

## **Background Information about Tower of Babel Symposium**

On October 7, the University of Missouri School of Law will conduct the symposium [\*Moving Negotiation Theory from the Tower of Babel Toward a World of Mutual Understanding\*](#).

The reason for this symposium is that modern negotiation theory is so overwhelming that it is hard for people to use it effectively. There is a wide range of concepts, issues, perspectives, and applications from different disciplines with little consensus in the field. The goal is to help clarify negotiation theory and thus make it more useful for scholars, faculty, students, and practitioners as well as people in their everyday negotiations.

There will be three 50-minute sessions at the symposium, at 9, 10, and 11 am Central Time. The first session will discuss the definition of negotiation and why it is important. The second session will focus on problems with theoretical frameworks, especially the integrative-distributive framework. The third session will discuss ideas for making negotiation theory more useful for practitioners, scholars, instructors, and students.

It might be surprising that there is any dispute about the definition of negotiation. We all recognize negotiation to work out difficult disputes, transactions, or decisions at the very end of the process. But there are other situations where people may disagree whether it is negotiation or not. Some definitions include only situations involving actual conflict, interdependence between parties, an exchange of offers occurring close in time to each other, multiple options for handling an issue, an explicit quid pro quo, and/or something different from normal conversation. Others definitions include only an effort to reach agreement or make a decision. Scholars from various disciplines conceive of negotiation differently from each other. The first session will discuss what practical difference the definition makes.

The second session will address various negotiation frameworks, particularly the integrative-distributive dichotomy. Distributive negotiation often is defined as involving the distribution of a fixed amount, leading to a zero-sum dynamic where one person's gain is the other person's loss of the same amount. Integrative negotiation involves non-zero sum situations so that it is possible for both parties to gain from an agreement (which is called "creating value.") There are other names and definitions for similar concepts. In particular, the term "interest-based negotiation" often is used synonymously for integrative negotiation.

For more background about this session, read three blog posts. The first is a [summary and discussion of Walton and McKersie's classic book, A Behavioral Theory of Labor Negotiation](#). Although the title refers to labor, the ideas have been applied widely in other contexts. The second post is a [summary of classic publications about interest-based negotiation](#). The third post is a [collection of various theoretical frameworks about negotiation](#).

The discussion in the third session will flow from the preceding two sessions.

The format will be conversational. So instead of speakers presenting papers, they will engage in discussion with each other and the audience. When speakers refer to issues raised in earlier sessions, they will briefly summarize the earlier discussions. Some questions that may be discussed are listed in the following pages.

## Possible Questions in the Three Sessions of the Symposium

Discussion in the symposium will address some (though not necessarily all) of the following questions, but it won't be limited to these questions. Although the questions are listed separately for the three sessions, they may be addressed in any of the sessions.

### Definition and Scope of Negotiation – and Why Theory Matters to Practitioners, Scholars, Instructors and Students

#### *Definition and Scope of Negotiation – What's Included and What's Not*

What makes negotiation different than any than any other social interaction process? Is negotiation any form of problem solving or decision making? If not, how is negotiation different from these other processes? What is NOT negotiation? Why do these questions matter?

In management schools, faculty tend to consider negotiation as being everywhere, from mundane exchanges among colleagues to joint-venture talks. Practitioners, on the other hand, tend to have a very restrictive view of what negotiation is (e.g., sales and purchasing, contract and dispute resolution). Is this merely a difference in language or is it a more profound distinction?

There are fields that are closely related to negotiation such as quality-of-life-at-work, non-violent communication, coaching skills, etc. These fields borrow from negotiation theory, sometimes without acknowledging it. Why are these fields isolated from each other? Is there anything we could do, as negotiation scholars, to be more inclusive and useful to such related fields?

Assuming that there are differences between these processes and that some are not negotiation, what do the similarities and differences between these processes suggest that the definition and scope of negotiation should be?

What role does conflict play in the definition, scope, and enactment of negotiation?

What distinguishes theories of negotiation that grew out of different contexts, e.g., everyday interactions, inter-business, legal exchanges, optimal decision making, economic transactions, and inter-cultural tensions, international relations. Are our theories generally applicable in different contexts or do we need different theories (or elements) for each context? What is common in virtually all contexts and what needs to be tailored to particular contexts to be useful in theory and practice?

What can we, and should we, learn from disciplines that are not traditionally related to negotiation, such as literature and art? Should we cabin the scope of our field to law, history, social science (such as economics, psychology, and communication), and other closely-related disciplines? What are the advantages and disadvantages of inclusion and exclusion of disciplines that are farther afield?

## *Value of Negotiation Theory for Practice*

Social theorist Kurt Lewin said, “There is nothing more practical than a good theory.” Are our negotiation theories – particularly as taught in negotiation courses in business and law schools – practical enough to be used by practitioners from different fields?

In what ways is current negotiation theory adequate or inadequate for people to implement in practice?

Do practitioners who are trained in negotiation theory perform any differently from those who have no formal training or who are trained in negotiation tactics with little theory? How can we find out?

If we built a theory based on what current practitioners actually do, how would it be different from existing negotiation theory? Would this inductively-derived theory be the same for highly experienced negotiators as opposed to inexperienced negotiators?

Current theories of negotiation generally don’t distinguish between different contexts. Is that helping or hindering the practicality of negotiation theories?

## Problems with Existing Theoretical Frameworks

We collected an extensive (though non-exhaustive) [list of theoretical frameworks about negotiation](#). The integrative - distributive distinction has been particularly widely used. Others include *Beyond Winning's* three tensions involving: (1) creating and distributing value, (2) empathy and assertiveness, and (3) principals and agents; and *Difficult Conversations's* three conversations: (1) what happened, (2) feelings, and (3) identity. There are many others.

Should the integrative-distributive terminology be: (a) celebrated as negotiation theory's greatest accomplishment, (b) banned from negotiation theory, (c) be appreciated as a once-useful but now-outdated framework, or (d) be received with an intellectual shoulder shrug?

Has cooperation become a goal rather than a strategy, and is this helpful or detrimental to practice?

What is the purpose of having these frameworks? Are they supposed to be descriptive of actual negotiations and/or prescriptive ways negotiation should be done?

Why do we have so few detailed accounts of real negotiations, and what are the implications for building theory of this absence?

How well do these frameworks reflect what negotiators actually do? Where (i.e., in what context), how, and why does negotiation theory depart from reality?

To the extent that negotiators who have been taught negotiation theory do not follow it in practice, is this because of inadequacies of the instructors, students, or theories?

Looking at the list of frameworks, how do they relate to each other? Are they talking about the same aspects of negotiation or different ones? Can we unify the negotiation frameworks somehow, or at least link them together? Do some nest in to others? What is missing or confusing about the current frameworks of negotiation?

Could there be a grand unified negotiation framework that these individual frameworks are all touching on?

How are these frameworks outdated and need to be updated with new research?

Assuming that some form of a unified theory of negotiation is needed, in what academic **space** would the development of that theory take place? As scholars, we are expected to use certain frameworks and it is risky to deviate too much from the norm. Academic journals and disciplines tend to be fairly territorial and often replicate traditional frameworks. How do we break away from conventions to allow the kind of conversation that needs to take place for a unified theory to emerge? How do we incentivize scholars to cross over to other frameworks? Where would that research be published?

## Possible Solutions for Theoretical Problems

Have negotiators changed over the past 40-50 years since our current theoretical frameworks were developed? Has negotiation changed? Can we expect them to change (or continue to change) in the future? Assuming that the answers to any of these questions is “yes,” how should negotiation theory be changed? What parts are still relevant and what needs to be discarded or fundamentally revised?

Is it desirable to have a unifying theory or is our multifaceted smorgasbord approach the best solution?

Should procedural justice provide a unifying theory for negotiation processes?

What does the psychology of social value orientation (i.e., how individuals divide resources between themselves and others) tell us about negotiation? How could it (or should it) be more useful in thinking about descriptive and prescriptive analyses of negotiation?

Communication in negotiation continues to be treated as types of tactics and strategies, information exchange, nonverbal messages, arguments, emotional expression, etc. of individual bargainers. Instead or in addition, should we look at how parties jointly produce an interaction or negotiation system, especially in terms of creating new meanings, understandings of situations, and relational patterns?

How might a focus on everyday negotiations reveal different types of negotiation systems that have moved away from our traditional models grounded in individual behaviors, needs, and positions?

A lot has been written about gender or national origin, but much less on other factors, such as professional training and customs. Do we negotiate the same if we are lawyers, civil servants, engineers, or business managers? If we cross culture with profession, this leads to questions such as “do French lawyers tend to negotiate the same way as American lawyers?” What factors should be more prominent in negotiation theory in the future?

What are the links between management and negotiation? In other words, what levers do organizations have, in addition to training, to ensure that negotiators act in accordance with their organizations’ strategies? Would it help to reverse our agency perspective focusing on individual negotiators and, instead, focus on the management perspective?

One may claim that negotiation – considering it to be the sum of all negotiations within the organization and with its key external stakeholders – can be the source of competitive advantage for organizations or can hinder the implementation of their strategies. How should we include organizational strategy into negotiation theories?

Should we change the focus of negotiation away from outcomes (e.g., win-win, win-lose, and lose-lose) to substitute or include the nature of relational and organizational systems?