may be helpful to understanding how an iterative process has worked in practice. In the late stages of the Theory to Practice project, the idea emerged of a single conference session designed to highlight for a cross-section of scholars the extraordinary knowledge base developed by hostage negotiators, particularly within the New York Police Department. Since then, we and our colleagues began to realize just how many aspects of negotiation should be enriched or revised in light of that largely unpublished experience base. The arc of discovery and of collaboration first involved a key partner of the project, CUNY sociologist Maria Volpe, who persuaded two successive retired commanders of the NYPD's Hostage Negotiation Team to speak candidly about their experiences, and to be questioned by two academics in front of a hundred others. Then the current commanding officer agreed to join the discussion and to subject himself to the expected questioning. Finally, his equivalent at the FBI volunteered to join the discussion. The immediate results included a truly eye-opening article, co-authored by them all and also featuring scholars Wallace Warfield of ICAR and Carrie Menkel-Meadow of Georgetown University Law Center. “Negotiation under Extreme Pressure: The Mouth Marines and the Hostage Takers” appeared in *Negotiation Journal*, Fall 2002. But that was just a beginning. Further discussions ensued; for example, organizing a panel at an annual meeting of the International Association for Conflict Management (IACM) led us to two scholars, William Donohue of Michigan State University and Paul Taylor of the University of Liver-

pool, UK, who had not been part of our own frame of reference before but turned out to have been developing a sophisticated scholarly understanding of hostage negotiation for years.

The upshot (to date) is that a whole series of chapters in this volume has been directly or indirectly influenced by the hostage negotiators. Our understanding of characteristics once thought peculiar to hostage situations but now recognizably part of some business transactions; of the effects of reputation on a negotiator's effectiveness; of the degree to which everyday unexpected negotiations on the street demand some of the knowledge previously available only in hostage negotiation training; and of how negotiation works on a multitude of hidden levels within the military, have all benefited markedly from a domain once thought to be so specialized that it was of little relevance to negotiators working in more "normal" circumstances. Similar cross-boundary discoveries and acts of information-sharing can be found throughout this book.

We believe there is already evidence that this approach can work to influence the next round of thinking in the field. Before the first 25 articles resulting from this initiative had even appeared in print, we began to work on the next phase with four key professional organizations (the International Association for Conflict Management, the Law & Society Association, the American Bar Association's Section of Dispute Resolution, and the Association for Conflict Resolution), advising them of the existence of the "canon" initiative, and proposing a series of related sessions for their respective 2004 conferences. All four organizations proved highly cooperative, making significant amounts of conference time available, for which we continue to be grateful. The resulting sixteen sessions, each with three to six different contributors, were all designed to critique what we had already found, and to develop indications as to what was missing. This time, many of the field's leading scholars and practitioners had the opportunity to respond. We taped the sessions at conferences that did not already provide for this, and had transcripts prepared. Subsequently, we combed the transcripts for clues; previous experience had taught us that sometimes a remark that should open up a whole new topic is made off-handedly, and is easily lost. Many times, we ended up calling back one of the commentators, and challenging him or her to develop such a half-thought-out "lead" into a serious attempt at formulating a new topic. More than a few chapters in this book, we are gratified to report, reflect their acceptance of such challenges. We believe they, as well as the many other writers recruited by other means, have responded with wisdom and creativity. In this way, we were able to go beyond our original self-imposed charter to find the "important, and known somewhere, but unpublicized," into finding and encouraging truly new contributions to our field.

Since the start of the "canon" initiative in 2003, we have already seen results in recently published textbooks. In part, this comes from the remarkable productivity of the scholars we initially invited to the Marquette symposium. Many of the new textbooks include one or another of the contributing authors to the symposium;⁵ also, one of the co-editors of this volume has just published a new negotiation textbook excerpting many of the articles from the symposium.⁶ Even more heartening is that academics who were not part of our team have recognized the value of the symposium's approach. The new *Negotiation and Settlement Advocacy* book of readings, for example, includes seven excerpts from the Marquette symposium, more than any other single issue of a journal.⁷

We hope the more complete analysis represented by this book will be seen as helpful by other writers, in turn; but that is for our successors to determine.

Endnotes

¹ The reader can judge the results for herself, based perhaps partly on the caliber and numbers of contributors to this book. The engineering and maintenance of networks in our field is now increasingly recognized as an urgent necessity; this was the subject, for example, of *both* plenary sessions of the November, 2005 special conference on negotiation teaching organized jointly by Harvard's Program on Negotiation and the ESSEC business school in Cergy, France. Because our field has seen so many supposedly collaborative efforts which under the surface embodied strongly hierarchical or ingroup-outgroup notions, it's worth noting that at a certain level, modeling and fostering collaboration has boiled down to a familiar principle: we have at least tried, no doubt imperfectly, to approach our colleagues as we ourselves would wish to be approached. For a close-to-home example, the co-editors agreed at the outset that ours would be an equal partnership; but when we were ready to publish the first series of 25 articles in Marquette's law review, someone's name had to come first. A slightly comic "dispute" ensued, as each of us found reasons to defer to the other. When Andrea insisted, Chris assented—with the proviso that the order would be reversed if there was a second product. There was—this book. That air of "lighthearted seriousness" has been maintained throughout, and proved to be a key asset in attracting many of our contributors. (It's impossible for a group of scholars to take themselves too seriously when the meeting's organizer takes them on a tour of a brewery. Very Milwaukee, that, but it works.)

² Readers who are ready to tackle the complexities of interdisciplinary meetings themselves will find much more on this theme in *Engineering broad-based discussions: Engaging multidisciplinary groups to create new ideas in conflict resolution*. This set of critiques of earlier ventures in the Theory to Practice and Broad Field series is published as Monograph #1 of the Research Section, Association for Conflict Resolution (2003); available electronically at www.convenor.com/madison/ACRRS1.htm (last visited Feb. 26, 2006). The Broad Field and Theory to Practice projects also produced a great deal of other material which relates to this theme, much of which has been electronically republished at www.convenor.com.

³ *Symposium: The Emerging Interdisciplinary Canon of Negotiation*, 87 MARQUETTE LAW REVIEW (2004).

⁴ See e.g. law textbooks RUSSELL KOROBKIN, *NEGOTIATION THEORY AND STRATEGY* (2002); STEPHEN B. GOLDBERG, FRANK E.A. SANDER, NANCY H. ROGERS, & SARAH RUDOLPH COLE, *DISPUTE RESOLUTION: NEGOTIATION, MEDIATION AND OTHER PROCESSES* (2003); business textbooks ROY J. LEWICKI, DAVID M. SAUNDERS & JOHN W. MINTON, *ESSENTIALS OF NEGOTIATION* (2nd ed. 2001); LEIGH THOMPSON, *THE MIND AND HEART OF THE NEGOTIATOR* (2nd ed. 2001); environmental and public policy textbook LAWRENCE SUSSKIND AND JEFFREY L. CRUIKSHANK, *BREAKING THE IMPASSE: CONSENSUAL APPROACHES TO RESOLVING PUBLIC DISPUTES* (1987); conflict studies textbook JOSEPH P. FOLGER, MARSHALL SCOTT POOLE, AND RANDALL K. STUTMAN, *WORKING THROUGH CONFLICT: STRATEGIES FOR RELATIONSHIPS, GROUPS, AND ORGANIZATIONS*, (4th ed, 2001); social psychology textbook DEAN G. PRUITT AND PETER J. CARNEVALE, *NEGOTIATION IN SOCIAL CONFLICT* (1993); and communication textbook MICHAEL L. SPANGLE AND MYRA WARREN ISENHART, *NEGOTIATION: COMMUNICATION FOR DIVERSE SETTINGS* (2003).

⁵ For example, Michael Moffitt, Chris Guthrie and Scott Peppet are authors on new editions of ADR texts respectively for PON Books, West and Foundation which used material from the symposium, while Jayne Seminare Docherty has since published *The Little Book of Strategic Negotiation* (2005), also using several kinds of material from the symposium.

⁶ CARRIE MENKEL-MEADOW, ET AL., *NEGOTIATION PROBLEM-SOLVING AND PROCESSES* (2005).

⁷ CHARLES B. WIGGINS & L. RANDOLPH LOWRY, *NEGOTIATION AND SETTLEMENT ADVOCACY* (2005)