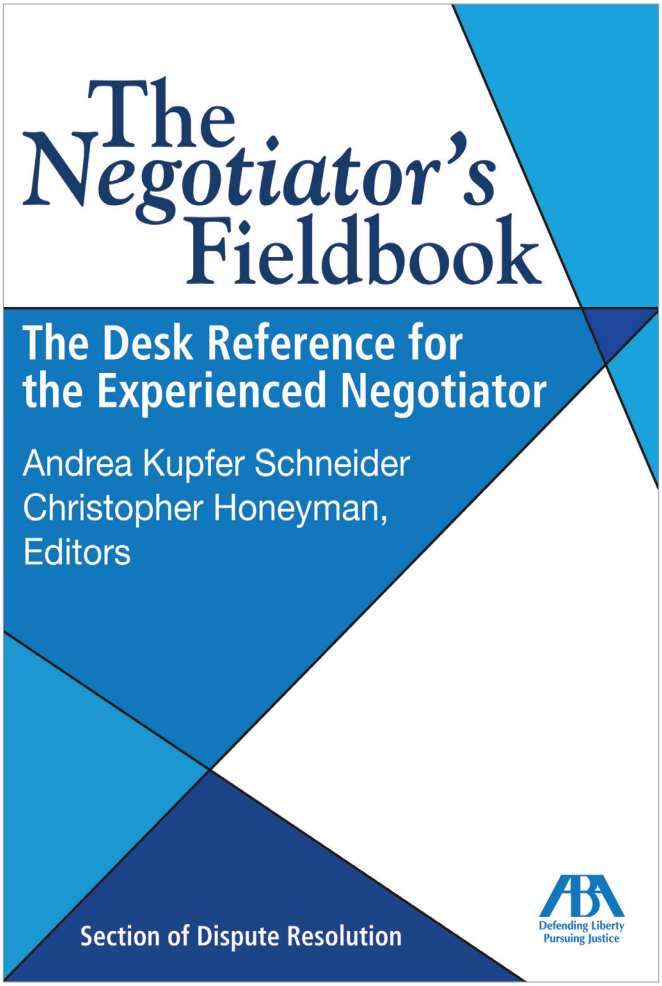
BOOK REVIEW

Integration, Not Fractionation

BY MICHAEL WHEELER

***The Negotiator's Fieldbook: The Desk Reference for the Experienced Negotiator*. Andrea Kupfer Schneider & Christopher Honeyman, editors. American Bar Association, Section on Dispute Resolution, 2006. 798 pages. Hardcover. $79.95 (Discount available for Dispute Resolution Section members). ISBN: 1-590-31545-6.**



This is an ambitious and impressive book. Ambitious because it strives to do nothing less than define and integrate the essential elements of negotiation. Impressive because even though that goal is likely beyond anyone's reach, *The Negotiator's Fieldbook* is a significant advance in that direction.

Andrea Kupfer Schneider, who teaches law at Marquette University Law School, and Christopher Honeyman, a mediator and arbitrator, are credited as the volume's editors, though that label does not do them justice. Their book's 80 chapters are largely original. (That number, incidentally, is not a misprint. It is indeed four score, a figure that reflects the scope of this endeavor.) Moreover, Schneider and Honeyman's names are on several of the chapters. While they cannot claim full authorship of the book—given that upwards of 80 other scholars and practitioners contributed to its writing—merely calling them editors understates their accomplishment. Architects, creators, or perhaps champions might better describe their role.

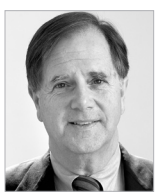
> ***The "second-generation" contributors stimulate a fresh look at negotiation, one that draws on the latest insights from a wide range of disciplines including law, psychology, behavioral economics, and ethics.***

Schneider and Honeyman launched their project in the summer of 2003 by convening a group of "second generation" colleagues to develop an integrated canon of negotiation. Meaning no disrespect to seminal figures in the field, they wanted to stimulate a fresh look at negotiation, one that would draw on the latest insights from a wide range of disciplines and contexts including law, psychology, behavioral economics, and ethics, to name just a few.

At the same time, Schneider and Honeyman were determined to buck the trend towards "fractionation," as they called it, the tendency of specialists to focus narrowly on a particular leaf and not see the larger branch or tree, let alone the whole forest. Their concern was confirmed by a survey of negotiation courses in universities and professional schools that revealed how little the syllabi had in common. Only six topics were taught consistently across different disciplines: personal style, communication skills, integrative versus distributive bargaining, bargaining zone concepts like BATNA and reservation prices, brainstorming, and the importance of preparation. Beyond that standard core, most courses were specialized either by discipline or area of practice.

In response, their working group identified two dozen other topics fundamental to negotiation theory and practice. For each of them, various members of the group wrote essays in a special issue of the Marquette Law Review. That effort, in turn, was the impetus for this collection.

The number of topics ultimately included in the *Fieldbook* tripled the scope of the project. That expansion presented a challenge to the editors (and, as they acknowledge, potentially to readers as well). With 80



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chapters in hand, where should the book begin, with theory or with practice? And if with theory, should economics be given primacy or psychology? Or if with practice, should transactional negotiation come first or dispute resolution? Any starting point implies a point of view that inevitably colors all that follows.

Schneider and Honeyman address the sequencing issue explicitly in their introduction and invite their readers to consider different paths through their book. You could follow the table of contents (the one printed in the book) from beginning to end, by starting with a series of conceptual essays on frames and ethics, and then move on to selections on identity, mindfulness, and culture. With that under your belt, you would then move on to psychological issues, multiparty dynamics, and finally, on-going learning.

But the editors have also posted alternate tables of contents on the web (http://www.abanet.org/dispute/publications/negotiatorsfieldbook.html), tailored to the interests of different sorts of readers. There are sequences for litigation, public policy, employment disputes, international negotiation, and interpersonal negotiation. One suggested route is designated as a primer while another is for those who have "Seen it All."

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In short, although the book is conventionally printed and bound, readers are invited to delve into it as if it were hypertext, finding their own way and making appropriate connections across disciplines and topics. As a further navigational aid, the hard-bound version of the book includes a useful annotated table of contents that identifies broad themes in each chapter and suggests links across different selections. Each module, in turn, is "scaled" (to use the editors' term) so that conceptual chapters appear early, and more specific applications follow, though many of the more theoretical pieces also include case illustrations.

The sheer breadth of the volume means that some material will be unfamiliar even to experienced negotiators and scholars. Rather poignantly, the editors include this caution:

> "Some will find one chapter too academic, some will find another too practical. Certain chapters may seem difficult, or strange. We hope you will try them out anyway—they may be the ones that years from now you most remember, as having provided you with a whole new way of looking at an issue."[1]

For example, rather than reproducing well-known findings on decision biases like anchoring, the editors instead give attention to the emerging field of positive psychology. A chapter called "Miswanting," by Chris Guthrie and David Sally, distills current research on so-called impact bias, our natural tendency to overestimate how much joy success will bring us (and correspondingly, how much misery will accompany failure). People are thrilled when they win the lottery or earn a job promotion, of course, but the feeling of elation proves more transitory than expected.

This research has unsettling implications for negotiation theory. How can we rationally plan for negotiation if our priorities before getting to the table do not necessarily match our preferences when the deal is done? Guthrie and Sally note that this impact-bias problem is compounded for lawyers negotiating on behalf of others. On one hand, an attorney is obliged professionally to respect her client's interests, but on the other, she cannot "turn a blind eye to the very real possibility that her client is mistaken about what he really wants."[2]

Material in some other chapters is more compatible with conventional negotiation theory. For example, the classic text *Getting to Yes* advises negotiators to "invent options for mutual gain," but offers little detailed guidance on brainstorming beyond the important advice to temporarily suspend judgment while ideas are generated. Jennifer Gerarda Brown's chapter on "Creativity and Problem-Solving" fills this void by drawing on work outside the field of negotiation. She notes, for example, how simple wordplay techniques such as shifting emphasis within a sentence can reframe a problem and how humor can stimulate creativity. Some techniques for sparking creativity may seem counter-intuitive, but when disputants get stuck, it can be helpful to ask them to generate bad ideas for resolving the conflict. Whatever the obvious shortcomings of wild proposals, they may also contain the kernel of a good solution.

Fieldbook readers who venture beyond their usual territory will be rewarded. It would be a mistake, for example, to skip over Sanda Kaufman's chapter "The Interpreter as Intervener" simply because you do not do international work. While she cites diplomatic examples of important issues getting lost or contorted in translation, at its core, her essay exposes the inherently slippery nature of language. Even when we try to say what we mean, others may hear something quite different. And in negotiation, of course, words often mask real meaning. Like most of the other chapters in the book, Kaufman's essay is rich with references to both academic and practitioner literature, including Ambrose Bierce's definition of language: "The music with which we charm the serpents guarding another's treasure."[3]

These few examples reflect the broad topical and disciplinary range of the book. It also includes chapters on persuasion, power and powerlessness, avoidance, lawyer advocacy, and negotiating through email just to name other areas not typically covered in standard texts. There is especially good relational material on identity and ethics.

In their introduction, Schneider and Honeyman sought to address three different audiences. For readers engaged in everyday negotiation, they hoped the book would be "a working tool that can help you figure out quickly what went wrong in yesterday's meeting, and how to fix it in tomorrow's follow-up."[4] To others more broadly interested in peacemaking in communities and the world at large, they suggested that the *Fieldbook* could serve as a handy reference book. And to their colleagues studying and teaching negotiation, they offered the volume as a challenge, "an assertion that in the future, all relevant disciplines must be included in negotiation textbooks and courses . . .."[5]

Even with the helpful annotations and cross-references within the many chapters, however, readers of any stripe must ultimately put the pieces together to construct their own comprehensive model of negotiation. That is no easy task. It is one thing to broaden our awareness, to take into account insights and techniques from fields beyond our own. On this score the *Fieldbook* makes a valuable contribution.

Even if a unified field theory is not within our grasp, awareness of the territory newly illuminated by the* Fieldbook of Negotiation *can make us all better practitioners, students and teachers.

It is still another to integrate concepts, especially when some of them seem contradictory. For example, Guthrie and Sally's essay on miswanting concludes with the advice that lawyers need to eschew "extreme paternalism on one hand and extreme anti-paternalism on the other in favor of a more balanced approach to legal counseling,"[6] but exactly where should that balance be struck?

Peter Adler's provocative essay, "Protean Negotiation," (after Proteus, the shape-changing son of Poseidon) addresses the paradoxical nature of negotiation:

> "[S]killed negotiators seem to be able to reconcile the tensions of inconsistent and confusing impulses that may attend cooperative, competitive, moral or pragmatic approaches to negotiation. They have agile minds and ecumenical temperaments. In an instant, they can undertake some kind of emotional and intellectual diagnostics, calibrate expectations, and reflexively adjust to their approach. Paradox is neither distasteful nor uncomfortable for these people."[7]

Adler's observation recalls F. Scott Fitzgerald's comment that "[t]he test of a first-rate intelligence is the ability to hold two opposed ideas in mind, and still retain the ability to function." As Fitzgerald's own troubled life testifies, he was on the outside looking in. It is one thing to recognize in others the ability to move beyond either-or dichotomies, but quite another to achieve this competence ourselves.

Some selections in the *Fieldbook* do grapple with the challenge of applying theory to practice. In particular, the essay by Scott Peppet and Michael Moffitt, "Learning How to Learn to Negotiate," should be valuable both to classroom teachers and to practitioners seeking to learn from experience. They cite extensively the pioneering work of Chris Argyris, who distinguished single- and double-loop learning. The former is a process of trial and error. When something does not work, we try a succession of other things until something else does.

Double-loop learning is more sophisticated. It requires stepping back and critiquing the assumptions, habits and modes of thought that led us to choose our initially unsuccessful strategy. Single-loop learning can produce incremental adjustments, but real mastery requires double-loop learning. As Peppet and Moffitt note, however, many of us are reluctant to examine our own thinking and behavior. Much of what we espouse in principle (collaboration, for example), we do not always do in practice.

True learning in negotiation is all the more difficult since we get such poor feedback. At best we know only our own interests and options and have but a glimmer of other parties' priorities. As a result, we can seldom know if we maximized potential value or got a fair share of whatever pie was created. Likewise, we can judge the relationship only from our point of view. When our counterpart smiles as we shake hands, is that out of the pleasure of doing business with us or from relief at finally being able to escape our company?

Admitting that it is hard to know when we have been smart at the bargaining table, however, is not an excuse for just winging it in negotiation. If anything, the complexity of the process argues for the importance of knowledge. Even if a unified field theory is not within our grasp, awareness of the territory newly illuminated by the *Fieldbook of Negotiation* can make us all better practitioners, students and teachers.

ENDNOTES

[1] The Negotiator's Fieldbook: The Desk Reference for the Experienced Negotiator 3 (Andrea Kupfer Schneider & Christopher Honeyman eds., 2006).

[2] *Id.* at 281-282.

[3] *Id.* at 540.

[4] *Id.* at 1.

[5] *Id.* at 2.

[6] *Id.* at 282.

[7] *Id.* at 24.