Book Reviews

Negotiate, by Willem Mastenbroek, Basil Blackwell, Oxford, 1989, ix and 170pp (including appendices and index).[*]

Reviewed by Ian Macduff[**]

Browse through the shelves of any major book store, typically in the "self help", "business", or "psychology" sections, and you are sure to find at least one or two titles in the field of negotiation or dispute resolution. The most likely title, several years after publication, is still Roger Fisher & William Ury's *Getting to Yes.*[1] If *Getting to Yes* represents a kind of vanguard in a movement towards the development of "principled negotiation", the authors of that book find themselves in very mixed company. Alongside that book, browsers might find such books as Herb Cohen's *You Can Negotiate Anything,*[2] Gavin Kennedy's *Everything is Negotiable* and *Negotiate Anywhere,*[3] John Winkler's *Bargaining for Results*[4] and so on. These books tend to be aimed at both a popular and professional market. Their "popular" value lies in the extent to which they make accessible a range of basic structures and processes of negotiation. As books aimed more at professionals - lawyers, business people, counsellors - they are valuable to the extent that they begin to provide a common ground in practical and constructive negotiation practice. What is also invaluable in the emergence of a "literature" of negotiation is the sense that negotiation is not solely a matter of dealing more effectively with disputes but is also an essential component in the world of bargaining, deals and, in the end, everyday life.

In many cases, the titles are revealing. The "rediscovery" of negotiation in recent years has seen not only an emphasis - through works like Fisher & Ury's - on principled and non-adversarial negotiation; it has also seen the survival of negotiation as a private version of the normal adversarial processes, whether in dispute resolution or the world of deals. The issue in the latter case is not so much the occasional reference to "winning through negotiation", because there is clearly scope within that model for the development of an ethic of positive-sum, or win-win negotiation. Rather there may be room for lingering doubts about titles which indicate that the reader will be taught how

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[1]   Roger Fisher & William Ury *Getting to Yes: Negotiating Agreement Without Giving In* (Houghton Mifflin, Boston, 1981).

[2]   Herb Cohen *You Can Negotiate Anything* (Bantam, New York, 1980).

[3]   Gavin Kennedy *Everything is Negotiable: How to Negotiate and Win* (Arrow Books, London, 1982); and *Negotiate Anywhere: How to Succeed in International Markets* (Arrow Books, London, 1985).

[4]   John Winkler *Bargaining for Results: Techniques for Effective Negotiation* (Pan Books, London, 1981).

to "win through intimidation" or, as is the case with Cohen's book, how to "get what you want".

Quite apart from these books appealing to a more general readership, and therefore more likely to be readily available, there is - at the risk of sounding superior - a growing body of work oriented more specifically towards a specialist and professional market. Some of these works tend towards the more descriptive and analytical, in the pursuit of models and theories of negotiation, such as Howard Raiffa's *The Art and Science of Negotiation*,[5] still regarded by many as a classic in the development of a game theory model of negotiation. Others are more specifically directed towards the legal or business markets, such as Roger Haydock's excellent *Negotiation Practice*[6] or Lax & Sebenius' equally impressive *The Manager as Negotiator*,[7] or Henry & Lieberman's *The Manager's Guide to Resolving Legal Disputes.*[8]

If these two lines of books in the burgeoning field of negotiation - or conflict resolution generally - indicate the principal sources currently available, it might also be noted that there are developments which are perhaps more marginal to the mainstream. John Haynes, a New York family mediator and author of the book, *Divorce Mediation*,[9] commented a couple of years ago that, shortly after his book appeared on the market, he received a call from a person identifying himself as a family therapist and mediator from California (or course!) and who, having stated his enthusiastic response to the book, indicated that he had now devised a development of the strategies and processes Haynes had outlined, which the caller was presenting as "hot tub therapy" - literally. More recently, the August issue of the *Negotiation Newletter*, published by the Harvard Program on Negotiation, reported that the Ulster-Sullivan Mediation Service of New York had produced two comic book versions of mediation, one of which was titled *Teenage Mediators in Space.*

By comparison, certainly with these latter developments, Willem Mastenbroek's *Negotiate* seems a mundane offering. Yet it is the kind of book which, without making grand or dubious claims about the outcomes of negotiation, sets out a clear model of negotiation and a series of structured suggestions about managing the process of negotiation and responding to particular problems in negotiation. In this respect, there is nothing especially different about this book. Most of the books available have two things in common: they identify the importance and pervasiveness of negotiation, and they provide a set of driving instructions.

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5   Howard Raiffa *The Art and Science of Negotiation* (Belknap/Harvard UP, Cambridge, 1982).
6   Roger S Haydock *Negotiation Practice* (John Wiley & Sons, New York, 1984).
7   David A Lax & James K Sebenius *The Manager as Negotiator* (Free press/MacMillan, New York, 1986).
8   James F Henry & Jethro K Leiberman *The Manager's Guide to Resolving Legal Disputes* (Harper & Row, New York, 1985).
9   John M Haynes *Divorce Mediation: A Practical Guide for Therapists and Counsellors* (Springer Publishing, New York, 1981).

But if this is what such books have in common, this is also what distinguishes them from one another. Within the definition of negotiation and the model of strategies and "process instructions" there is typically an implicit or sometimes explicit set of values about the nature of negotiation relationships and about the ethic of negotiation outcomes. In some cases, as suggested before, negotiation might be seen as merely an opportunity to do in private the kinds of things that one might otherwise do in the adversarial climate of the court, though without the restraining influence of the judge or the public gaze. In such cases, negotiation might too readily be translated into the management of the power relationships, and the instructions are clearly oriented towards gaining strategic advantage. In other cases, the growing interest in negotiation is taken as an occasion to examine not only the limitations of prevailing practice but also as a reason for structuring a different ethic of problem solving into the practice of negotiation. Happily - at least for this reviewer - it is the latter style which seems to prevail in recent work, increasingly sustained by responses from those in the world where negotiation is their daily fare that co-operative, non-adversarial problem solving is in fact more productive in the long run than spilling the blood of one's opponents.

The difficulty is that, for whatever cultural and psychological reasons, we find ourselves caught between the apparently equally compelling attractions of co-operation and defection. A recently re-issued book by Robert Axelrod, *The Evolution of Co-operation*,[10] seeks to explore the dilemmas facing a co-operative ethic in a world apparently populated by competitive egoists, yet is optimistic about the "evolutionary" priority that co-operation has. Computer-based and empirical work on the tension between defection and co-operation suggests that, certainly in the long run and in relationships that are likely to persist, co-operation is the negotiation strategy which is the more effective. The question that Axelrod then raises, and Hofstadter explores in his essay on Axelrod in *Metamagical Themas*[11] is why, when we know the long term advantages of co-operation, we still persist in taking the zero-sum, competitive view of negotiation. We might call it patterns of socialization, the prevailing individualistic ethic or the predominance of male values of dominance. Or, as participants have tended to find in playing versions of the prisoner's dilemma games in negotiation workshops, in which it becomes only slowly apparent that co-operation may be the more advantageous strategy, defection, the chance of getting one over the opposition, the prospect of getting away with "creaming" the others without the risk of retaliation is simply fun.

Whatever the ethical or practical orientation of the negotiation book concerned, one of the advantages of the wider availability of books of this kind is that they make public and transparent many of the devices that crafty negotiators use. This, at the same time, may diminish the strategic advantage in reading any particular book: it might be to my advantage to know about the significance of time and information (and their manipulation) in negotiations, but this advantage is lost if others have read the same book. Equally, one of the problems created by at least some of the books on negotiation

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10   Robert Axelrod *The Evolution of Co-operation* (Penguin, London, 1984, 1990).
11   Douglas R Hofstadter *Metamagical Themas: Questing for the Essence of Mind and Pattern* (Basic Books, 1985; Bantam, New York, 1986).

is that the strategies of negotiation are presented as checklists of things to do. As Mastenbroek points out in his own review of the literature in the field, such check lists are either so long as to be impossible to recall, or so curiously organized as to be difficult to apply to particular settings.

What this means then is that there is scope for those accounts of negotiation which establish clearly how the author conceives of negotiation and which also provide a manageable and accessible framework for practice. In this respect, Mastenbroek's book succeeds on both counts. The second aspect is, of course, bound to be shaped by the first. As suggested before, much of the recent work on negotiation has tended to follow a line clearly set out by Fisher & Ury, arguing that negotiation is - or ought to be - the clear alternative to litigation and thus sharing few of the characteristics of the latter. Negotiation is therefore to be principled, co-operative and marked by the absence of dirty tricks. In fairness it has also to be said that there is a certain toughness to this line of thinking in that negotiation is not merely a matter of rolling over in the face of conventional adversarial negotiation. Rather, the more clearly one understands the imperatives and advantages of principled negotiation, and the more familiar one is with the skills of managing the process of negotiation. the more one ought to be able to turn the process away from what can be fundamentally destructive.

Mastenbroek takes a somewhat different line in defining the process of negotiation and, accordingly, in setting out his agenda for the process. Negotiation involves the pursuit of four distinct and linked ends: obtaining substantial results, influencing the balance of power, promoting a constructive climate, and obtaining procedural flexibility. So far, nothing very different from, for example, the Fisher & Ury model. But where I think there is a difference is in Mastenbroek's drawing of a distinction between negotiation - in the centre of a dispute resolution continuum - and co-operation and fighting at either end. Whereas many contemporary authors present negotiation - definition and skills - in terms of co-operation, Mastenbroek seeks to point out differences in objectives and processes. In this, I suspect that some will want to take issue with him, especially as he appears to characterise co-operation as a softer option and negotiation as a tougher, possibly more adversarial option than they are otherwise portrayed.

For Mastenbroek, co-operation is characterised by features such as the desire to present honest information, the presentation of one's own goals honestly and accurately, the recognition and acknowledgement of feelings and emotions, the attempt to understand one another's concerns and expectations, and a willingness to test outcomes against objective criteria. Negotiation, on the other hand, is marked by a clash between opposing yet mutually dependent interests, the concealment of personal emotions, the selective, though not false presentation of information, the occasional and strategic use of threats, the perception of other's interests simply in terms of tactical advantage and so on.

What is interesting - and a little confusing - about this characterisation of negotiation is that, in some respects, it looks very close to the principled, co-operative model of Fisher and others; yet in other respects it looks like the purely tactical game that Cohen, Kennedy and others might recommend we play. Overall, however, it seems

that Mastenbroek draws too large a distinction between co-operation and negotiation. This is unfortunate, especially if, as Axelrod suggests, there is clear strategic - even evolutionary - advantage in co-operation.

At the end of the day, perhaps, we take from books in this genre the things that we need or are ready to learn at the time. One of the particular appeals of Mastenbroek's book is the occasional chance to place oneself on a continuum, to work out, very broadly, what one's "personal style" might be. This might be a risky reduction of the Jungian archetypes, but it is at least instructive in reminding the reader that, behind all of the skills and strategies there is the negotiator with her or his own personal style and that no matter what the level of skills acquired, little of this will affect that personal style. At the same time, such exercises are useful in being able, in the broadest terms again, to recognise from negotiation behaviour something of the style of one's negotiation counterparts. While negotiation is hardly an exercise in the psychoanalysis of the others involved, it is an encounter that benefits from stepping aside from the strategic game from time to time to understand something of the human dimension. In this respect again, Mastenbroek's book is valuable as it is far more than one of those books which are simply accounts of crafty things the author has devised to do in negotiation or lists of strategies to recall and employ.

The body of the book sets out in a particularly clear manner the kinds of situations that one will typically encounter and the kinds of things that one might typically do in anticipation or response. There is less in *Negotiate* than in other books by way of a structure of problem solving: this may well be to the advantage of readers in that such structures create a risk of an ironic degree of formalism in informal dispute resolution. What this book offers is a set of tools which acknowledge the balance between co-operation and competition. In this respect it is practical, accessible and direct. What it offers is ways of recognising the characteristics of fighting and unproductive (soft?) co-operation, and ways of moving from those familiar positions. The text of the book is also usefully accompanied by a number of diagrams, many of which set out continuums demonstrating the distance between the positions one can take in negotiation. I have some reservations about the representation of negotiation consistently in those terms, as to do so might appear to reinforce a linear and hence adversarial model of the process, conveying the sense that negotiated outcomes may be some kind of test of strength in bringing the other party to your end of the line. But those reservations aside, Mastenbroek's book is a welcome addition to the literature which, in the end, might help us to understand better what we already do but not always very well or wisely.

Conflict Management: A New Zealand Handbook, by Frank Sligo, GP Books, Wellington, 1990, 54pp (including contents and index).

Reviewed by Ian Macduff[*]

The brevity of this book suggests that it is, as the subtitle indicates, intended only as a guide to those who might be in the business of dealing with conflict. In the compass of so few pages the author does not presume to set out any comprehensive coverage of the nature of conflict nor to provide the kind of analysis of conflict resolution that other "texts" in the field set out to do.

What Dr Sligo has offered is a two part discussion. The first, "Understanding Conflict", is an attempt to draw out something of the social nature of conflict, its utility and disutility, its pervasiveness, and the range of responses to it. The impression one is left with at the end of this first section (18 of the 40 pages of text) is of something of a compression of a vast range of perspectives on the politics, sociology, psychology, history and anthropology of conflict. While there is little need to repeat much of what has been said of conflict across a range of disciplines, there is also a risk of reduction to the obvious or - worse - trite. For example, the political pervasiveness of conflict is reduced to a couple of paragraphs indicating the differences between the Hegelian and Marxist views, in both of which it is nevertheless clear that conflict is historical and inevitable. It is no doubt true that conflict is pervasive; it is also important, for the purposes of its resolution to have some sense a to what lies behind conflict. But the brevity of the analysis here might still leave the potential audience for this book in some doubt about the terms in which the conflicts they deal with might be understood.

What is useful in this is the recognition that not all conflict is destructive. At best, conflict serves to clarify differences, sharpen objectives, refine ideas and - especially in the business context for which this guide is primarily intended - reduce stagnation. It is therefore necessary, according to the author, to maintain a balance between useful and destructive conflict. This exhortation is illustrated by a bell curve diagram which is intended to demonstrate how much conflict organisations can cope with to lift them out of stagnation but not plunge them into self destruction. The point about the balance between destructive and creative conflict is important, but I am at a loss to understand how a simple line drawing can inform organisations of the levels of tolerable conflict. In this respect, what is a useful observation about the nature of conflict loses its edge in the manner of its telling.

In this first section, Dr Sligo also points out that the responses to conflict are filtered through a range of personal styles. One of the secret appeals of those magazine questionnaires must lie in seeking to measure oneself against usually unstated norms or against some ideal-type score. The identification of styles, personality types - or practically anything with a label - might lead us to wonder where on this continuum of

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human frailty we can place ourselves. Dr Sligo's characterisations of personal styles are tantalisingly brief and few in number: we are told of win-lose battlers, the soft bargainers, and the problem solvers. We might in our own experience of personal and professional conflict have met some of each type, ranging through the "adversary" whose measure of satisfaction is the annihilation of the opposition, to the gentle and genteel person who prefers peace to conflict at any price, to the person who is willing (and one hopes, able) to struggle with the issues in conflict. We also know from the wider discussions of computer and interpersonal simulations, that the "nice guys" don't always win, though in those settings where, for example, the co-operative types lose against the combative ones, the gains for the latter tend to be short term in that there are long terms losses in relationship, reputation and in the willingness of others to engage in further negotiations. What such studies tell us is that there is long term social and political advantage in the population at large acquiring the appropriate values and skills of problem solving. Internationally, of course, the problems are much more intractable.

What is important, at the micro level of everyday conflict, is to know how to deal with the types of persons and personalities we encounter. In this respect, Dr Sligo might miss an important opportunity: if, as he suggests, there are the three broad types of styles that make a difference in dealing with conflict, then the techniques for responding to others in conflict ought to be seen to vary with one's assessment of the person one is dealing with. Any "handbook" of hints for dealing with disputes needs, to be consistent with the recognition of personality types, structure a set of process options to counter the impact of these styles or to foster the ethic of problem solving. But this is not done in this book. True, to seek to do so would be to embark on a larger enterprise than the author has set himself. And it is true, too, that most authors in the negotiation and dispute resolution field provide generic models of a process rather than more detailed strategies and techniques oriented towards the problems and issues that might be generated by the personalities one is dealing with (or which one is). One legitimate assumption in this, of course, might be that the more one moves towards the open process of problem solving, the more one is likely to be able to respond effectively to the personal and negotiation styles at the combative and submissive ends of the scale.

In a handbook for New Zealanders, and one which acknowledges the differences of styles, there is one omission from the discussion of disputes: this is the recognition of the increasing significance of Māori and Pacific agendas and processes. One reference is made, in the second part of the book, to *tangata Pasifika*, in considering the importance of the "context" of the negotiation or dispute. It would be churlish to accuse an author of failing to write what he probably never intended to write. But, given that it seems important to Dr Sligo that there are different *personal* styles, and given that any set of negotiation strategies needs to accommodate the variables of the people with whom one is dealing, the setting and so on (it is, after all, a form of *social* interaction) it would be useful to recognise the possibility that such personal styles might also be cultural and gender-based.

That aside, the first part of book lays the descriptive foundation for the second, which is designed to set out a relatively brief set of suggestions for the management of conflict. Readers in this field will, by now, have noted that range of terms used in

relation to responses to conflict: the general field tends to be referred to as [alternative] dispute *resolution*; some deal with the skills and, more importantly, the ethic of *settlement*; some, recognising that disputes are never really resolved and that conflict is always present, tend to prefer the less elegant reference to dispute *"processing"*. Dr Sligo's choice of "management" reflects his recognition at the outset that there will be conflict at all levels of social interaction. It may also reflect the likely - managerial - audience for this book.

But whether we talk of settlement, resolution, or management, there is familiar and useful ground covered here. Again, this book can not provide the more detailed and comprehensive presentation and analysis of methods that works like *Getting to Yes*[1] have done. What I imagine the author has sought to do is to set out a brief check-list of elements to bear in mind and with this one can hardly take issue. What he has also done is, like other authors in the field, to set out a structured way of thinking about the management of conflict. This is seen in what he calls the four principles of dispute management: context, attitudes, process, and emotions (CAPE). There can be little doubt that each of these forms a significant element in the understanding of and response to disputes. But it is not clear from the book why these should be "principles" (rather than factors, elements or, less elegantly, variables). It is equally true that the successful managment of disputes requires techniques that respond to these elements, but regrettably what Dr Sligo has provided us with are the flags which will permit identification without any of the means of responding. One of the important features of the context "principle" for example, is power and the need to equalise imbalances. It is clearly sound advice to negotiators, mediators and those involved in the management of disputes (or the settlement of deals) to recognise the potential impact of power on the shaping of process and outcome. But, having said that, then what? How can one advise the likely reader, the potential disputant, on the balancing of power? Or, on some of the other principles, how can one best advise the disputant/participant on clarifying issues, ensuring all relevant information is elicited, avoiding the damaging of emotions, facilitating the best possible interaction?

Dr Sligo's book is valuable to the degree, then, that he identifies in the clearest way the kinds of factors that are likely to shape conflict and its resolution. It is valuable, too, in affirming the constructive role that conflict can take. But what still has to be said - or gleaned from the many other sources on negotiation - is that there are structured and accessible tools for dispute resolution that can and need to be added to our repertoires. In this respect, the foundation that the author lays is usefully supplemented by the emerging body of work on "dispute system design" which, building on an understanding of the nature of disputes in varying social, cultural and professional locations, then seeks to provide identified processes for responding to those needs.

Despite the pervasiveness of conflict and its familiarity to most of us, the learning curve stills seems to be a fairly sharp one. The distillation of issues offered by Dr Sligo suggests something of the agenda of what needs to be learned.

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1   Roger Fisher & William Ury *Getting to Yes: Negotiating Agreement without Giving In* (Houghton Mifflin, 1981; Penguin, 1983).