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Moving Negotiation Theory from the Tower of Babel Toward a World of Mutual Understanding Summary

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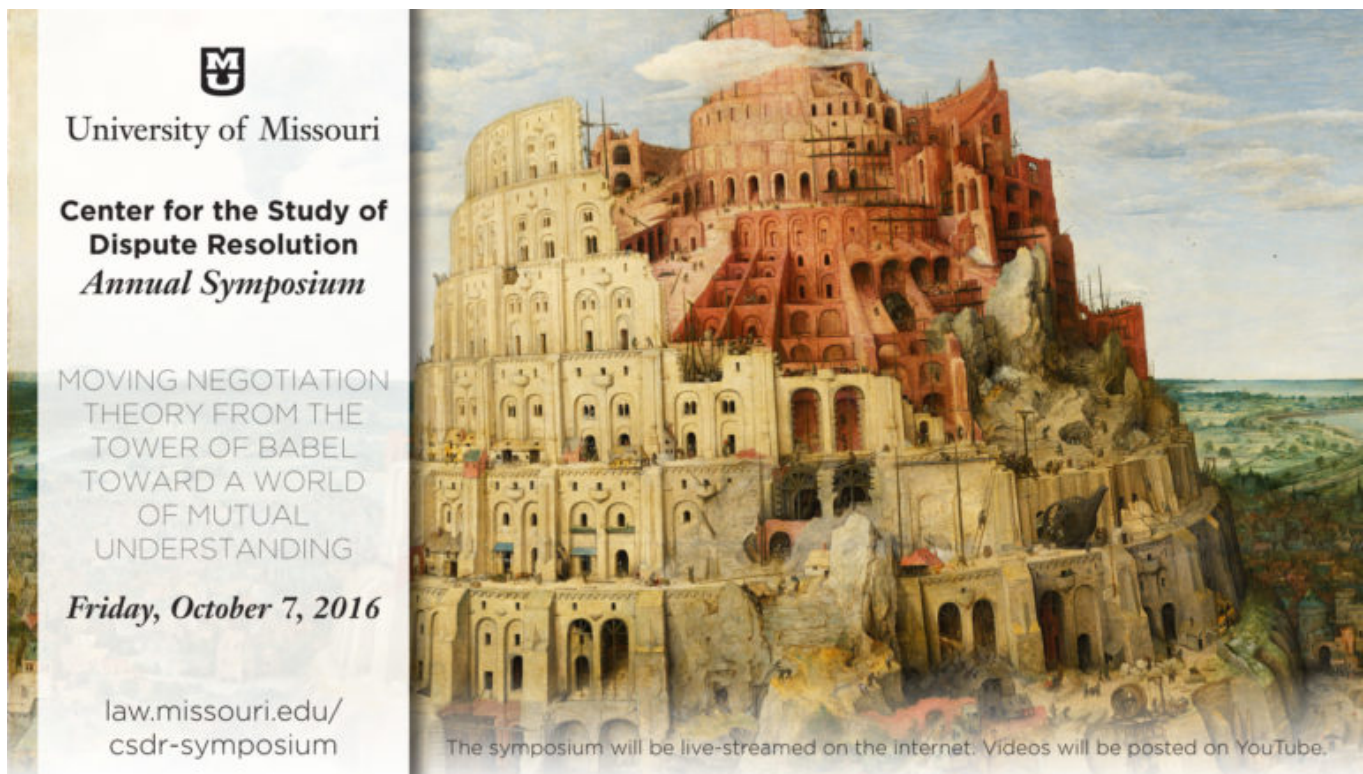


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MOVING NEGOTIATION THEORY FROM THE TOWER OF BABEL TOWARD A WORLD OF MUTUAL UNDERSTANDING

FEBRUARY 6, 2017 | JOHN LANDE | 1 COMMENT

Missouri's 2016 *Tower of Babel* symposium resulted in a [set of excellent articles](#). My [introductory essay synthesizes insights](#) from the symposium. The following is the conclusion from that essay, without footnotes.



Our current negotiation theory needs improvement. As we develop better negotiation theory, we should start by appreciating the valuable work that has been done by our predecessors. Moving forward, we should acknowledge that scholars are subject to the same cognitive biases that we document in our work. For example, it is easy to fall prey to the status quo and confirmatory biases that keep us from developing better understandings of negotiation. Thus we should take conscious action to carefully consider how traditional ways of thinking distort our understandings and whether there are better ways to understand negotiation. This is particularly important considering that people – and negotiation – are constantly changing and at accelerating rates.

We can make a good start in improving negotiation theory by clarifying our vocabulary.

Although it would be unrealistic to expect that everyone will use words with the exact same meaning, it should be possible to improve our communication so that we can better understand each other. We will not be able to develop a single, universally-accepted definition of negotiation, for example, but it may be possible to move toward a more commonly-accepted way of understanding it.

More generally, it would help to use clearer language instead of much of our jargon. In particular, the widely-used two-model system in negotiation theory (often referred to as integrative and distributive negotiation) is especially problematic and people should use better concepts. In addition to Rishi Batra's and Rafael Gely's contributions in this symposium on this subject, Andrea Schneider argues that the integrative and distributive "labels" are confusing, repetitive, and simultaneously underbroad and overbroad, and that they conflate general negotiation approaches and specific negotiation tasks without explaining the skills needed to perform the tasks. James Sebenius critiques the integrative-distributive "folklore" of negotiation, which confuses issues (such as the division of money, which is not inherently distributive or integrative) with negotiators' behavior in seeking joint gains or not.

Moreover, he notes that reference to distributive and integrative "models" gives the false impression that they are distinct and coherent models. I compared conceptions of the two traditional negotiation models as described in law school negotiation texts with descriptions of actual negotiations and found the theoretical definitions sometimes didn't fit the cases I studied. The texts did not use a consistent definition of the models and, collectively, they described a bundled set of variables that, in practice, were not always correlated with each other.

Negotiation theory needs to better reflect the reality of negotiation. We need more empirical research that accurately portrays negotiators' perspectives and that focuses on actual negotiations with all their contextual complexities. There are many ways to produce this knowledge including detailed case studies of major negotiations, studies of a larger number of smaller and more routine negotiations, and observations of actual negotiations. Perhaps paradoxically, we may also gain deeper insights into the reality of negotiation by focusing on fiction and the arts.

In our *Tower of Babel* symposium, we discussed whether it is possible to develop a unified theory that would integrate knowledge about negotiation into single comprehensive understanding. This would be a daunting undertaking, especially considering that physicists have been unable to develop a unified theory of physics despite investment of much greater resources over a longer period of time. Negotiation theorists have an additional challenge that physicists do not face in that, unlike basic physical matter and energy, negotiation inevitably involves humans' agency and subjectivity. These human factors exponentially com-

plicate negotiation theorists' efforts due to the huge number of variables that are difficult to define, measure, and predict. Moreover, a unified negotiation theory seems unlikely considering the very broad range of phenomena involved in negotiation, the multiplicity of disciplinary perspectives, and the limited empirical research about actual negotiation.

This symposium had the more modest goal of moving toward greater mutual understanding of negotiation. While producing a unified theory may not be realistic (especially in the short-term), it might be possible to develop a generally-accepted theoretical vocabulary and conceptual framework. Even this would be an ambitious undertaking considering all the perspectives, contextual variations, individuals, and institutions involved. There is no central decision-making entity to issue authoritative edicts on language or concepts. Moreover, life and negotiation are constantly changing, so our understandings of negotiation must regularly change as well. However, with careful reflection, observation, and conversation, we may be able to move together to communicate more clearly and develop increasingly valid approximations of reality.

Andrea Schneider and Chris Honeyman, my friends and collaborators in planning this symposium, have been both part of the problem and part of the solution in developing good negotiation theory. Their leadership over more than a decade has contributed to the ever-expanding sprawl of negotiation theory, making it increasingly difficult to understand this central part of the dispute resolution world. Their contribution to this symposium, as part of their larger project, hopefully will help us organize our knowledge in a meaningful and helpful way. This has been a project of a large segment of our field including, but by no means limited to, the contributors to the *Tower of Babel* symposium. Going forward, hopefully additional scholars, teachers, students, and practitioners will join in this quest.

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ONE THOUGHT ON “MOVING NEGOTIATION THEORY FROM THE TOWER OF BABEL TOWARD A WORLD OF MUTUAL UNDERSTANDING”

Thomas P. Valenti

FEBRUARY 12, 2017 AT 6:07 AM

Very interesting and thought provoking article. Thanks.

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