
Research Digest

The digests that appear in each issue of *Negotiation Journal* cover a wide range of topics and types of publishing outlets. Our goal is to call attention to studies across the spectrum of disciplines concerned broadly with negotiation. We encourage you to let us know if they have been useful. Feel free also to suggest articles for inclusion that have appeared recently in any of the relevant journals. We are always interested in expanding our coverage of the field.

— Dan Druckman and Nancy Waters

Front-stage Rhetoric, Back-stage Deals: Is there a Connection?

Was there a connection between the secret talks leading up to the Oslo I accords and the public rhetoric displayed by Palestinian and Israeli leaders around those accords? Too often negotiation research ignores the larger context that surrounds private negotiations.

The public statements made by Israeli and Palestinian leaders in the months preceding the accords and the events that unfolded during the talks were coded in a recent article by William Donohue and Daniel Druckman.

Their study discovered that Palestinian leaders' public rhetoric leading up to the accords focused primarily on justice issues that looked backward and used language communicating significant mistrust. This rhetoric was associated with retreat in the private talks. It may be typical of a non-state actor's outbidding, showing a more aggressive posture to constituents. On the other hand, Israeli leaders, as state actors, switched between positively and negatively framed public rhetoric with forward-looking and more affirmative language associated with progress in the talks.

The key point of the research is that there may be a stronger relationship between the public rhetoric and moves made in private negotiations than we realize. Information about progress by national representatives in private talks (the back stage) may be signaled by the tone and content of the speeches given by their national leaders outside the negotiating room (the front stage).

Source: Donohue, W. A. and Druckman, D. 2009. Message framing surrounding the Oslo I Accords. *Journal of Conflict Resolution* 53(1): 119-145.

Neuro-Decision Making

As we look across the bargaining table, our minds churn. We ask ourselves: friend or foe? Carrot or stick? Settle or sue? Deal or no deal? We may weigh arguments and listen to our feelings, but at the most basic level our

calculations and reactions reflect the firings of millions of nerves. Richard Birke has connected the latest findings of neuroscientists to decision-making problems that negotiators wrestle with every day.

The data that neuroscientists produce are qualitatively different from those produced in the more traditional fields of decision making. They include actual pictures of the brain making decisions. A functional magnetic resonance imager makes it possible to study brain activity under situations similar to negotiation and mediation and may eventually show us how to negotiate and mediate more effectively.

Birke presents several recent neuroscience findings and applies them to a set of phases in a typical mediation. For example, in mediations in which parties are not allowed to speak or see one another, neuroscience findings may suggest more face-to-face time because research indicates people trust information more if they can see facial expressions.

The application of neuroscience in decision making is still in its infancy and further research necessitates some sort of dialogue between neuroscientists and dispute resolution professionals. But in the meantime, Birke suggests negotiators and mediators should take what neuroscientists know and, when applicable, use it.

Source: Birke, R. 2010. Neuroscience and settlement: An examination of scientific innovations and practical applications. *Ohio State Journal of Dispute Resolution* 25(2): 477-529.

Digging Deeper into the Past

Past, it is said, is prologue. That certainly is the case when old grudges and grievances fuel ongoing conflict. In the first of two articles appearing in *Conflict Resolution Quarterly*, Barbara Tint presents a theoretical understanding of how the conflict resolution literature has explored issues of memory and history and how those issues affect intractable conflict.

Tint outlines how researchers have historically defined the concept of collective memory and its relationship to narratives, identity, and emotions. She then looks at how the field of conflict resolution has addressed questions of the past and finds much of the literature focused on strategies for dealing with the future. The literature that does address the past varies in how much of an emphasis is placed on past events in the negotiation or mediation. Much research on interest-based negotiation urges parties to “look forward, not back.” Studies on narrative mediation often allow people to tell their stories but may increase the risk of perpetuating conflict by doing so.

While conflict resolution scholars recognize the need to learn from and incorporate the past, we should also beware the dangers of reinforcing cycles of blame, reopening old wounds, or turning a mediation into a therapy session. Tint concludes that these fears are valid, but issues of

memory must be dealt with because in large-scale intractable conflicts they are not going away.

Source: Tint, B. 2010. History, memory, and intractable conflict. *Conflict Resolution Quarterly* 27(3): 239–256.

Transforming Evaluation

Evaluating the success of a mediation is difficult. Is agreement the primary indicator of success, for example? Could there not be even some good that might ultimately arise out of impasse?

If evaluation is difficult in a specific case, it is all the more difficult to judge the success of a broader initiative to promote mediation in an organization. Nonetheless, it is an essential task. Tina Nabatchi, Lisa Bingham, and Yuseok Moon have tackled it with a study that evaluates transformative mediation through the U.S. Postal Service (USPS) Resolve Employment Disputes, Reach Equitable Solutions Swiftly (REDRESS) program.

REDRESS was introduced in 1994 to bring transformative mediation to employees, hoping it would resolve conflict as well as improve the parties' relationship. The authors find that popular mediation evaluation strategies were not applicable to transformative mediation, so they have created a multistep approach for evaluating this approach in the USPS program. This study looks at whether USPS mediators have been implementing the program as designed and then presents a training and survey approach for future assessments of transformative practice.

Their results indicate that mediators have been following the transformative model and that a majority of participants feel empowered and acknowledged. They also address the limitations of the study and the need for better evaluation tools to capture the complexities of this increasingly important form of mediation.

Source: Nabatchi, T., L. B. Bingham, and Y. Moon. 2010. Evaluating transformative practice in the U.S. Postal Service REDRESS Program. *Conflict Resolution Quarterly* 27(3): 257–289.

Self-Serving Collaborators

Charles Craver has written a bracing critique of collaborative law, at least when it is attempted by lawyers who are more interested in their own virtue than in representing their clients' best interests.

Craver discusses the ethical rules governing lawyering conduct during bargaining interactions versus a communitarian approach to bargaining. For example, the Model Rules of Professional Conduct forbid lawyers from "prevarication" but allow "puffing, embellishment" with respect to a negotiator's true settlement objectives. But communitarian professors require their students to be entirely candid regarding their underlying interests.

While lawyers negotiate frequently, many are uncomfortable with the deception that often occurs in bargaining interactions. Out of this grew the collaborative law and cooperative law movements that guarantee that opposing attorneys will be completely open with each other to ensure pleasant, efficient interactions. Craver argues that this does not always work because some attorneys will simply use manipulative methods under the pretense of transparency. He also asserts that collaborative practitioners should clearly state to their clients *how* they intend to maintain a harmonious relationship with opposing counsel because it is such an unconventional method.

Source: Craver, C. B. 2010. Negotiation ethics for real world interactions. *Ohio State Journal of Dispute Resolution* 25Z(2): 299-346.

Bringing out Your Very Worst

If your inbox of tolerance is already jammed by too much e-mail, Charles Naquin, Terri Kurtzberg, and Liuba Belkin offer one more reason to hate the medium. In a trio of studies, they have found evidence that people are more likely to lie in an online environment.

The results of three of their studies show that people deceive more via e-mail than via pen and paper and feel justified in doing so. Why? They found e-mail is viewed as less permanent, people are regarded as more negative and less restrained in e-mails, and people are judged as feeling less of a personal connection in electronic communications.

This study is among the first to empirically explore differences between “lean,” text-only media, and it also suggests that people should take care when selecting the appropriate mode of communication for a particular task, such as an online versus paper peer review.

Source: Naquin, C., T. Kurtzberg, and L. Belkin. 2010. The finer points of lying online: E-mail versus pen and paper. *Journal of Applied Psychology* 95(2): 387-394.

Guarding against Persuasion Tactics

Negotiators sometimes judge their success less by what they have achieved in a negotiation and more by how painful it seemed for their counterpart to give in. As a result, some wily bargainers are adept at making others feel good about deals that are not really so hot.

Results from recent experiments conducted by Shweta S. Oza, Joydeep Srivastava, and Nevena T. Koukova suggest that such gambits are ineffectual when others are generally suspicious of the manipulator's behavior. The underlying premise is that people are not passive processors when it comes to persuasion tactics. When they recognize such tactics, it induces a suspicious mind-set. The experiments also look at the

moderating role of a suspicious mind-set on measures of satisfaction with bargaining outcomes.

The results indicate that being aware of bargaining tactics makes one less susceptible to them and that a suspicious mind-set can also result in negative outcomes for both parties because suspicious bargainers are wary and guarded, resulting in inefficient bargaining processes and less than optimal outcomes.

Source: Oza, S., J. Srivastava, and N. Koukova, 2010. How suspicion mitigates the effect of influence tactics. *Organizational Behavior and the Human Decision Processes* 112(1): 1–10.