

Collaborative Negotiation

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Relational conflict is inevitable. No two people perceive the world in exactly the same way; differences characterize relational life. Hocker and Wilmot define conflict as "an expressed struggle between at least two interdependent parties who perceive incompatible goals, scarce rewards, and interference from the other party in achieving their goals," thus highlighting the interconnection of the communicators. By this definition, one quietly seething individual and a partner who is unaware of the anger, are not considered to experience interpersonal conflict. Although conflict cannot be eliminated, it can be managed effectively. Hocker and Wilmot suggest that the way to manage conflict effectively is through collaborative negotiation. As you read this article, keep in mind that two important communication behaviors are inherent in the collaborative negotiation process—argumentativeness and confirmation.

Argumentativeness is important in conflict situations. This may seem strange, as often being argumentative is associated with verbal aggression. However, argumentativeness implies your willingness to argue for a point of view, to speak your mind. Infante (1988) suggests several ideas

for preventing argumentativeness from turning to aggressiveness:

- Treat disagreements as objectively as possible; avoid assuming that, because someone takes issue with your position or interpretation, they are attacking you as a person.
- Avoid attacking the other person (rather than the person's arguments), even if the attack would give you a tactical advantage; center your arguments on issues rather than personalities.
- Reaffirm the other person's sense of competence; compliment the other person as appropriate.
- Avoid interrupting; allow the other person to state her or his position fully before you respond.
- Stress equality and stress the similarities you have with the other person; emphasize areas of agreement before attacking the disagreements.
- Express interest in the other person's position, attitude, and point of view.
- Avoid presenting your arguments too emotionally; using an overly loud voice or

interjecting vulgar expressions will prove offensive and eventually ineffective.

- Allow the other person to save face; never humiliate the other person.

Confirmation is critical to collaborative negotiation. A confirming message communicates "you exist," or "you matter." Disconfirming messages communicate the opposite—"you don't exist," or "you don't matter." Confirming messages aid conflict management because they convey interpersonal respect even though there is disagreement.

Confirming messages occur on three levels (Cissna and Sieberg 2006):

1. **Recognition**—the most fundamental confirming message is to recognize the other person. Often we don't do this. When we fail to return a phone message, visit a friend, make eye contact, or approach someone we know, we fail to recognize them.
2. **Acknowledgment**—when we acknowledge the feelings or ideas of others, we send a stronger confirming message than when we simply recognize them. Listening to another or asking them questions are two ways to acknowledge them. So is paraphrasing—feedback that restates, in your own words, the message you thought the speaker sent.
3. **Endorsement**—this is an agreement message and is the strongest type of confirming message. Often we don't agree with everything the person said, but we can usually find something in the message that we can endorse.

In addition, collaborators have dual concerns for themselves and for others, sometimes called an integrative approach. Essentially, persons using this style are "assertive and try to find new and creative solutions to problems by focusing both on their own needs and the needs of their partners" (Guerrero, Andersen, and Afifi, 2001, 378).

In the following article Joyce Hocker and William Wilmot address the critical topic of collaborative negotiation, a highly valuable approach to problem solving. The authors lay out the assumptions underlying this approach, describe the

communication patterns and principles associated with this approach and then note the difficulty of using it. As you read this chapter think about your usual pattern for addressing conflicts and ask the question: What approaches are contained in this article that I can use to expand my repertoire of conflict management skills?

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Negotiation requires ongoing back-and-forth use of reflective listening and assertion skills by one or both parties. Management of conflict through effective negotiation requires listening to the other party; indicating that you understand his or her concerns; expressing your feelings; stating your points in a firm but friendly manner; linking your points to points expressed by the other party; and working toward a joint resolution that builds on the ideas of both parties and addresses all concerns.

—Umbreit, *Meditating Interpersonal Conflict*

Competitive, or distributive, negotiations assume that what one person wins the other loses. Integrative, or collaborative, bargaining, on the other hand, assumes that the parties have both (1) *diverse interests* and (2) *common interests* and that the negotiation process can result in both parties' gaining something. There are mixed motives—separate needs and interdependent needs. Whereas the competitive model assumes that someone loses and someone wins, **collaborative negotiation** assumes that creativity can

transcend the win/lose aspect of competitive negotiations.

One classic example, often repeated in a variety of forms, comes from Mary Parker Follett (1940), who coined the term *integrative*. She illustrates an integrative solution to a conflict that at first appears to be competitive.

In the Harvard Library one day, in one of the smaller rooms, someone wanted the window open, I wanted it shut. We opened the window in the next room, where no one was sitting. This was not a compromise because there was no curtailing of desire; we both got what we really wanted. For I did not want a closed room, I simply did not want the north wind to blow directly on me; likewise the other occupant did not want the particular window open, he merely wanted more air in the room. (32)

Although she doesn't detail her bargaining process, the result was clearly integrative—it integrated the needs of both parties. Integrative, or collaborative, negotiations emphasize maximizing joint benefits for both parties, often in creative ways (Bazerman, Magliozzi, and Neale 1985). Such bargaining places value on the relationship between the conflict parties, requires trust, and relies on full disclosure of relevant information (Walker 1988).

One of the assumptions of collaborative, or integrative, negotiation is that polar opposites are not necessarily in conflict. For example, if two people are negotiating, sometimes they can reach a satisfactory solution precisely because they want different things. Fisher, Ury, and Patton (1991, 74)

list some of the polar opposites that can be reconciled in integrative negotiation:

... We suggested that conflict parties often specialize in certain goals. If you are most concerned about "getting things done" (results) and your work associate is more concerned about "looking good" (prestige, reputation), your needs are not necessarily incompatible. For instance, you may want to make sure the work is done for your campus committee and the other may want to make sure there is newspaper coverage of the event you are sponsoring. He can help you get the job done, and you can put him in touch with a reporter you know. Collaborative approaches treat assumed opposites as connected and not incompatible.

Follett (1940) relates yet another story that provides insight into collaborative, or integrative, negotiations. Two sisters were fighting over an orange and, after much acrimony, agreed to split the orange in half—a compromise. One sister used her half of the orange for juice and the other sister used the peel of her half of the orange for a cake. They overlooked the integrative, or collaborative, elements of negotiations. They each could have had a full orange since they wanted different parts! Unlike the sisters, collaborative negotiators engage in joint problem solving, jointly devising solutions that maximize benefits for both parties.

ASSUMPTIONS

Just as the competitive model of negotiations has basic assumptions, so does the integrative, or

Table 22-1

One party cares more about	Other party cares more about
form, appearance	substance
economic considerations	political considerations
internal considerations	external considerations
symbolic considerations	practical considerations
immediate future	more distant future
ad hoc results	the relationship
progress	respect for tradition
precedent	this case
prestige, reputation	results
political points	group welfare

collaborative, model of negotiation. The process presumes the following:

- The negotiating world is controlled by enlightened self-interest.
- Common interests are valued and sought.
- Interdependence is recognized and enhanced.
- Limited resources do exist, but they can usually be expanded through cooperation.
- The resource distribution system is integrative (joint) in nature.
- The goal is a mutually agreeable solution that is fair to all parties and efficient for the community. (Murray 1986)

As you can see, the collaborative approach has very different assumptions about the world than does the competitive approach. Rather than taking a dog-eat-dog view, it presumes that we can, even in the midst of conflict, work from "enlightened self-interest." We then get what we need from others but do it in such a way that also helps them achieve some of their goals. The collaborative bargainer is interested in preserving the relationship with the other. Therefore, driving a hard bargain at the expense of the other is not seen as a victory. Collaborative bargainers must maintain some interest in the other while holding out for their own goals. Unlike a win/lose situation, a collaborative agreement allows both of you to come away from the negotiation with an intact relationship, willing to trust and work with each other in the next bargaining situation.

COMMUNICATION PATTERNS

The obvious next question is, "How does one *do* collaborative negotiations?" Unless we can specify communication behaviors that can activate a collaborative negotiation set, the basic principles won't take us very far Also worthy of note are some specific techniques that lead to collaborative outcomes. If you want more lengthy treatment of these techniques, consult Rubin, Pruitt, and Kim (1994) and Lewicki and Litterer (1985).

Expanding the pie encourages collaborative outcomes because most conflicts are based on the perception of scarce resources; expanding the resources alters the structure of the conflict. For

example, if Jane wants to go to the mountains and Sandy wants to go to the seashore, they might collaborate to find a mountainous seashore. Although it won't be the perfect mountain and the shore may have some limitations, they will get to spend their vacation together—they have expanded the pie. Often, children squabble with one another because of the perception that there is not enough parental care and consideration to go around. They fight, say mean things to one another, and struggle over the available love. As the parent, if you refuse to "parcel out" the love and attention, giving each child attention and focus without leaving out the other, you have expanded the pie. Whether the "pie" is actual or metaphoric, its expansion alters the conflict.

Nonspecific compensation, a process in which one of the parties is "paid off" with some other form of compensation, could also help break a competitive spiral and begin a collaborative set. For instance, the boss could have offered extra time off after the project was finished or offered to move up Caitlin's evaluation, which would result in the possibility of an early promotion. If two roommates are bargaining over use of the car, one may say, "OK, you can have my car, but I get to have the apartment for an all-night party after graduation."

Another example is looking to purchase a house and discovering that the owner is more interested in moving rapidly than in getting the stated purchase price. Your cousin owns a moving company, so you arrange to have the house owner moved at no cost. Your cousin charges you less than the going rate, and you get the house for less money than was originally asked. If the deal is sealed, you have created a form of nonspecific compensation. You have found some dimension that is valued by the other and have made an offer to offset your gains in the negotiation.

Logrolling is similar to creating nonspecific compensation, only one offers to "trade off" issues that are the top priority for the other. The parties have to find multiple issues in the conflict (for example, time is of the essence to you, money to him). Then, you arrange agreements so that each of you gets that top priority item while giving on the

lower priority item. You "roll the logs" and shuffle issues until the top priority issues come to the top of the pile. In one organization the supervisor wanted more work from a particular employee. The employee wanted a fairer evaluation at the end of the year. With the help of an outsider, they negotiated so that (1) the evaluation process would involve discussion before memos were sent and (2) the employee would take on some extra work. Each received acknowledgement of his main concern and gave on the item that was vitally important to the other.

Cost cutting minimizes the other's costs for going along with you. For example, you want to go skiing with your friend. She is overloaded with work, so you offer to ski only half a day and not let her incur the "cost" of missing all her work time. Alternatively, you are negotiating with your romantic partner about going on vacation. He is tied up and feels he can't take off so many days, yet you both want to vacation together. So, you offer to drive your car to the resort you wish to visit, giving you the "decompression time" that you value, and suggest he fly to join you two days later. You shorten his total vacation time yet make it possible for the two of you to vacation together at the resort you want to visit.

Bridging invents new options to meet the other side's needs. You want to rent an apartment, but it is too expensive. You discover that your landlord is concerned about the appearance of the property. So you offer her a rent somewhat below what she wants but agree to do 15 hours of "fix-it-work" each month. She receives property improvements, and you receive reduced rent. Everyone gains!

In collaborative negotiations, parties brainstorm to invent new and creative options to meet everyone's needs. For example, Sally is negotiating with her work partner. She is frustrated about the job not being done, and Chuck is feeling that the work intrudes too much on his personal time. So, she offers to do more of the work on the spreadsheet if he will bring her coffee and sandwiches. Chuck gains more free time, Sally sees the project moving ahead, and both of them contribute to the task while maintaining their working relationship.

Bargainers who employ collaborative approaches view negotiation as being complex; thus, they find creative ways to "package" agreements and invent new options (Raiffa 1982). The collaborator moves from "fighting" to "conferring" (Follett 1940), assuming that working with the other will bring joint benefit. Information serves as fact-finding material for the bargainers rather than as a wedge that drives between the two parties. With information, one problem solves, explores causes, and generates alternative solutions (Lewicki and Litterer 1985).

Disadvantages

As with competitive tactics, collaborative approaches have some disadvantages. Probably the biggest overall difficulty is that they require "a high order of intelligence, keen perception and discrimination, and, more than all, a brilliant inventiveness" (Follett 1940, 45). If it hasn't been modeled in the home or on the job, collaboration may require specific training. Unless the beginning bargainer (whether an attorney, spouse, friend, or co-worker) has some level of training, the usual approach is to equate "good" bargaining with competitive tactics.

Murray (1986) has provided a comprehensive list of the disadvantages of collaborative, problem-solving, integrative bargaining approaches. According to Murray, collaborative negotiation

- Is strongly biased toward cooperation, creating internal pressures to compromise and accommodate that may not be in one's best interests.
- Avoids strategies that are confrontational because they carry the risk of impasse, which is viewed as failure.
- Focuses on being sensitive to others' perceived interests; increases vulnerability to deception and manipulation by a competitive opponent; and increases the possibility that the settlement may be more favorable to other side than fairness would warrant.
- Increases the difficulty of establishing definite aspiration levels and bottom lines because of the reliance on qualitative (value-laden) goals.

- Requires substantial skill and knowledge of the process to do well.
- Requires strong confidence in one's own assessment powers (perception) regarding the interests and needs of other side and other's payoff schedule. (184)

Collaborative negotiations, then, are not a panacea to be used in every conflict. They require considerable skill on the part of the negotiator, who strives to keep the negotiations from disintegrating into a win/lose approach....

THE LANGUAGE OF COLLABORATION

...No specific set of techniques will assure collaboration. Collaboration is both a mind-set and a set of techniques. If one does not believe that energetic cooperation will provide better solutions than competitive techniques, all the language of collaboration that could be memorized will not ultimately produce collaboration. Sometimes, however, you may get stuck looking for the right phrase to help a negotiation move toward collaboration. If so, consider some of the following phrases.

- I know this is difficult, but we can work it out.
- I can understand why you want to "split the difference," but let's try for some creative alternatives.
- I certainly appreciate your stance. Let's also talk about what I need to be satisfied.
- Your threat tells me how important this issue is to you, but it will work better with me not to threaten. Can we back this up and come at it another way?
- I don't see any conflict between us both getting more of what we want, but we have been acting as if what we each get the other is loses.
- I really do want a fair and durable settlement for both of us. That requires, of course, more direct information about what we each want. Let's explore that awhile."
- I will discuss with you as long as it takes to reach a settlement that will work for both of us.

- Yes, I see that you think that is the best solution. Remember, however, that there are two of us here. Let's see if both of us can be satisfied with the outcome.

Most people approach negotiating from a competitive frame of mind—assuming both sides have to lose part of the pie. The competitive or collaborative approaches are more a function of the bargainers than of any other factors. In fact, you can be in a negotiation where one person takes a cooperative and the other a competitive stance—a cooperative negotiation (Walker 1988). If you take a competitive approach, whether you are negotiating about how to spend the evening with a friend or buying a house, the negotiation process will probably be a competitive, win/lose experience. On the other hand, if you stick firmly to a collaborative approach, you will find creative options that someone with a competitive approach simply would not find. Creative options are often available (Fogg 1985), but unless the negotiators believe them possible and work to jointly produce those options, the negotiations will begin and end on a win/lose footing. Having had experience negotiating and serving as third party interveners, we are always gratified by how many creative, jointly satisfying options are available and constantly are reminded of how difficult they are for the parties to initially see.

Work by Kolb and Putnam (1997) and Putnam (1996) suggest that collaborative "moves" are not analyzed as genuinely collaborative if the intent is still, as in a competitive system, to promote self-interest at the expense of the other. Kolb and Putnam rightly point out the difference between a relational approach used for personal gain, which is manipulative, and true collaboration. As long as predetermined goals benefiting the self are pursued, the underlying assumptions of both competitive and collaborative modes are

- Self-interest
- Competitiveness
- Rationality
- An individualistic focus
- The exchange model

These underlying assumptions limit the transformative potential of negotiation. Transformation creates something new from what existed before. New ways to cooperate emerge, new feelings arise, and new solutions become possible. The transformative approach to negotiation rests on

- Community concerns
- Cooperativeness
- Subjectivity
- Intuition
- Emotion (Putnam 1996)

A negotiator following such a set of assumptions would focus on relationships, using connectedness, transformation, dialogue, and storytelling (Kolb and Putnam 1997). Such approaches reflect a relational unit of analysis (Wilmot 1995), which transcends the individualistic "I have to have mine," or seeing the self as separate from the other. The unit of analysis would not be the individual but rather the ongoing exchange produced from the joint actions of the participants. The Kolb and Putnam approach highlights many aspects of negotiation taken for granted even in collaborative approaches and is worthy of consideration, argumentation, and examination....

You may be thinking, "Why negotiate from a shared perspective?" When relationships are ongoing and the current dispute is just one of a series to be solved over time, no one gains from a narrowly focused, self-interested perspective. A common phrase from the ecology movement is "we are all downstream from each other," referring to the fact that there is no safe place for toxic wastes or pollutants to be dumped—someone will be adversely affected. Many conflicts are like this: downstream of the current conflict, another will surface, and if the relationship becomes polluted, the entire future will be poisoned.

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QUESTIONS/THOUGHTS

1. Reconstruct a recent disagreement you had with a close friend. Write down as completely as possible who said what in what sequence. Analyze the conflict using Hocker and Wilmot's ideas. To what extent did you use collaborative negotiation? Which of these strategies did you use, or might you have used?

2. Transcribe an argument from a movie with which you are familiar. Analyze the strategies used by the participants. Prepare a list of suggestions you would make to them in order to develop a more collaborative style.
3. Identify someone you believe demonstrates good communication skills. Carefully listen to that person engage in a problem solving

discussion. What communication principles or skills did he or she employ to help solve the problem?

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