

2017

How to Learn About Negotiation From Full Length Descriptions of Real Events

Adrian Borbély

David Matz

Follow this and additional works at: <https://scholarship.law.missouri.edu/jdr>



Part of the [Dispute Resolution and Arbitration Commons](#)

Recommended Citation

Adrian Borbély and David Matz, *How to Learn About Negotiation From Full Length Descriptions of Real Events*, 2017 J. Disp. Resol. (2017)

Available at: <https://scholarship.law.missouri.edu/jdr/vol2017/iss1/6>

This Conference is brought to you for free and open access by the Law Journals at University of Missouri School of Law Scholarship Repository. It has been accepted for inclusion in Journal of Dispute Resolution by an authorized editor of University of Missouri School of Law Scholarship Repository. For more information, please contact bassettcw@missouri.edu.

How to Learn About Negotiation From Full Length Descriptions of Real Events

*David Matz**

*Adrian Borbély***

I. INTRODUCTION

This Article discusses book-length accounts of real negotiations and their value for understanding the process of negotiation. We focus much attention on an excellent example, *Thirteen Days in September* by Lawrence Wright, which is a rich account of the negotiation in 1978 involving US President Jimmy Carter, Egyptian President Anwar Sadat, and Israeli Prime Minister Menachem Begin.¹ We are interested in the usefulness and challenges of using such detailed accounts of historical negotiations to build theory. We find it significant that book length detailed accounts of single negotiations have not been on any of the many negotiation syllabi we had composed or read, nor do they, in our memory, show up as footnotes in our ever-blooming negotiation scholarship.

After reading Wright's masterpiece, our first move was to see what other book-length detailed accounts of single negotiations are out there. Here are the ones we read, and of course there must be many more:

- *The War that Ended Peace*, by Margaret MacMillan, on the negotiation at Versailles following World War I;²
- "A time to die: the Attica Prison Revolt" by Tom Wicker, about the negotiation between prisoners and prison management at Attica following a prisoner uprising there and preceding a slaughter in 1971;³
- "Dumbarton Oaks: The Origin of the UN and the Search for Post War Security, by Robert Hildebrand, about the creation of the United Nations;⁴
- *The Missing Peace*, by Dennis Ross, about the negotiations at Camp David Two among US President Bill Clinton, Israeli Prime Minister Ehud Barak, and Palestinian President Yasser Arafat;⁵

* David Matz is Professor Emeritus of Conflict Resolution at the University of Massachusetts/Boston. He has written extensively about mediation and the Israeli-Palestinian conflict.

** Adrian Borbély is assistant professor at IESEG School of Management in Paris, France. A lawyer by training, his scholarship focuses on the management of the legal function, the attractiveness of mediation for business organizations and the implementation of negotiation infrastructures within organizations.

1. LAWRENCE WRIGHT, *THIRTEEN DAYS IN SEPTEMBER* (2014).

2. MARGARET MACMILLAN, *THE WAR THAT ENDED PEACE* (2014).

3. TOM WICKER, *A TIME TO DIE: THE ATTICA PRISON REVOLT* (1975).

4. ROBERT HILDEBRAND, *DUMBARTON OAKS: THE ORIGIN OF THE UN AND THE SEARCH FOR POST WAR SECURITY* (2001).

5. DENNIS ROSS, *THE MISSING PEACE* (2004).

- “Reagan at Reykjavik: Forty-Eight Hours that Ended the Cold War” by Ken Adelman, about the negotiation with Prime Minister Mikhail Gorbachev;⁶ and
- “The Week the World Stood Still” by Sheldon Stern, on the interactions between President John Kennedy and Prime Minister Nikita Khrushchev during the Cuban missile crisis.⁷

In addition to a focus on Thirteen Days in September, we want to emphasize the varied strengths of the other volumes. Stern, for example, is closest to a full transcript and gives the reader the opportunity to watch continuing patterns of discussion interaction.⁸ Adelman, as a member of Reagan’s negotiating team, is strongest on one team’s internal dynamics and how they related to what happened at the table.⁹ MacMillan provides the national and international dynamics with a heavy dose of leadership personality.¹⁰ Ross is keenly aware of the confining power of many histories and tries to show those histories at work; he was also a player in the conflict who wants to continue being a player, so his account needs to be read considering his ambition.¹¹ Wicker provides the deepest account of one participant trying to make sense of several levels of chaos.¹²

One hypothesis of this Article is that we can learn a lot from studying such book-length detailed accounts of negotiations that we cannot learn from other sources. The guiding questions we asked while reading were: What was it like to be a negotiator? What was their experience? What choices did they see? How did they deal with the dynamics they encountered? Are these dynamics inevitable, inherent in the process? What is the relationship of these dynamics to our generally accepted thinking about negotiation?

II. THE BASIS FOR THEORY

We designed the methodology for this Article as a dialog between the two of us. David was the first to read Thirteen Days. Here are some of the dynamics that he found in it, and indeed in all book-length detailed negotiations he subsequently read. This list of dynamics is a first cut, with no aim at exhaustiveness.

First, all the accounts in the books listed above made clear that calling a negotiation bilateral is misleading. There may be only two speakers in the room, or two heterogeneous teams of negotiators, each with their own individual agendas; but there is also a sizable cast of what we would call *ghosts*: players in the minds of the negotiators, players to whom the negotiators feel accountable, players who may have given instructions beforehand, players whose views are imagined by the speakers, who may be literally on-call or only imaginatively so, who may be individuals or constituencies. We are speaking here of real ghosts, not the ones that we have seen negotiators conjure up to justify a rigidity. To understand a negotiation and to understand how a negotiator sees his/her position requires that we understand

6. KEN ADELMAN, REAGAN AT REYKJAVIK: FORTY-EIGHT HOURS THAT ENDED THE COLD WAR (2014).

7. SHELDON STERN, THE WEEK THE EARTH STOOD STILL (2005).

8. *Id.*

9. ADELMAN, *supra* note 6.

10. MACMILLAN, *supra* note 2.

11. ROSS, *supra* note 5.

12. WICKER, *supra* note 3.

which ghosts are playing which roles, and which ones are finally most significant. It also requires that we understand how each speaker perceives the ghosts of the other speaker. In every account in the books listed above that we read, ghosts were major players.

Second, it is a commonplace that *history*, mainly through its agent, memory, influences what we know, perceive, think, and do. It is probably better to think of history in the plural: histories of experience with this other negotiator, with prior negotiations about many things, with prior conflicts, with others who have tackled this problem, with experience of this subject matter. History leaves us with understandings about what causes what, about what constitutes virtue and vice, about how values evolve in a negotiation, about what we can rely on, and how we can live with risk. Every negotiating move embodies our understandings/memory of those histories. A book-length detailed account of a negotiation delves into those histories and tries to show how they impacted the actions and decisions in the negotiation. The histories give us a strong sense for what it meant to the negotiator to live in the process, with these histories pushing and pulling on each decision.

These first two dynamics can be read to show how negotiations relate to other, concurrent or past, negotiations. In a similar line, Larry Crump has a great piece on linkages among negotiations, where he shows how one negotiation is necessarily impacted by others, showing *in fine* how thinking about one negotiation as an isolated event may be limiting our understanding of negotiation dynamics.¹³

Third, negotiation, of course, is *interactive*. We have some good analyses¹⁴ of how people might think about this interactivity, but what the book-length detailed accounts give us is how this interactivity is experienced by the parties, and the way it impacts their perceptions, actions, and decisions. Each account in the books listed above describes or even dramatizes how the interactivity confused, frustrated, and challenged the players. Furthermore, negotiations are generally *iterative*. They often do not happen during a single meeting but rather through a series of exchanges over time, with ample time to adapt one's strategies, consult principals, and build coalitions with stakeholders.¹⁵ Whether the negotiation is done in one meeting, or several over time, time plays an important role, often overshadowed in our understanding of negotiation dynamics.¹⁶ Indeed, we often think of values or interests as rather static parts of a negotiator's make-up, but these detailed descriptions suggest that values (and how they are prioritized) evolve within a negotiation in response – in part – to perceptions of what the other negotiator may do or value, and how that may liberate or constrain the negotiator, while the same process is going on in reverse for the other negotiator. Thus, the picture is not one simply of power-playing or problem solving, but rather one of each negotiator navigating in unknowable waters with dangers perceived to be lurking at all turns.

Furthermore, all these detailed accounts in the books listed above describe extensive uses of *repetition*, sometimes with small variations. One can interpret the intent behind this pattern and see it as wasteful and inept, as strategic, as a tool for

13. Larry Crump, *Strategically Managing Negotiation Linkage Dynamics*, 3 NEGOT. & CONFLICT MGMT. RES. 3, 3–27 (2010).

14. See ROBERT AXELROD, *THE EVOLUTION OF COOPERATION* (1984); see HOWARD RAIFFA, *THE ART AND SCIENCE OF NEGOTIATION* (1982).

15. Crump, *supra* note 13.

16. *Id.*

sending messages, as a rational response to the underlying dynamics of a negotiation, or as comparative stamina at work. But, the sheer quantity of it makes it difficult to ignore or consider unimportant to the parties and to the outcome.

Fourth, one can shift the focus a few degrees and notice that interactivity is one major source of *uncertainty*. Negotiators are not sure what the other will do, accept, or interpret, and many negotiators are not sure of what they themselves will do, accept, or interpret. How important is one outcome or another? Am I screwing this up? Am I being a sucker? Is he conning me? How long will this take? Do I feel differently about these uncertainties now, in contrast with how I felt at the beginning of the negotiation? Uncertainty has a powerful impact on individual psychology. In our experience, reactions to uncertainty vary from stimulation to paranoia to paralysis. In our experience, some traditional negotiation tools are designed to provide a handle for these uncertainties (e.g., account of how uncertainty impacts behavior for most people). But, the book length detailed accounts listed above give us the chance to see and understand how uncertainty feels from the inside.

Fifth, every account we read put the role of negotiating *power* front and center. These were not analyses of power sources or preconditions. Power in this discussion is just the effort to get the Other to do what the Other does not apparently want to do. The accounts listed above emphasized the joy of using power, the frustration of not being effective in its use, and the fear of power being used on oneself. This is closely related to a negotiator's sense of his/her own reputation at the table and among his/her ghosts for being a person who can be successful.

A way to read these detailed accounts is to see them as a source of clues to the *inner life* of a negotiator. Mind reading is always a risky business, subject to projection and to the confirmation bias. But, in the book length, detailed accounts listed above of negotiations also provide some boundaries to mind reading; they give evidence of what negotiators say and do to compare with the author's (and reader's) speculation about the negotiator's inner life.

Taken together, all the above can be called *context*,¹⁷ or perhaps more precisely, the relationship of negotiator's outer-world and inner-world. Much of the writing in the field about negotiation places in the forefront a set of moves, statements made (offers, counteroffers) and analyses which we identify as the negotiation itself; context is the background, preface, and frame for the real work. What these full-length, detailed accounts listed above make clear, however, is that the background should be the foreground, what we have described above is the negotiation. In our opinion, here are negotiation elements on which context casts a unique, and essential light:

- Context tells us what interests might mean. It shows how elusive they are, if indeed one can say they even exist.
- Why people change their minds is, finally, the core mystery, the central act, in all negotiating, and detailed accounts of context give us more clues than any other approach about the solution to this mystery.
- Context also makes accessible what our negotiating literature rarely notices: opportunities missed of possible agreements that the parties didn't perceive or grab hold of.

17. In another piece of this journal issue, Adrian Borbély, Noam Ebner, Chris Honeyman, Sanda Kaufman and Andrea Kupfer Schneider take another shot at explaining how contexts should impact our efforts at theory building. Adrian Borbély et al., *A "Grand" Unified Negotiation Theory... in Context*, 2017 J. DISP. RESOL. (forthcoming 2017).

In addition to what David saw in these readings, it is interesting to look at what he did not see, namely some of the field's core ideas at work. He did not see tension between cooperation and competition; between creating value and claiming value; not even between assessing alternatives. He did not see framings that made finding solutions more difficult; he did not see positions getting in the way of exploring interests, indeed he did not see interests and positions as identifiable entities. He is not discussing the absence of our nomenclature; he points at the absence of the reality that our nomenclature is intended to represent or describe.

David then threw the following challenge to Adrian: "Read *Thirteen Days* and tell me what you see in it, and what you do not see." This led to a fascinating conversation, where the two of us looked at the same text, each with a different prism. Having been presented with them beforehand, Adrian proved able to identify the elements David saw, and, he brought further reflections to the table.

First, Wright's account of Camp David reveals that negotiators spent surprisingly little time negotiating, despite the enormous stakes.¹⁸ Begin and Sadat were rarely in the same room; most of the time was spent in delegations, or resting, hiking through the compound, or watching movies.¹⁹ As to the negotiation itself, the process was far from linear but much more like a "one step ahead, two step back" dance, both on the issues and in the overall mood of the conference. The whole thing looks much more like a psychological thriller than a negotiation marathon. Thus, a dominating picture is that of frustration and response to frustration. These accounts make vivid what it feels like to live in that swirl. Together we point out that all these book-length accounts listed above describe disorderly, even chaotic, processes, which are made more than ordinarily dramatic since the main players in these accounts are people accustomed to being in charge.

Second, power is indeed omnipresent. Thus, despite President Carter's facilitative efforts during the early days of the negotiation, the parties tended to display highly positional takes on details.²⁰ Whether such a narrow focus was strategic (to win something), or psychological (parties being paralyzed by the weight of the stakes), the author does not say – and it is difficult to infer.²¹ It is only when Carter leaves his facilitating role and puts the weight of the U.S. in the balance, threatening to pull the plug on their relationships to Israel or to Egypt (again, a power move) that things move forward toward a minimal agreement.²² Even then, the final agreement is founded on "creative ambiguity"²³ (watering down the language of the document so that each party can interpret it as they please), and, perhaps, a ruse, as Begin failed to deliver the side letter he may have promised Carter.²⁴

Third, an agreement is made despite an incredibly low level of trust among the parties. Most of the research tells us that trust is necessary for (good) agreements to be found.²⁵ But, in this case, no one trusts anyone, even within delegations; and

18. See generally WRIGHT, *supra* note 1.

19. *Id.*

20. See, e.g., *id.* at 98-99, 116.

21. *Id.*

22. See generally *id.*

23. A term attributed to Henry Kissinger. Bill Keller, *Mitt and Bibi: Diplomacy as Demolition Derby* N.Y. TIMES: BLOG (Sept. 12, 2012, 4:56 PM), <https://keller.blogs.nytimes.com/2012/09/12/mitt-and-bibi-diplomacy-as-demolition-derby/>.

24. See generally WRIGHT, *supra* note 1.

25. See, e.g., Roy J. Lewicki, *Trust and Distrust*, in *THE NEGOTIATOR'S FIELDBOOK* 191 (Andrea Kupfer Schneider & Christopher Honeyman eds., 2006).

Jimmy Carter is no exception.²⁶ They also have no faith in the agreement,²⁷ which appears far from the win-win deal described elsewhere.²⁸ From Wright's account, it seems that both parties felt they lost in the deal (and the outcome is even worse for the "absent party", namely the Palestinians).²⁹ A strong feeling of gloom surrounded Camp David most of the time, including at the end when one might expect the parties to be celebrating their achievement.³⁰

Fourth, the account in Thirteen Days focuses a lot on the problematizing of the situation, i.e. in how the problem will be framed (e.g. will it include the Palestinian issue?) and how this will impact the way the situation may be resolved.³¹ Current theory and the way it is carried through in the classroom – often through simulations – often takes this as a given. This may lead to the idea that a large part of the negotiation effort requires parties to define their common problem, which derives from the very different ways each party prepares for the process. However, in Thirteen Days, the parties see the situation very differently, with large disagreements inside each delegation.³² Uncertainty is therefore reinforced by the fact that, when they enter negotiation, and most of the way through, parties do not know which issues they must deal with, and in what order of importance.³³ These *ex-ante* elements often escape our theoretical thinking about negotiation but appear key in real-life. Most of Wright's account focuses on the U.S. efforts at defining the problem at hand in a way to make it appealing for both Begin and Sadat to resolve it.³⁴

David claims that, although the agreement reached at Camp David has brought peace between the countries for almost 40 years, the way Wright describes the process to get there does not quite fit with the core elements of our theoretical literature; Adrian disagrees with this conclusion, mainly on David's assessment of the elements of our theory that are missing in the lengthy, detailed account. Although the account is not framed as "interests vs. positions," Adrian clearly identified Carter's efforts at making it a value-creating, interests-based discussion, to which both Sadat and Begin generally responded by positional moves.³⁵ Carter seems to spend a lot of time working on the people's interests to get them to move away from their posturing, with surprisingly little success (neither Begin, nor Sadat seemed to have changed much in mood or opinions during the thirteen days).³⁶ David pointed out that Sadat did finally give up on getting any benefit for the Palestinians, and Begin did finally agree to withdraw from the Sinai;³⁷ Adrian pointed out that neither man ever seemed convinced that he should do what he finally did.³⁸ Carter also attempted to drive the conversation toward the countries' interest level, but appears to fail in this too.³⁹ Adrian therefore thinks that elements of our negotiation method

26. WRIGHT, *supra* note 1, at 89, 100-01.

27. WRIGHT, *supra* note 1, at 267, 276-77.

28. ROGER FISHER, WILLIAM L. URY, & BRUCE PATTON, GETTING TO YES 41-42 (rev. ed. 2011).

29. WRIGHT, *supra* note 1, at 233.

30. *Id.* at 257-61.

31. *Id.* at 62, 269.

32. *See generally id.*

33. FISHER ET AL., *supra* note 29, at 43.

34. WRIGHT, *supra* note 1, *passim*.

35. *Id.*

36. *Id.*

37. WRIGHT, *supra* note 1, *passim*.

38. *Id.* at 269.

39. *Id.* at 99.

can be identified if we look for them, even if they do not always play out as theory would dictate.

III. THE VALUE-ADDED OF BOOK-LENGTH ACCOUNTS

We have started demonstrating that book-length detailed accounts can teach us a lot about negotiation that we cannot learn from other sources; this requires that we cast a look at those other sources.

- Social psychology experiments. These can be powerful and useful, but you would have to be a hard-headed positivist, i.e. believe only in quantitative data collected through the most rigorous research methodologies, to believe lab experiments accurately depict real negotiations. Most others raise doubts: as most lab studies only skim over the complexity of real-life negotiations, they tend to tell a lot about the negotiator's behavior in a rather simple, sometimes stereotypical situation, and very little about how human beings deal with highly complex environments.⁴⁰ They generally prove unable to reproduce any of the dynamics isolated at the beginning of our essay, even less all of them concomitantly.⁴¹ Most of these experiments are based on work done by role players simulating values and emotions, or interactions from other, non-negotiating settings.⁴² The findings tend to say that a certain percentage of participants did such and so.⁴³ This doesn't help us know whether a negotiation at hand is being conducted by someone from the larger percent or the smaller percent.
- Short (e.g., 20 page) accounts of real negotiations. Here, we find, for example "Great Negotiations: Agreements that Changed the Modern World", by Fredrik Stanton, which collects eight of these accounts.⁴⁴ Each of these focuses on the moves at the table, and is brief about context.⁴⁵ The significance of the difference between short and long accounts is made clear by comparing the 28-page account in Great Negotiation that describes the Reagan – Gorbachev negotiation in Reykjavik with the book-length account of the same negotiation written by Ken Adelman.⁴⁶ One comes away from these two with a very different sense of success of the process, Reagan's role, negotiating vs. posturing, and, most important for this essay, what the negotiating

40. See Dean G. Pruitt, A Critique of Experimental Research on Negotiation (June 24, 2011), IACM 24TH Annual Conference Paper, <https://ssrn.com/abstract=1872144>.

41. *Id.*

42. *Id.*

43. *Id.*

44. FREDRIK STANTON, GREAT NEGOTIATIONS: AGREEMENTS THAT CHANGED THE MODERN WORLD (2d ed. 2011) (discussing eight noteworthy negotiation processes, ranging in date from the eighteenth century to the late twentieth century). Similar efforts were deployed by Emmanuel Vivet, a French negotiation aficionado, who presents a series of historical examples of negotiation in a book entitled: "Negotiations from yesterday, lessons for today" (*Négociations d'hier, leçons pour aujourd'hui* – the first volume was in French but any sequel will be published in English). EMMANUEL VIVET, NÉGOCIATIONS D'HIER, LEÇONS POUR AUJOURD'HUI (2014).

45. STANTON, *supra* note 45.

46. See STANTON, *supra* note 45, at 201; ADELMAN, *supra* note 6.

process entailed.⁴⁷ In the Adelman version, one sees what Reagan's choices in the process looked like.⁴⁸ Adelman was on Reagan's staff at Reykjavik, so there is a one-sided, memoir quality to the book.⁴⁹ We don't present it as the definitive text, but its level of detail and subtlety at a minimum raise serious questions about a 28-page version.

- Biographies of famous negotiators. Among those, one that comes to mind is "Master of the Senate: The Years of Lyndon Johnson", by Robert Caro.⁵⁰ Instead of describing one negotiation in detail, Caro presents an analysis of the U.S. Senate and a biography of Johnson spending much of every day negotiating.⁵¹ In Caro's account, negotiations don't end.⁵² Rather, there is a flow of relationships in which a given statement might be interpretable as an offer or a probe or an emotional bonding or a limit setting or a mockery or a power thrust.⁵³ What has come before gives the reader the basis for his/her own interpretation, and for an interpretation of how each participant invents meaning for the interchange.⁵⁴ Caro's book also offers a brilliant chapter on the sources of Johnson's negotiating behaviors in his personal history, the politics of the day, and the dynamics of the Senate.⁵⁵
- Short accounts in the Teaching Negotiation Resource Center at Harvard. As the name says, these are generally designed to teach a pre-set lesson about good negotiating. Most are open-ended ("How would you handle it from here?"). But, we are worried about whether the case produces the lesson or the lesson produces the case. David was sufficiently curious about this back in 2004. He decided to investigate whether a favorite, much cited, example of what our field calls good negotiating occurred the way we said it did. This was the negotiation between Israel and Egypt following the 1973 war. He went back to a collection of contemporary sources and found that our view of positions and interests was completely at odds with the reality of what occurred.⁵⁶ The same reasoning can apply to those who see Camp David One (with Carter, Begin and Sadat) as a matter of interests and positions. It was not.⁵⁷ Wright makes clear that this negotiation was driven by the power collision of three strong-willed leaders, and it was resolved when Sadat finally decided that he could get the Sinai back

47. See STANTON, *supra* note 45; ADELMAN, *supra* note 6.

48. ADELMAN, *supra* note 6.

49. See generally ADELMAN *supra* note 6 (The author, in his position as a participant in the historic negotiations, is able to reveal the motivations, relationships, and conversations that led to the summit's breakthroughs).

50. ROBERT CARO, *MASTER OF THE SENATE: THE YEARS OF LYNDON JOHNSON* (2003).

51. *Id.* Caro shows how Johnson's brilliance, charm, and ruthlessness enabled him to become the youngest and most powerful Majority Leader in history and how he used his incomparable legislative genius--seducing both Northern liberals and Southern conservatives--to pass the first Civil Rights legislation since Reconstruction.

52. *Id.*

53. *Id.*

54. *Id.*

55. *Id.* at 711-39.

56. David Matz, *How Much Do We Know About Real Negotiations? Problems in Constructing Case Studies*, 9 INT'L NEGOT. 359, 371-72 (2004).

57. FISHER ET AL., *supra* note 29, at 41.

only if he stopped representing Palestinian interests, and Begin found that Ariel Sharon, a prominent advocate of settlement expansion, would give him political cover in the Knesset to withdraw settlements and give back the Sinai.⁵⁸ In short, the route to agreement was not through discovering and exploring interests but through painful concessions about values that evolved through the negotiation.

- The Great Negotiators series⁵⁹ presents wonderful insights about how a negotiator sees his/her job (or more cynically, how he/she wants others to see his/her performance), but in assessing it as descriptive of what happened in a negotiation it presents the obvious difficulties of being self-serving. Its absence of detail gives the reader no base for assessing the narrator's account.

It will have long since occurred to the reader that none of the book-length detailed writings mentioned above describe the negotiations used to settle ordinary conflicts in divorce, commercial, or community conflicts. We have found no book-length detailed accounts of such negotiations. This is understandable. Detailed accounts take enormous amounts of time to research and write, and most negotiations of divorce, commerce, or community issues value the privacy that works against scholarship or detailed journalism. It is easy to argue that the large, public, often international conflicts that do generate detailed accounts are different in kind from the more day-to-day negotiations: emotions are higher, large scale impact means more complexity, and the players are more likely to be sophisticated in coping with conflict. Nonetheless, we would put forward the hypothesis that a book-length, detailed investigation of a more usual negotiation would find many, even most, of the same dynamics that one would find in the big cases. Whether similarities are more important than differences should do with the purpose for which one is looking, but we think this inquiry could be very fruitful.

IV. METHOD IN READING FULL LENGTH ACCOUNTS OF CASES

Our advocacy for the use of detailed, full-length accounts of course raises many questions about research method. As two authors, we provided here some of our differences in reading *Thirteen Days*. We did this to emphasize the obvious: there is no one correct way to read these texts. But, that does not mean that there are no incorrect ways, or that we are left only with subjectivity and bias. We are left, instead, with what any historian faces: the tasks of finding data, finding patterns, and making inferences from them. This emphasizes the tasks of assessing the reliability of the data, explaining the data that do not fit the patterns, and assessing inferences on the basis of plausibility, other reader's/writer's views, and historical comparisons.

As for writer's bias, the author brings his/her own lens and his/her own interpretation. After all, such a book is "secondary data", i.e. collected and analyzed by a third party. Fortunately, in most cases, the conflicts in these books are well-known and there exist different, detailed, accounts available for each of them for comparison and cross-checking.

58. WRIGHT, *supra* note 1, at 237, 287.

59. Harvard Law Sch., *Great Negotiator Awards Archive*, PROGRAM ON NEGOT., <https://www.pon.harvard.edu/category/events/the-great-negotiator-award/> (last visited May 31, 2017).

Regarding reader's bias, what we saw in *Thirteen Days* reflects what we brought to the reading. It would therefore be fascinating to have several readers from different intellectual backgrounds read the same book-length account and have them write up what they took from that reading. Coding mechanisms involving several people reading concomitantly and developing parallel codes, which would then be integrated into a unique coding scheme, are well-developed in qualitative management research.⁶⁰ Translating the approach on book-length accounts would contribute to reducing such a bias.

Overall, we advocate for a reversal of the conventional intellectual approach. Our current paradigm lets students and readers infer from simplified settings (lab studies and classroom simulations) and draw conclusions they will be responsible to apply to the complexity of their real-life negotiations. In line with complexity theory terminology, we call this the "bottom-up approach." The complementary "top-down approach" starts from detailed reports on negotiation efforts, especially intractable cases, to be used in more common negotiations. This would mean using book length accounts to reveal negotiation dynamics that are quite different from, perhaps even hostile to, the currently-accepted thinking about negotiation. We are not seeking "good recipes" that worked in one historical setting and that would be useful *as is* in other settings. Rather, we are seeking to use these full-length accounts as databases against which to measure good practice prescriptions. We assume that this approach will produce dialog among readers about how well the authors of full-length descriptions have done their job and what we could learn from them.

V. TEACHING VS SCHOLARSHIP

Almost all authors of negotiation literature are teachers or trainers. Most of our literature is aimed to tell negotiators how to do it better. The materials presented in this section are (or serve as basis for) teaching or training tools, often designed for people who have not been trained before.

One can argue the counter-intuitive position that the needs of teaching/training introductory negotiation don't include providing an accurate picture of what occurs in a real negotiation.⁶¹ It may be more important that students/trainees be able to internalize manageable interpersonal techniques, that they be able to handle the more or less inevitable fears experienced by many new negotiators, that they be able to develop a comprehensible, memorable, usable model for how to go forward, and that the gap between the reality of negotiating and the model they start with will later force adjustments that they can make "on the job." The needs for mastering *how-to* may be different from the needs for understanding an accurate *what-is*; the needs of teaching may be different from the needs of good scholarship. This alone may explain the limitations of commonly used sources of knowledge about negotiation.

60. JULIET CORBIN & ANSELM STRAUSS, *BASICS OF QUALITATIVE RESEARCH: TECHNIQUES AND PROCEDURES FOR DEVELOPING GROUNDED THEORY* 83 (3d ed. 2007).

61. Of course, one may counter-argue that teaching a negotiation model that is isolated from reality may be in vain, even at an introductory level (often the only one offered). Different pedagogical models appear to coexist here, with a gradation in recourse to links with real-life negotiations. In other words, our level of trust in the ability of students to translate an abstract model learnt in class into their reality leads to different pedagogical takes.

One goal in reading the book-length detailed accounts is to bring more complexity into view, but a field dominated by teaching and practice will not be comfortable with more complexity. We have no desire to ignore the practical use of research, but perhaps we need to allow space for more *fundamental research*. This is an old problem in other branches of learning and there is no simple formula to solve it. But, in the long run, fundamental research is the life-blood of any field of study. Though there can be a pendulum swing from complexity to utility, in our opinion the swing is usually weighted toward utility; this essay is an effort to increase the weights on the other side.

When done well, such research should produce dialog among readers about how well each of the research tasks has been done. And, this in turn can lead to consensus and a focus on areas of disagreement; it can lead to challenges of older ways of understanding, insights into new ways of performing, and explanations for why certain approaches were successful and others weren't. One way to summarize its goal would be as a challenge to bumper-sticker thinking that negotiation is not a complex process, and understanding that the process requires an openness to that complexity.

VI. CONCLUSION

Throughout this essay we have assumed an idea that we might call The Real World of Negotiators. All these book-length detailed cases seem to describe that world. We are assuming that any process called "negotiation" has a predictable set of interpersonal, and perhaps intrapersonal, dynamics. Those dynamics are powerful. If our field is to make recommendations for better negotiating, we need to understand those dynamics, particularly from the point of view of the negotiator coping with them. Therefore, we are proposing that we engage more in fundamental research, research that may not have teaching or practice payoffs in the short run, but will increase our understanding of how a negotiation works. We are proposing that the book-length, detailed accounts are an important tool in developing such fundamental research.

Taking all these critiques together, they lead us to raise the ultimate question: is our field's theoretical approach plain wrong? This appears a question worth asking, following Andrea Schneider⁶² and John Lande,⁶³ who, in separate pieces, questioned the accuracy of some labels used by negotiation theorists, or, to put the point less pessimistically, is the approach of our field limited to simpler negotiation cases? This is what Sandra Kaufman, Christopher Honeyman and Andrea Schneider ponder when asking, in blunt terms, "Why don't they listen to us?"⁶⁴

Is it possible that there is something inherent in negotiating that makes the thinking of our field difficult to apply? Are there dynamics present in a real negotiation that repel the approaches we prescribe? Is it possible that there are dynamics in every negotiation that make our tools unfit from the viewpoint of negotiators? Do negotiators have needs that our tools do not speak to? Do we prescribe for a

62. Andrea Schneider, *Teaching a New Negotiation Skills Paradigm*, 39 WASH. U. J. L. & POL'Y 13, 38 (2012).

63. John Lande, *A Framework for Advancing Negotiation Theory: Implications from A Study of How Lawyers Reach Agreement in Pretrial Litigation*, 16 CARDOZO J. CONFLICT RESOL. 1, 62 (2014).

64. Sandra Kaufman et al., *Why Don't They Listen to Us? The Marginalization of Negotiation Wisdom*, in NEGOCIATION ET TRANSFORMATION DU MONDE 177-87 (Christophe Dupont ed., 2007).

reality that does not exist? In short, we are suggesting a radically different way of learning what negotiation is, and can be.