

*Some Words on the (En)lightening Lunch session:  
Issues and Developments in Negotiation and Conflict  
Resolution Research and Practice*

*Linda Stamato*

Introduction: What (en)lightenment can be provide in twenty minutes? What is likely to be of interest? We anticipated a diverse group, so, we're going to cut through some of what constitutes the field (this is a large complex field, involving interdisciplinary efforts across psychology, anthropology, economics, sociology, law and policy) and focus on one piece of it: We're here at the Bloustein School of Planning and Public Policy because, in essence, public policy decisions need to be made and differences managed in order for society to advance, and negotiations among interested individuals, and among groups, in legitimate contention, and resolving those conflicts over differences, are at the core of policy (allocation of resources, say, whether dollars or water) and planning (siting essential but unwanted facilities).

So, we'll focus on three general themes in this context: (a) issues and concerns that surface in this part of the field, at the intersection of law, policy and planning and (b) on the negotiation process itself, on the scholarly work that focuses on understanding the dynamics of the process--what affects it, very, very briefly, and, on the applied work which is primarily training and process design--designed to improve the dynamic in order to effectuate optimal outcomes, i.e, to improve the prospects of maximizing gains; and (c) on the processes that constitute efforts to assist negotiation (e.g. mediation; consensus-building) and on those that substitute for such efforts when negotiation fails (e.g. arbitration; neutral evaluation).

Negotiation, in the most simple form, is the art and science of securing (and not securing) agreement between two or more interdependent parties. Whether buying a car or selling one, on the one hand, or reaching agreement on a global treaty governing air, water or trade, on the other, the basic issues are the same even though the context, and the parties, gain in complexity. Much of the attention in teaching and research and practice focuses on understanding the dynamics of the process, what affects it and the actors in it. You know from the recent Nobel awarded in Economics--to Daniel Kahneman--who never took an economics course, by the way--that consumer decisions may not be rational and we know as well that negotiators do not necessarily act rationally (indeed, they may act against their own, objectively perceived, interests).

Herb Simon (another Nobel winner several years ago) sought to understand why bargainers left so much value on the table--issues not negotiated; values not allocated--as rational beings presumably would not do that. So, as a result of his inquiries, and those of others, efforts to understand what factors impede rational negotiation--one major aspect of negotiation inquiry-- has yielded insight into the operation, and impact, of psychological factors (e.g. risk aversion, loss aversion, reactive devaluation; dissonance, etc.). Other dimensions include the role of empathy and the effect of relationships on the

process (and results) of negotiation, and, also, on the compliance rates and the impact of agreements over the long term.

Applied work focuses on improving the dynamics of negotiation--through training; structural design--in order to effectuate optimal outcomes. How? Efforts at Harvard, MIT and Stanford particularly produced training modules and frameworks, really, to give practical insight and provide guidance. We've adapted some of this, as have others. Certain points tend to be common: Getting negotiators to focus on their interests (not solely their positions) which allows interests to be met without compromising critical needs; second, framing issues for constructive negotiation: how one presents/frames/structures an interest can affect how, indeed, if, negotiations can go forward (e.g. consider the dispute between New York and New Jersey over Ellis Island: framed as who *owns* the Island, it becomes a property issue, the positions become adversarial, legal, rooted in history; framed as *how best to manage, preserve and develop* the Island, it becomes a management issue, a resource allocation issue, a problem to be defined, managed and perhaps, guided through a bi-state organization, with resources from both states and the federal government, to produce a plan that meets the interests of the citizens of both states, the region, indeed, the nation.

Third, the focus is on the psychological factors that operate in negotiations: if one understands the fact that buyers tend to lower the value of what is to be purchased while sellers tend to raise the value of what is to be sold (and expectations match both positions), one understands that some objective criteria is essential to aid in negotiations. And, there are others.

Fundamentally, getting people to understand that negotiation is not, or need not be, a zero sum game challenges people to seek options that maximize their outcomes, meeting interests better without sacrificing critical needs, and, generally, at the same time, this informed negotiation dynamic tends to preserve and, in some cases, to enhance relationships. (This can be an enormously important element, in families, neighborhoods, organizations, institutions and between and among nations).

Regarding recent developments, the following: The more institutions in society use mediation and other dispute resolution processes that focus on consensual decision-making, the more significant issues are raised. Thus, we concluded our program with a discussion of (a) the implications for public policy of the increasing use of less confrontational and less adversarial processes; (b) the impact on the role of the courts in society as a result as the court entering the policy arena by incorporating new ways to resolve disputes into the court system; and (c) the impact on traditional "home rule" concepts as the new processes lead to regional approaches in developing (and managing) complex land use plans and resolving disputes that arise.

There was discussion on how conflict resolution has become an integral part of many higher education programs, as well, such as planning, policy, law and management. The increasing interest (and scholarship) has led to more courses on negotiation, theory and practice in an increasing number of departments and schools.