

Managing Negotiation Impasses

Objectives

1. Understand why some conflicts and negotiations are difficult to resolve successfully.
 2. Explore fundamental mistakes that negotiators make that increase the likelihood of impasse.
 3. Consider a series of major tools and approaches that negotiators can use to break and resolve impasses.
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After months of negotiation about a joint venture in the oil and gas industry, one party broke off discussions abruptly. It is not clear why this happened, and the party has refused repeated requests to schedule a meeting. Two colleagues on the same floor of a computer consulting company are no longer speaking to each other. This has started to cause problems with some clients, who have commented that the level of service from the organization is slipping and that telephone calls are not being returned. There are numerous examples from international conflicts where negotiations have reached an impasse. Some have restarted negotiations and managed through the impasse, while others remain deadlocked (see Box 17.1).

Negotiations break down and stall for many reasons. In this chapter, we address situations in which negotiations become especially difficult, often to the point of impasse, stalemate, or breakdown. Parties can become angry or entrenched in their positions. Perceptions become distorted, and judgments are biased. The parties stop communicating effectively and instead blame each other. One party has a conflict management style that is not compatible with the other. Perceptions are so different that the parties do not believe there is any possible compatibility between them, or they cannot find a middle ground where agreement is possible. In short, destructive conflict processes override the negotiation, and the parties cannot proceed.

The chapter is organized into three major sections. First, we discuss the nature of negotiations that are difficult to resolve. We examine the nature of impasses—what makes negotiations intractable—and discuss four elements that make negotiations difficult to resolve: the types of issues, the parties, the negotiation environment and the negotiation setting. In the second section, we explore fundamental mistakes that negotiators make that cause negotiation impasses. Finally, we discuss strategies that negotiators can use to resolve impasses, get negotiations restarted, and back on track to productive outcomes.

Illustrative Cases	Historical Impasse	Current Impasse
Rebounded to outcome	Bosnia Northern Ireland Mali Mozambique	Cyprus Israel-Palestine Sri Lanka Colombia
Remained deadlocked or reverted to war	Nagorno-Karabakh Angola Rwanda	

Source: B. I. Spector, “Resiliency in negotiation: Bouncing back from impasse.” *International Negotiation*, 11, (2006), pp. 273–286.

The Nature of Difficult-to-Resolve Negotiations and Why They Occur

It is not uncommon for negotiations, especially distributive ones, to become contentious to the point of breakdown. In extreme cases, conflict escalates and interpersonal relations can become strained and even nasty. What are the characteristics of difficult-to-resolve negotiations? Several things can go wrong. We begin this section by discussing impasse as a way to understand difficult negotiations, and we examine what causes negotiations to become intractable and reach impasse.

The Nature of Impasse

We define difficult-to-resolve negotiations broadly as being at *impasse*. Impasse is a condition or state of conflict in which there is no apparent quick or easy resolution. When impasse exists, the parties are unable to create deals that satisfy their aspirations and expectations (Ross and Stillinger, 1991).

- *Impasse is not necessarily bad or destructive (although it can be).* There are numerous reasons negotiations can be at impasse, and there are very good reasons parties sometimes choose to stay at impasse until a viable resolution can be recognized (Mayer, 2000).
- *Impasse does not have to be permanent.* Impasse is a state of a negotiation that means that conflict is not resolvable given the current content, context, process, or people involved in the discussion. Thus, if the content, context, process, or people are altered in some way—either intentionally or simply by the passage of time and change of circumstances—the negotiation can move out of impasse and into resolution.
- *Impasse can be tactical or genuine.* Tactical impasse occurs when parties deliberately refuse to proceed with negotiation as a way to gain leverage or put pressure on the other party to make concessions (Mayer, 2000). Ross and Stillinger (1991) suggest that this sort of intransigence occurs when “one or both parties in a conflict . . . [believes] that a willingness to forgo immediate gains in trade (and thereby deprive its adversary of similar gains) will win for itself even more favorable terms in future negotiations” (p. 391). Genuine impasse, in contrast, occurs “when the parties feel unable to move forward without sacrificing

something important to them . . . usually, disputants experience this kind of impasse as beyond their control, and they feel they have no acceptable choice but to remain there” (Mayer, 2000, p. 171). Impasses that begin as tactical may become genuine (Mayer, 2000).

- *Impasse perceptions can differ from reality.* The difference between tactical and genuine impasse may be perceived rather than real—but even if it is perceived, that may be real enough for the parties to believe they are at impasse. The perception of impasse can be created by an intransigent negotiator who is looking to extract concessions from the other party. Intransigence can be defined as a party’s unwillingness to move to any fallback position through concession or compromise. Such toughness in negotiating may lead to short-term gain if agreement ensues, but toughness that calls forth toughness in response may well lead to no agreement whatsoever, making such a tactic a “powerful but dangerous card for a negotiator to play” in negotiations (Brams and Doherty, 1993, p. 706).

What Causes Impasses and Intractable Negotiations?

Negotiations evolve as time passes and the issues, parties, and context change. A negotiation becomes more *tractable* when it becomes easier to resolve and *intractable* when it is more difficult to resolve. Intractable negotiations may persist over a long period of time, and when there is no further progress they are at *impasse*. Putnam and Wondolleck (2003) suggest that intractable conflicts vary along four dimensions:

1. *Divisiveness*—the degree to which the conflict divides people such that they are “backed into a corner” and can’t escape without losing face.
2. *Intensity*—the level of participant involvement, emotionality, and commitment in a conflict.
3. *Pervasiveness*—the degree to which the conflict invades the social and private lives of people.
4. *Complexity*—the number and complexity of issues, the number of parties involved, the levels of social systems involved in the conflict, and the degree to which it is impossible to resolve one issue without resolving several others simultaneously.

The characteristics that increase the likelihood of impasse are listed in Box 17.2. These characteristics can lead to an atmosphere charged with anger, frustration, and resentment. Channels of communication, previously used to exchange information and supporting arguments for each party’s position become closed or constrained. Negotiators use communication to criticize and blame the other, while simultaneously attempting to limit the same type of communication from the other party. The original issues at stake have become blurred and ill defined, and new issues may have been added. Negotiators have become identified with positions on issues, and the conflict has become personalized.

The parties tend to perceive great differences in their respective positions. Conflict heightens the magnitude of these differences and minimizes areas of perceived commonality and agreement. As anger and tension increase, the parties become locked into their initial negotiating positions. Rather than searching for ways to make concessions and move toward agreement, the parties become firmer in stating their initial demands, and they resort to threats, lies, and distortions to force the other party to comply. One party will usually meet threats with counterthreats and retaliation. Those on the same side tend to

Increase

- The parties themselves are unorganized, loosely connected, and lacking structure.
- The social system from which the parties come is ill defined, dispute resolution procedures are chaotic and uncertain, and there is an absence of clear governing authority.
- There are fundamental value differences on the key issues.
- The conflict repeatedly escalates: the parties grow in size, the number of issues expands, and the costs of resolution increase. Parties are polarized against each other, and conflict repeatedly spirals.

Decrease

In contrast, the following characteristics make a negotiation more tractable:

- The parties themselves are well organized; group members communicate clearly, and the

parties have clearly defined roles and agree on a common mission.

- The social system from which the parties come is clearly structured; there are clear procedures and rules for resolving disputes; and clear, legitimate authority exists.
- There is general consensus on underlying values, but a disagreement on how resources are to be allocated.
- The conflict frequently de-escalates: the negotiation remains contained and focused, the parties are strongly committed to finding a mutually acceptable resolution, and cycles of high conflict are frequently broken up by long cycles of relative peace and calm.

Source: L. Putnam and J. Wondolleck “Intractability: Definitions, Dimensions and Distinctions.” In R. J. Lewicki, B. Gray, and M. Elliott, *Making Sense of Intractable Environmental Disputes* (Washington, DC: Island Press, 2003).

view each other favorably. They see the best qualities in the people on their side and minimize whatever differences exist, yet they also demand conformity from their team members and will accept a militant, autocratic form of leadership. If there is dissension in the group, it is hidden from the other party; group members always attempt to present a united front to the other side.¹

Next we discuss four dimensions that cause negotiations to reach impasse—characteristics of the issues, the parties, the negotiation environment, and the negotiation setting.

Characteristics of the Issues

The first dimension that can cause negotiations to reach impasse are characteristics of the issues. Three characteristics that can have a particularly important influence are value differences, high-stakes distributive bargaining, and risk to human health and safety.

- *Value differences.* Many negotiations that reach impasse can be traced to fundamental value differences between the parties. Value differences vary from minor differences in preferences to major differences in ideology, lifestyle, or what is considered sacred and critical. The critical question is how individuals or groups with distinct differences in values choose to deal with these differences—by attempting to force their views on others or by supporting efforts to accommodate and respect others. Many of the most intractable conflicts in society—ethnic, religious, political, economic, legal, and environmental—are

rooted in core value differences (see Dingwall, 2002). Wade-Benzoni, Hoffman, Thompson, Moore, Gillespie, and Bazerman (2002) argue that differences in ideology are the result of differences in core values, and these differences are significant barriers that can derail negotiations.

- *High-stakes distributive bargaining.* Negotiation impasses may also result from distributive bargaining when there is no apparent overlap in the bargaining range. As we noted in Chapters 2 and 7, parties may have inflated their negotiating positions to the point that there is no apparent zone of agreement; the costs of settling are seen as higher than the costs of protracting the dispute; the parties have locked themselves into public postures from which they are unwilling to back down; and the parties are inclined to use power to force the other side to back down. Many of these impasses are very responsive to the tactics we describe later in this chapter.
- *Risk to human health and safety.* Finally, some negotiations—particularly those in the area of health and the environment—reach impasse because the threat to human welfare is clear and apparent, and because the issues themselves are rooted in complex science that is difficult for the layperson to understand, much less believe and blindly trust. Environmental cleanup, nuclear power, disposal of toxic waste, pollution control, and related issues create intense debate and deeply felt argument.² Burgess and Burgess (1995) note that negotiating parties often compete in “bidding wars” of one-upsmanship over who has the greatest concern for public health and safety.

Characteristics of the Parties

The second set of factors that cause negotiations to be difficult to resolve are characteristics of the parties. We discuss five characteristics of the parties that may play a role: how people define themselves, how people compare themselves to others, perceptions of power, revenge and anger, and conflict management styles.

How One Defines One’s Self Many impasses originate because of the way parties define themselves. Issues of *identity* are central to many difficult-to-resolve negotiations. Identity is determined by the way that individuals answer the question “Who am I?” (Hoare, 1994, p. 25). People may answer this question in a variety of ways, depending on the social groups to which they belong and how they understand themselves to be.³ Rothman (1997) suggests that conflict is likely to occur when people’s identities are threatened because such threats challenge people’s fundamental sense of who they are. Examples from global and domestic affairs abound (see Box 17.1). Appeals for ethnic self-determination or a national homeland, the correction of perceived institutionalized discrimination against aggrieved minorities, and the universal extension of human or political rights are all causal elements in intractable negotiations. Harold Saunders (2003) suggests that the psychological processes involved in group identity are among the strongest causes of impasses. Moreover, as we noted in Chapter 5, parties often frame a negotiation around an identity issue when they believe that one outcome of the conflict could be to either strengthen or weaken their sense of identity (Gray, 2003a). The influence of the definition of self is not limited to international affairs. Negotiators often adopt a stance based on role (e.g. defender of the underdog) or a personal definition of ethics that is strongly related to self. These

stances readily lead to impasses when confronted with another party who does not share these characteristics.

Comparing One's Self to Others If issues of identity focus on the question “Who am I?” then issues of social comparison reflect the way individuals define “Who are they?” (Gray, 2003a). The development of one's social identity is often inextricably linked to the process of comparing oneself to others. When we define ourselves by virtue of the groups to which we belong, we also begin to define others as members of groups to which we do not belong. Moreover, parties in conflict tend to fall into a psychological trap called the *fundamental attribution error*—tending to blame others when things go wrong, but taking personal credit for successes; conversely, they tend to see others' successes as due to luck, but failures as due to others' defects and deficiencies (Ross, 1997).

Babcock, Wang, and Loewenstein (1996) examined the effect of this social comparison process as it occurs in negotiation impasses, with two principal findings. First, negotiators chose comparison groups to reflect a supportive, self-serving bias for their own positions by comparing themselves to others whose positions make their own demands seem fair and reasonable. Second, negotiation breakdowns or impasses were positively correlated with perceived differences between the negotiators' chosen comparison groups. In short, the greater the perceived differences between the comparison groups, the greater the likelihood of a breakdown. While the first finding could be based on an intentional, strategic choice, the second finding is consistent with our earlier comments regarding extreme positions, perceptual differences, and resultant impasses.

Comparing with others can frequently lead to negotiation impasse in highly structured and departmentalized organizations. The marketing department spends money they don't have, operations is slow to produce new products, and so forth. These groups see the world differently and when under stress can easily lead to impasse because of misinterpretations of communication based on group membership.

Perceptions of Power Negotiators may believe that they can exercise coercive power to levy costs on the other party or to force that party to accept a settlement that is not in his or her best interest (we examined power at length in Chapter 7). The effectiveness of such a tactic, in the short run and without regard to its effect on the long-term negotiation relationship, clearly depends on the other party's belief that the negotiator has such power and will use it (Brams and Doherty, 1993; de Dreu, 1995). Negotiators in such confrontations are likely to develop a tendency to see each other as extreme, biased, and self-interested. If the other party is perceived to be politically or philosophically the opposite, and if good manners lead one or both of you to avoid mutual disclosure of your views on volatile subjects, the level of negotiation difficulty is likely to rise. Keltner and Robinson (1993) found such negotiations to be marked by excessive length, few agreements overall, and, in retrospect, little perceived cooperation.

According to Smyth (1994) impasses often result from the perceived need to negotiate simultaneously about change in power and the applicable, appropriate institutions for maintaining that power shift. For instance, when social identification is strong (as it is, for example, among Serbs in the former Yugoslav republics or among Israelis and Palestinians in the Middle East), the consequent in-group/out-group bias often leads one or both parties to

demonize the other and to discount the validity and acceptability of the other's bargaining position. This often results in an unwillingness to deal with the other party at all. Third-party strategies to manage this are discussed in Chapter 19. It is in the nature of intergroup negotiations that some adjustment of each party's own identity, or the rigor with which it is defended, must be made in order for negotiations to proceed productively (Ring and Van de Ven, 1994). In short, there has to be some give on both sides (particularly the high-power side) and a willingness to at least consider that the other party may have a legitimate interest and a valid perspective.

Revenge and Anger Impasse may also result from an expression of fear and anger (Adler, Rosen, and Silverstein, 1998) or from a desire to seek revenge on the offending party (Kim and Smith, 1993). The escalation of conflict through revenge seems to be driven by three factors: an interest in retribution to correct injustice, the need to stand up and express one's self-worth, and the wish to deter future instances of undesirable behavior (Kim and Smith, 1993). These emotions and motivations, in turn, exacerbate the tendency for conflict to escalate and for negotiations to break down completely. Pruitt, Parker, and Mikolic (1997) propose that escalation often occurs in response to persistent annoyance of one party by another, while Jones and Remland (1993) suggest that escalation might also be explained by "nonverbal status displays" (p. 119). Such displays are meant to express power, dominance, or relative status in face-to-face conflicts in order to degrade the other party's physical or intellectual presence. For instance, negotiators can refuse to meet in the same room with the other party (degrading physical presence) or refuse to acknowledge questions from the other party during negotiations (degrading intellectual presence).

Conflict Management Styles Finally, impasses may also result from too little engagement in the negotiation, rather than too much. Mayer (2000) observed that parties often prefer to avoid conflict in a number of creative ways:

- Aggressive avoidance ("Don't start with me or you will regret it")—intimidate others to keep them away.
- Passive avoidance ("I refuse to dance")—try to ignore the other.
- Passive aggressive avoidance ("If you are angry at me, that's *your* problem")—put the blame on the other party and walk away.
- Avoidance by claiming hopelessness ("What's the use . . . ?").
- Avoidance through surrogates ("Let's you and she fight")—deflect the conflict to an agent or representative to take the other on.
- Avoidance through denial ("If I close my eyes, it will all go away")—make believe it isn't there.
- Avoidance through premature problem solving ("There is no conflict—I fixed everything").
- Avoidance by folding ("OK, we'll do it your way; now can we talk about something else?").

Note that these eight different approaches can be used individually or combined together. The function is to avoid engaging in the conflict in a productive way, which may in and of

itself perpetuate the impasse until the other party, or the circumstances, change in some way (Mayer, 2000). We discussed avoidance as a strategy in Chapter 1 and as a personal style in Chapter 15.

Characteristics of the Negotiation Environment

The third dimension that can cause negotiations to reach impasse includes characteristics of the negotiation environment. It is important that negotiators clearly understand what they are negotiating because this may be different for both parties (Fortgang, Lax, and Sebenius, 2003). For instance, one party may be interested in only the current contract while the other is interested in creating a long-term strategic partnership. When negotiators learn that they have very different understandings about what they are negotiating, the risk of impasse increases.

Another environmental factor that can lead to impasse is the *renegotiation* of existing agreements. Salacuse (2001) suggests that renegotiations of existing agreements occur frequently and are in response to three situations: (1) postdeal negotiations, (2) intradeal negotiations, and (3) extradeal negotiations. *Postdeal* negotiations are negotiations that occur as an existing agreement is expiring. For instance, when a contract between a purchaser and supplier is coming to completion, both parties have the opportunity to negotiate a new agreement. *Intradeal* negotiations occur when an agreement states that negotiations should be reopened at specific intervals. For instance, two parties to a joint venture could agree to renegotiate certain contract provisions every 12 months to ensure that the agreement is working well. *Extradeal* negotiations occur when it appears that there is a violation of the contract, or in the absence of a contract reopening clause. For instance, negotiations that result from one party missing a payment to the other would be an extradeal negotiation.

While all three types of renegotiations can lead to impasse, extradeal negotiations have the largest probability of doing so because they are generally the result of a large shift in the environment, such as a sudden increase in oil prices, unforeseen changes in government policy, or political instability that has a much larger effect on one party than the other. The negatively affected party clearly has more motivation to reopen negotiations, while the less affected negotiator may feel hostile, that a “deal is a deal,” and see no need to negotiate (Salacuse, 2001).

Characteristics of the Negotiation Setting

The fourth set of reasons that negotiations reach impasse involve characteristics of the negotiation setting, which includes temporal issues, relational issues, and cultural issues. The influence of culture on negotiation is discussed in Chapter 16. Very little has been written about how the negotiation setting leads negotiators to impasses. Experienced negotiators understand, however, that changing the negotiation setting—the physical location in which it occurs—can be an important tactic for getting negotiations back on track. For instance, changing from one hotel or city to another can be used as a symbol for a new start to negotiations and a signal that the previous approach was left at the old location. Alternatively, changing from a more formal space—such as a formal conference or board room—to an informal space—such as a living room, lounge, or restaurant—can make people more comfortable and change the interpersonal dynamics. Even more importantly, replacing an aggressive member of the negotiating team

with a more collaborative member, either temporarily or permanently, can signal the other party that one is also willing to change the substance of the negotiation. Lax and Sebenius (2003) suggest further that “negotiating with the wrong parties, or about the wrong set of issues, involving parties in the wrong sequence, or at the wrong time” can all lead to impasses (p. 66). Finally, timing is critical in a negotiation (see Chapter 2). Compromises that are presented too early may be rejected outright, but if they can be repackaged and presented later for exploration, they may be able to break an impasse (Eliasson, 2002).

Section Summary

In this section, we reviewed four dimensions that cause negotiations to be difficult to resolve: characteristics of the issues, the parties, the negotiation environment, and the negotiation setting.

Fundamental Mistakes That Cause Impasses

We now turn to exploring mistakes that negotiators make that increase the likelihood of negotiation impasses and how these errors can derail negotiations. Sebenius (2001) outlines six fundamental mistakes that negotiators make that can derail the negotiation process and result in impasses:

1. *Neglecting the other side’s problem.* A lack of understanding of what the other side needs to receive from the negotiation or what they are trying to accomplish will make negotiations much more difficult to resolve and increase the likelihood of impasses. Negotiators who do not ensure that they are working to craft an agreement that satisfies the needs of both parties are making a mistake that can derail negotiations.
2. *Too much of a focus on price.* An overemphasis on price will make negotiations much more difficult to resolve and can result in impasse. Negotiators need to remember that there is almost always more to a negotiation than just price, and they need to pay attention to both tangible and intangible factors.
3. *Positions over interests.* Negotiations require both creating value and claiming it. Negotiators who focus too early on claiming value, or who do so in too aggressive a manner, are making a mistake that will make negotiations more difficult to resolve and increase the probability of impasse. As Sebenius (2001) suggests, “the pie must be both expanded and divided” (p. 91) or the negotiator is making an error that could derail negotiations.
4. *Too much focus on common ground.* A key aspect of negotiation is interdependence (see Chapter 1), which means that parties need to have enough in common to strike a deal. It can be very difficult to reach agreement with identical other parties, however, because without differences there is little reason to negotiate. Negotiators who focus too much on what they have in common with each other and not enough on their differences are making a mistake and will lose the opportunity to find the creative solutions that make deals work. Unless enough value is created to make a deal attractive, a negotiation will be more difficult to resolve simply because there is not enough motivation to complete the agreement.

5. *Neglecting BATNAs.* Strong BATNAs are an important tool in negotiation, and they give a negotiator the power to drive a positive outcome (Sebenius, 2001). Negotiators who do not work to improve their BATNA are making a mistake because neglecting BATNAs will reduce one's power in the current negotiation and may actually make it more difficult to reach an agreement.

6. *Adjusting perceptions during the negotiation.* Negotiators need to use information that they gather throughout the negotiation to adjust their view of the situation, potential agreements, and the other negotiator. Negotiators who do not adjust their perceptions accurately are making a mistake that will make the negotiation more difficult to resolve. This is a challenging mistake to correct because many biases in negotiation occur unconsciously (see Chapter 5), although they still have the power to derail a negotiation to impasse.

Another mistake that negotiators make during negotiations is that they do not proactively manage the negotiation process itself. Research by Deborah Kolb and Judith Williams (2000, 2001) suggests that a major reason negotiations are not successful is that negotiators fail to manage what they have labeled the *shadow negotiation*, a negotiation about the negotiation process that occurs within the substantive negotiation. Shadow negotiation “doesn't determine the ‘what’ of the discussion, but the ‘how.’ Which interests will hold sway? Will the conversation's tone be adversarial or cooperative? Whose opinions will be heard? In short, how will bargainers deal with each other?” (Kolb and Williams, 2001, pp. 89–90). Negotiators who do not manage the shadow negotiation will find that they either cannot get the negotiation started, or they cannot get their issues discussed, and this increases the likelihood of impasse. For instance, before negotiating the content of a merger the parties should discuss how they want to work together and set norms for how the discussion should occur.

In a related vein, Ron Fortgang, David Lax, and James Sebenius (2003) suggest that negotiators need to manage the *social contract* in addition to the economic issues under discussion or the negotiation may derail. The social contract has two components. The *underlying* social contract determines what the negotiation is about. For instance, is the discussion to determine a series of contracts or a deep strategic relationship? The *ongoing* social contract is concerned with “how we make decisions, handle unforeseen events, communicate, and resolve disputes” (Fortgang et al., 2003, p. 68). Negotiators who neglect managing the social contract of a negotiation are making a mistake that could lead to negotiation impasses.

Finally, Barbara Gray (2003b) suggests that another reason negotiations reach impasse is that negotiators allow their emotions to determine their reaction to the other party rather than responding in a measured way to the situation. Instead of “separating the people from the problem” (Fisher, Ury, and Patton, 1991), Gray suggests it is important that negotiators understand their internal emotional responses to the other party—when they are strong, an internal psychological aspect may be driving the response. For instance, if Sam is always late for their negotiation meetings, Mary, who is fastidiously on time, may interpret this pattern as a lack of respect. Sam, on the other hand, may be late because he has to travel farther to the meetings across town and with his tightly packed schedule he cannot arrive on time. In fact, Sam may see it as a sign of disrespect that he always has to travel farther to

1. Monitor the interactive quality of the process, noting how each statement and action is linked to the next. Recognize that what you intend will never be perfectly read.
2. Pay special attention to the multiple levels of the negotiation, noting how identity and role are positioned as well as the substance. Note, too, how emotion is expressed or suppressed.
3. Be attuned to the other party's verbal and nonverbal cues. Pitch of voice, speed of conversation, pauses, and verbal stumbles can all signal internal emotions. Changes in physical behaviors may also mark transitions.
4. Be cautious in interpreting the behavior of others, however. Explore alternative explanations of what is taking place. Do not assume that others would respond as you might.
5. Face up to the fact when you are caught in unproductive cycles, rehashing old arguments and advocating old solutions.
6. Recognize your own trigger points, particularly things that make you lose perspective.
7. Anticipate change by imagining different scenarios. Remember that past is not necessarily prologue.

Source: G. M. Green and M. Wheeler, "Awareness and action in critical moments." *Negotiation Journal*, 20, (2), (2004), pp. 349–364.

the meetings. Thus, Mary's emotional response may have more to do with her own internal emotional state than Sam's behavior. For instance, she may have been raised by parents who were very strict about honoring time commitments. Negotiators who do not understand how their emotions can influence their reactions to the other party are making a mistake that can derail negotiations.

Preventing Impasses

Gillian Green and Michael Wheeler (2004) suggest that there are critical moments in negotiations before they unfold. One of the best ways to resolve an impasse is to avoid having one occur. It may be possible to avoid an impasse at the last moment by being very aware of changes in the negotiation process. Green and Wheeler (2004) suggest seven things to be especially aware of that may signal an impending impasse (see Box 17.3).

How to Resolve Impasses

The first two sections of this chapter focused on what causes negotiations to be difficult to resolve and approach impasse. We now turn to examining how to manage impasses, which need to be resolved on three levels: cognitive, emotional, and behavioral (Mayer, 2000):

1. *Cognitive resolution* is needed to change how the parties view the situation. For parties to achieve cognitive resolution, ". . . they must *perceive* that the key issues have been resolved, think that they have reached closure on the situation, and view the conflict as part of their past as opposed to their future . . ." (Mayer, 2000, p. 98). Cognitive resolution is often difficult to achieve because people tenaciously hang onto beliefs and perceptions in spite of new data to the contrary. New information and explicit reframing are key to achieving cognitive resolution.

- Get or share more information. Ask more questions and recognize the value in answering your counterpart's questions.
- Switch objective criteria. For example, a home buyer may switch justification from focusing on a home's market value to the seller's profits.
- Prioritize needs and interests. Make a list to stay focused.
- Brainstorm options. Explore creative solutions.
- Set deadlines. Agreeing to deadlines increases the likelihood parties will act and move.
- Temporarily put aside the issue. Set it aside and revisit after gaining some momentum by agreeing on minor issues.
- Take a break. Time away from the table can help parties regain composure and reassess issues.
- Move up the chain. If your counterpart doesn't have the authority to concede anymore, ask to speak with the boss.
- Pick a fair alternative process. For example, asking an independent third party to arbitrate or mediate can help.
- Concede. While possibly your last choice, it may still be in your interest if making no deal leaves you worse off.

Source: M. Latz, Gain the Edge: Negotiating to Get What You Want (New York: St. Martins Press, 2004).

2. *Emotional resolution* involves changing how parties feel about the impasse and the other party, as well as reducing the amount of emotional energy they put into the negotiation. When parties have emotionally resolved an impasse they no longer experience strong negative feelings, relations with the other are less intense, and they have reached some kind of emotional closure on the conflict. Emotional resolution often involves trust rebuilding, forgiveness, and apology.

3. *Behavioral resolution* explicitly addresses what people will do in the future and how agreements they make about the future will be realized. Behavioral resolution agreements should specify ways that the parties can stop difficult conflict dynamics, specify reparations, and include mechanisms for instituting new behaviors that prompt resolution.

There are many ways to start to break an impasse (see Box 17.4). The key is to find a way to restart the process (Spector, 2006). This may be difficult and the first attempts may fail.

In this section, we describe six strategies that can be used to resolve impasses. These strategies tend to focus on behavioral and cognitive resolution, but they also have an influence on emotional resolution:

1. Reaching agreement on rules and procedures.
2. Reducing tension and synchronizing the de-escalation of hostility.
3. Improving the accuracy of communication, particularly improving each party's understanding of the other's perspective.
4. Controlling the number and size of issues in the discussion.
5. Establishing common ground where parties can find a basis for agreement.
6. Enhancing the desirability of the options and alternatives that each party presents to the other.

There is no standard recipe for resolving impasses, nor is there a standard approach that works every time. Researchers studying the nature of conflict and its resolution have suggested a wide array of different dispute resolution techniques that can be applied in several ways.⁴ We suggest that it is frequently productive to resolve negotiation impasses by using these strategies in the order presented here. This means starting with attempts to agree on ground rules and to reduce tension, followed by efforts to improve the accuracy of communication and to control the proliferation of issues. Finally, the parties should move to establish common ground and enhance the attractiveness of each other's preferred alternatives. This approach is by no means firm and inflexible; many impasses have been successfully resolved by invoking the steps in a different order. However, the order in which we present these approaches is one that third parties frequently use to resolve impasses, so we believe it will also be the most effective if employed by the negotiators themselves. If the impasse cannot be broken and productive negotiations started, then third-party intervention may become necessary (see Chapter 19).

Agreement on the Rules and Procedures

Parties can try to manage impasses by obtaining mutual agreement about the rules that will govern the negotiation. Escalated conflict tends to exceed its original bounds; as parties become more upset, they may be more likely to resort to more extreme tactics to defeat the other. Efforts at effective conflict de-escalation and control may require the parties to rededicate themselves to basic ground rules for how they will manage the impasse. Establishing ground rules might include the following steps (see also Dukes, Piscohish, and Stephens, 2000):

- Determining a site for a meeting (changing the site or finding a neutral location).
- Setting a formal agenda outlining what may or may not be discussed and agreeing to follow that agenda.
- Determining who may attend the meetings. (Changing key negotiators or representatives may be a signal of the intention to change the negotiation approach.)
- Setting time limits for individual meetings and for the overall negotiation session. (As we have pointed out, progress in negotiation is often paced according to the time available; therefore, setting limits is likely to yield more progress than not setting them.)
- Setting procedural rules, such as who may speak, how long they may speak, how issues will be approached, what facts may be introduced, how records of the meeting will be kept, how agreements will be affirmed, and what clerical or support services are required.
- Following specific dos and don'ts for behavior (e.g., don't attack others).

Finally, the parties may agree to set aside a short period during negotiations to critique how they are doing. This mechanism designates a specific time for the parties to evaluate their own progress. It provides time to reevaluate ground rules, change procedural mechanisms, or perhaps even change negotiators. This process provides the opportunity for the parties to correct the procedural mechanisms that will allow them to make greater progress on their substantive disagreements (Walton, 1987).

Reducing Tension and Synchronizing De-escalation

Unproductive negotiations can easily become highly emotional. Parties are frustrated, angry, and upset. They are strongly committed to their viewpoints and have argued strenuously for their preferred alternatives, seeing themselves as firm, principled, or deserving. The other side, behaving the same way, is seen as stubborn, bull-headed, inflexible, and unreasonable. The longer the parties debate, the more likely it is that emotions will overrule reason—name-calling and verbal assaults replace logic and reason. When the negotiation becomes personalized, turning into a win-lose feud between individuals, all hope of a productive discussion is lost. Several approaches for resolving impasses are directed at defusing volatile emotions.

Separating the Parties The most common approach to de-escalating conflict is to stop meeting. Declare a recess, call a caucus, or agree to adjourn and come back later when there has been a chance to unwind and reflect. The parties should acknowledge explicitly that the purpose of the caucus is to allow tempers to cool so the dialogue will become less emotional. Each party should also agree to return with a renewed effort to make deliberations more productive—either by simply regaining composure or by attempting a new or different way to address the issue that created the anger.

The parties may be separated for a few minutes or hours to several days or weeks. Variations in the time period are related to the level of hostility, as well as to unique situational circumstances. Parties may use the time to check with their constituencies, gather new information, and reassess their position and commitments.

Tension Management Tension is a natural by-product of negotiations. Negotiators should be aware that it is bound to occur, and they should know how to manage it. Some negotiators who are sensitive to increases in tension know how to make a witty remark or crack a joke that causes laughter and releases tension. Others know that it is sometimes important to let the other party ventilate pent-up anger and frustration without responding in kind. Skilled negotiators recognize that allowing the other party the opportunity for a catharsis will often clear the air and may permit negotiations to return to a calmer pace.



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Acknowledging the Other's Feelings: Active Listening When one party states her views and the other openly disagrees, the first negotiator often hears the disagreement as more than just disagreement. She may hear a challenge, a put-down, an assertion that her statement is wrong or not acceptable, an accusation of lying or distorting of the facts, or another form of personal attack. Whether or not this is the message that was intended is beside the point; the negotiator has to deal with the way it was received. Understandably, such misinterpretations escalate conflict. As discussed above, negotiators need to have a good understanding of their own reactions during negotiation (Gray, 2003b). Negotiators who overreact to the other party are likely responding to something inside themselves, and they need to learn to manage this or it will become a liability during the negotiation process.

There is a difference between accurately hearing what the other party said and agreeing with it. One can let the other party know that both the content and emotional strength of his or her message have been heard and understood, but that does not mean that one agrees with it. This technique is called *active listening*, and it is frequently used in interviews and therapy settings as a way of encouraging a person to speak more freely (Rogers, 1961). Communication processes were discussed in more detail in Chapter 6. Rather than challenging and confronting the other negotiator's statements by bolstering one's own statements and position, negotiators can respond with statements that probe for confirmation and elaboration. Comments may include: "You see the facts this way," "You feel very strongly about this point," and "I can see that if you saw things this way, you would feel threatened and upset by what I have said." Again, these statements do not indicate that a negotiator agrees with the other party; rather, they communicate that the other has been accurately heard and understood.

Synchronized De-escalation Charles Osgood (1962), writing about the cold war and disarmament, suggested a unilateral strategy for conflict de-escalation called "graduated and reciprocated initiatives in tension reduction" (GRIT). One party decides on a small concession that both parties could make to signal their good faith and desire to de-escalate. The concession should be large enough to be interpreted as an unambiguous signal of the desire to change the relationship, but not so large that if only one side acts it would be weak or vulnerable. The party should then make a public announcement stating:

1. Exactly what the concession is.
2. That the concession is part of a deliberate attempt to reduce tension.
3. That the other side is explicitly invited to reciprocate in a specified form.
4. That the concession will occur on a stated time schedule.
5. That each party commits to make the concession without knowing whether the other will reciprocate.

The party who initiated the de-escalation then makes the concession. The specific concession should be something that is obvious, unambiguous, and subject to easy verification. For instance, a union may state that in order to start a positive negotiation process they will return to the table next Monday but they expect management to be ready to negotiate in good faith. Making it public and symbolic also helps. If the other party does not respond,

then the initiator follows through with the action and repeats the sequence, selecting a simple, low-risk concession in an effort to attract the other into synchronized de-escalation. If the other does respond, then the initiator proposes a second action, slightly riskier than the first, and once again initiates the sequence. As the synchronized de-escalation takes hold, the parties can both propose larger and riskier concessions that will bring them back into a productive negotiating relationship. In a variation of this approach to de-escalation, a negotiator invites the other party to make a small initial concession, providing a short list of options from which that party may choose. Such a proposal is accompanied by a promise to respond in kind, choosing their concession from a list to be provided by the other party (Ross and Stillinger, 1991).

Improving the Accuracy of Communication

The third step in conflict reduction is to ensure that both parties accurately understand the other's position. (For a broader treatment of communication processes in negotiation, see Chapter 6.) When conflict becomes heated, communication efforts concentrate on managing emotions and directing the next assault at the other. Effective listening decreases. Both parties think they know what the other side is going to say and no longer listen. During impasses listening becomes so poor that the parties are frequently unaware that their positions may have much in common. Rapoport (1964) labeled this the "blindness of involvement" because it inhibits the development of trust and the problem-solving process. Several approaches can be used to rectify this situation (see Box 17.5)

Role Reversal It is often easy to see the logic, rationale, and potential common ground when one is an outsider. Recognizing them when one is personally involved in a conflict, however, is another matter. Role reversal can help negotiators place themselves in the other party's shoes and look at the issue from his or her perspective. For instance, a manager can take the position of an employee, a salesperson that of a customer, a purchasing agent that of a supplier. Negotiators can play out scenarios in their imagination, ask a friend or colleague to assume the other role and act out a dialogue, or, more effectively, include role reversal as part of a unilateral strategy preparation process. Although role reversal will not identify exactly how the other party thinks and feels about the issues, the process can provide useful and surprising insights. (For example, see Box 17.6 on managing offensive comments.)

During negotiations, one side often tries to encourage the other to reverse roles. He may plead, "Look at this from my perspective. What you're suggesting puts me in this position, and how could you expect . . . ?" A variation on this occurs when one party tells the other, "If I were in your shoes, I would . . ." If role reversal gives the negotiator an accurate understanding of the other's perspective and shows that a previous view was wrong, it gives the negotiator a chance to correct specific misperceptions. Accurate communication gives the negotiator a broader, more integrated view of the negotiation. Role reversal also provides the negotiator an opportunity to explore how a planned action may affect the relationship. For instance, a member of management taking labor's role may discover that some of management's arguments or tactics may have an ineffective or undesirable effect, leading management to drop the tactics before they cause problems (Johnson and Dustin, 1970).

Linguist Deborah Tannen argues that Americans live in an argument culture, where the language we use in talking about issues reflects a preference for adversarial relationships. The words we choose to describe our interactions shape our perceptions of the experience. Consequently, when we refer to the

“opponent” in a “debate,” we shape our communication as adversarial and are more likely to escalate the conflict.

Tannen proposed the following naming alternatives to help defuse the argument culture:

Instead of This . . .	Say This . . .
Battle of the sexes	Relations between women and men
Critique	Comment
Fight	Discussion
Both sides	All sides
Debate	Discuss
The other side	Another side
Having an argument	Making an argument
The opposite sex	The other sex
War on drugs	Solving the drug problem
Litigation	Mediation
Provocative	Thought-provoking
Most controversial	Most important
Polarize	Unify
Attack-dog journalism	Watchdog journalism
Automatic opposition	Genuine opposition
Focus on differences	Search for common ground
Win the argument	Understand another point of view
The opposition party	The other party
Prosecutorial reporting	Investigative reporting
The argument culture	The dialogue culture

Source: From Deborah Tannen, “How to Turn Debate into Dialogue,” *USA Weekend*, February 27–March 3, 1998, pp. 4–5.

One purpose of role reversal is to highlight areas of commonality and overlap between positions; however, this cannot be achieved unless such compatibilities actually exist and at least one party moves toward them by suggesting ideas. When no actual compatibility exists, role reversal may simply sharpen the differences between the parties. Although some negotiators find that a lack of compatibility inhibits attempts to resolve the negotiation, others prefer to be aware of it so they can find other means to break the impasse. To negotiate integratively, both parties need accurate knowledge of the other’s goals. If the parties’ goals are completely incompatible, integrative negotiation is impossible, and the sooner that is

When you are on the receiving end of offensive comments in a negotiation setting, your first response may be to offend back, or to stalk off in anger and displeasure. For important negotiations, though, this creates the risk of denying you (as well as the other parties) any mutual gains from the exchange, as well as diverting your attention from the issues that brought you to the table in the first place. Andrea Schneider (1994) suggests that your basic options when faced with offensive comments involve first trying to understand why the offense occurred and then deciding what to do about it. To understand the behavior, she suggests four steps:

- Check your assumptions.
- Check the data on which your assumptions are based.
- Seek and evaluate other data, even (or especially) if those data tend to disconfirm your assumptions.

- Evaluate and adjust your assumptions, as appropriate.

Once your assumptions seem correct and appropriate, then decide whether to handle the behavior by:

- Ignoring it (just act like it never occurred).
- Confronting it (i.e., counterattack: “That’s racist,” or “How juvenile”).
- Deflecting it (i.e., acknowledge it and move on—a sense of humor often helps here).
- Engaging it (talk with the other party about his or her purpose in being offensive, and about your reaction to the offense).

Source: Adapted from A. K. Schneider, “Effective Responses to Offensive Comments,” *Negotiation Journal* 10 (1994), pp. 107–15.

discovered, the better. As we showed in Chapter 2, the existence of a negative settlement range has serious consequences for the distributive bargaining process, and it is best to be identified. Thus, role reversal can be a powerful tool for uncovering the true goals of both parties and determining how the negotiation should proceed.

Imaging Imaging is also a method for gaining insight into the other party’s perspective. In the imaging process, parties in conflict are asked to engage in the following activities separately:

1. Describe how they see themselves.
2. Describe how the other party appears to them.
3. State how they think the other party would describe them.
4. State how they think the other party sees themselves.

The parties then exchange this information, in order. The two sets of statements frequently reveal both similarities and differences. Imaging usually produces animated discussion as the parties clarify and substantiate what they have said or heard. A common result is that the parties recognize that many apparent differences and areas of conflict are not real, and thus they begin to understand those that are real. Alderfer (1977) gives an example of imaging in negotiations between top executives who met to work out an organizational structure for a new firm that resulted from a merger of two organizations. Executives from both sides were deeply concerned that they would be outmaneuvered by the other and would lose their power as a result of the merger. A consultant suggested having an imaging meeting prior to

actual negotiations. This meeting sharply altered the perceptions of both parties, and successful integrative negotiations became possible.

The successful use of role reversal or imaging techniques can accomplish several things. First, they can clarify and correct misconceptions and misinterpretations. In addition, they bring to the surface both parties' interests, goals, and priorities, as well as limitations, which can then be used in the negotiation process. One or both sides often gains an understanding of the other side's true needs. Finally, these processes set a positive tone for the negotiation. Negotiators find they can make their needs and concerns heard and not be interrupted. This reduces defensiveness and encourages people to listen. Most people begin the negotiation process with a rather clear idea of what they need from the other party; in this phase, they learn more about what the other needs from them. Joint problem solving moves from being an unattainable ideal to an achievable process.

Controlling Issues

The fourth step to conflict resolution is to control the number of issues under discussion. As conflict intensifies, the size, number, and complexity of the issues expand. Although small conflicts have issues that can be managed satisfactorily one at a time, large conflicts become unwieldy and less amenable to easy resolution. The challenge for negotiators in impasses, therefore, is to develop strategies to contain issue proliferation and reduce the negotiation to manageable proportions. We discuss several strategies below.

Fractionate the Negotiation *Fractionating* is a method of issue control that involves dividing a large conflict into smaller parts (Fisher, 1964). According to Fisher, fractionating can involve several actions: reducing the number of parties on each side; controlling the number of substantive issues discussed; stating issues in concrete terms rather than as principles; restricting the precedents involved, both procedural and substantive; searching for ways to narrow the big issues; and depersonalizing issues, separating them from the parties advocating them. These approaches work as follows:

1. Reduce the Number of Parties on Each Side When there is an impasse, both parties try to build alliances for strength or to bring their constituencies into the negotiation to have more clout at the table. Additional parties, such as lawyers, experts, or parties with formal authority, are often brought in for the information or the leverage they can provide (12 ways to manage dueling experts are presented in Box. 17.7). The sheer number of parties in the negotiation can increase the complexity of the negotiation substantially (more parties bring more perspectives on the issues, more time is needed to hear each party, therefore more opportunities for disagreement, etc.). One way to manage an impasse that has escalated is to reduce the number of participants. Having fewer negotiators present, or even limiting the discussion to two individuals, will increase the chances of reaching a settlement.

2. Control the Number of Substantive Issues Involved A second way to fractionate a conflict is to keep the number of issues small enough to manage. When conflict builds to impasse, the size and number of issues proliferate. Some negotiations escalate to the

1. Try to convince the other party that your expert is better.
2. Have experts jointly explain why they have different advice.
3. Have each expert answer a list of written questions.
4. Have the experts sign a joint explanation.
5. Jointly choose a third expert to attend the negotiation.
6. Have the third expert write a nonbinding decision.
7. Have the third expert write a binding decision.
8. Create doubt by introducing new or hypothetical facts.
9. Split the difference between the experts.
10. Logroll across experts.
11. Choose randomly between the experts.
12. Refer the decision to a binding third party (arbitrator, judge).

Source: J. H. Wade, "Dueling experts in mediation and negotiation: How to respond when eager expensive entrenched expert egos escalate enmity." *Conflict Resolution Quarterly*, 21, (4), (2004), pp. 419–436.

point where there are too many issues to manage constructively. At the same time, limiting negotiations to very few issues also raises problems. Single-issue negotiations are frequently harder to manage because they quickly lead to win–lose polarization over the issue. In such circumstances, it is often important to expand the number of issues so both sides can see themselves as having gained. The number of issues can be expanded by defining the issue broadly enough so that resolution can benefit both sides or by coupling the issue with another issue so that each party can receive a preferred settlement on at least one issue. (We discussed defining the bargaining mix, bundling and packaging issues, and inventing options in Chapters 2, 3, and 4.)

3. State Issues in Concrete Terms Rather than as Principles Negotiation issues become difficult to control when events or issues are treated as matters of principle. Small conflicts can rapidly become intractable disputes when their resolution is not treated as an isolated event but instead is made consistent with a broader policy or principle. Negotiators may view any deviation from policy as a threat to that policy. Because it is far more difficult to change broad policy than to make a concession on a single issue, negotiations become challenging quickly. For example, an employee needs to take her child to the doctor during her work hours and requests an excused absence from the company. The company does not have a policy that permits employees to take time off for this reason, and the employee's supervisor tells her she has to take sick leave or vacation time instead. "It's a matter of principle," the manager asserts. Resorting to arguments of principle and policy is often a tactic used by high-power parties against any change from the status quo; the longer the discussion remains at the level of policy or principle, however, the less likely it is that it will become specific enough to be successfully resolved.

There are times, of course, when a single event is indicative of a new principle or policy. When this is the case negotiations should specifically address the policy or principle. Frequently people are reluctant to address principles because they know negotiations over principles are difficult and lengthy. Attempting to negotiate a concrete issue when the negotiation really should address the broader principle, however, may result only in frustration

and a sense of futility. If this occurs, it is wise to face the underlying issue and raise it directly. There are at least two tactics that can be used:

- Question whether the issue needs to be addressed at the principle or policy level. Inquire about the link between the specific issue and the broader principle or policy. If none exists, and one party wants to look at the matter from a principle or policy level, suggest that the immediate concrete issue be handled and discussed separately from the underlying principle or policy.
- Identify that exceptions can be made to all policies and that principles and policies can be maintained even if exceptions are made under special circumstances. The parties may be willing to agree that this specific case might be one of those times.

4. Restrict the Precedents Involved, Both Procedural and Substantive Another opportunity to fractionate the negotiation occurs when the parties treat concessions on a single issue as creating a substantive or procedural precedent. When a substantive precedent is at stake, the party may feel that to concede on the issue at this time will render him or her vulnerable to conceding on the same issue, or a similar issue, in the future. To return to our previous example, the manager may argue that if she grants the employee an excused absence in this case, when no policy exists, then she will be obligated to grant permission to every other employee making the same request. Belief in the power of substantive precedents is strong, but it may be possible to restrict the negotiation so that it has no precedent value and the agreement applies only to the current situation. Ideally, some aspect of the current situation is unique so that the fractionation may occur. Procedural precedents are at stake when parties agree to follow a process they haven't followed before. In the employment example, the manager may not want to give the employee the excused absence because the employee did not submit any proof that she was, in fact, taking a child to the doctor. So they could agree that the employee will return with some evidence that the doctor's visit was made.

Issues of precedent can be as difficult to manage as issues of principle. Negotiators trying to move conflict toward de-escalation and resolution should try to prevent single issues from being translated into major questions of precedent. Focusing the dialogue on the key issue and persisting in arguments that concessions on this issue at this time do not have to set any precedents—substantive or procedural—is a way to undermine the power of precedent and to return the negotiation to a course leading toward agreement.

5. Search for Ways to Divide the Big Issues Negotiators should try to find ways to slice a large issue into smaller pieces, known as using *salami tactics* (Fisher, 1964). Issues that can be expressed in quantitative measurable units are easy to slice. For example, compensation demands can be divided into cents-per-hour increments, or lease rates can be quoted as dollars per square foot. When working to fractionate issues of principle or precedent, parties may use the time horizon (when the principle goes into effect or how long it will last) as a way to fractionate the issue. It may be easier to reach an agreement when settlement terms don't have to be implemented until months in the future. Another approach is to vary the number of ways that the principle may be applied. For example, a company may devise a family emergency leave plan that allows employees the opportunity to be away

from the company for a period of no longer than three hours, and no more than once a month, for illness in the employee's immediate family.

6. Depersonalize Issues: Separate Them from the Parties Advocating Them Positional bargaining can create conflict over the issues and enhance tension in the relationship between negotiators. People become identified with positions on issues, and vice versa. Effective negotiation requires separating the issues from the parties, not only by working to establish a productive relationship between the parties, but also by trying to resolve the issues in a fair and impartial way independent of the relationship between the parties with conflicting views. Fisher, Ury, and Patton (1991) elaborate on this point, suggesting that effective integrative negotiation is tough on the negotiating problem but soft on the people. We expect this to be even more important when negotiations are at impasse.

Establishing Common Ground

Parties in escalated conflict tend to magnify perceived differences and to minimize perceived similarities (Pruitt and Rubin, 1986). The parties see themselves as further apart and having less in common than may actually be the case. A fifth step that parties can take to de-escalate conflict is to establish common ground and focus on common objectives. Several approaches are possible: establishing superordinate goals, aligning against common enemies, establishing common expectations, managing time constraints and deadlines, reframing the other party's view, building trust, searching for semantic solutions, and using analytical reasoning. As we discussed in Chapter 3, these approaches might also be viewed as efforts to reframe the conflict away from a focus on differences and toward a focus on common areas. In general, as the conflict de-escalates it becomes possible to move to an approach that accommodates a mix of distributive and integrative strategies, and to reduce the use of purely distributive approaches.

Superordinate Goals Superordinate goals are common goals; both parties desire them, and both parties must cooperate to achieve them (see Box 17.8). In a corporation, for example, people perform different jobs that have different objectives (e.g., marketing, manufacturing, distribution), yet they must work together or the business will not survive. A local city council may disagree with community members about the ways to spend limited funds for community development; however, the two sides may be able to agree if they write a joint grant proposal that will provide enough money to meet the majority of their objectives. Two entrepreneurs may be in a heated conflict over how to resolve a design problem in a new product, but if they share the common objective of resolving the problem in time to present their case to a group of venture capitalists who could fund the enterprise, they may improve their chances of finding a solution.

To have a constructive impact on negotiations, superordinate goals must be wanted by both parties and must not be seen as benefiting one more than the other. Johnson and Lewicki (1969) showed that when one party introduced superordinate goals that were closely related to the issues of conflict that party often became caught up in the conflict dynamics and lost their effectiveness. Random events or events created by neutral third parties generate better superordinate goals than those sought or planned by the parties involved. For example, disasters such as floods, storms, blackouts, and fires—witness the

Trying to Please Everyone: The Use of a Superordinate Goal

Disputes over the use of water are common among environmentalists, water recreation enthusiasts, and industry. Early in 1996, the Deerfield River Hydroelectric Project in Vermont was simply another battle site in this longstanding, multiparty war. More recently, however, creative negotiation has transformed the heated discussions over the Deerfield project into cooperative ventures that have benefited most of the parties involved.

Each of the stakeholders in this dispute brought different priorities to the negotiation table. The rafting and canoeing companies wanted the power company to agree to a regular schedule of water release into the Deerfield River so they could coordinate recreation activities with their clients. Fishing enthusiasts felt that the flow into the river should be continuous and steady so that regular cycles of fish breeding and migration would be undisturbed. Local environmental groups wanted the power company to set aside land for conservation to offset damage that might be caused by the water release. Finally, local towns worried that the use of land for conservation would reduce their property tax revenue. Ultimately, it was a lose-lose situation for

the power company: There was no activity they could envision that would satisfy all constituents.

The typical strategy for the power company would have been to divide and conquer, asking that the federal government or court agree to the proposed release schedule as originally presented simply because the other parties could not agree. But they noted the potential for long, costly court battles and appeals, coupled with the risk that the final settlement may not be to their liking, and opted instead to renew negotiation efforts.

Ultimately, the company agreed to spend \$7 million to protect both fish and land, while agreeing to coordinate release of white water with local recreation companies. Local towns are thrilled with the increase in sales tax revenue that accompanies an increase in recreational activity. More important, the lines of communication in Vermont remain open. The stakeholders in this dispute realized that they shared a common goal: protection of the Deerfield River.

Source: N. Ulman, "Unlikely Allies: Pact for River's Use Unites Conservationists and a Power Company," *The Wall Street Journal*, May 20, 1996, pp. A6, A9.

impact of the World Trade Center and Pentagon attacks of September 11, 2001—bring people and communities together with a common purpose of survival; the same impact can be seen in negotiations.

Common Enemies A common enemy is a negative type of superordinate goal. The parties find new motivation to resolve their differences to avoid intervention by a third party, or to pool resources to defeat a common enemy. Political leaders of all persuasions invoke outside enemies, such as the other political party, to bring their own constituencies together. Managers who are in conflict learn that if they don't resolve their differences themselves, their boss will make the decision for them. Labor and management may behave more collaboratively when threatened with binding arbitration, declining market share, foreign competition, or government intervention. Common enemies have the capacity to establish common ground between parties, who can then work to resolve impasses.

Common Expectations We noted earlier in this chapter that parties can manage the social context by devising ground rules to govern their conflict. When ground rules are poorly chosen and mismanaged, however, they become part of the conflict rather than a process for effectively managing it. For example, ground rules are often introduced in a directive manner;

they are formal, limiting, and prohibitive, trying to prevent people from doing the wrong things rather than encouraging people to do the right things. They are also not consistently applied, deviations are handled arbitrarily, and there is no agreed-upon procedure for revising them.

A more effective process is to move from ground rules to what Dukes, Piscoish, and Stephens call “higher ground” by creating common and shared expectations. The act of doing this—a process for how the parties will move forward—is called “creating a group covenant” (Dukes, Piscoish, and Stephens, 2000). A group covenant addresses differences, clarifies expectations, and establishes ground rules to move the group forward. There are six key elements to this process:

1. Establish the need for creating shared expectations.
2. Educate and inspire people to create a new covenant that all will agree to follow.
3. Envision desired outcomes for the future, and then develop common ground rules that will enable the group to reach them.
4. Promote full participation by giving everyone a voice in the process.
5. Be accountable by honoring the agreements contained in the new covenant.
6. Evaluate, modify, revise, and recommit to these new principles as necessary (Dukes, Piscoish, and Stephens, 2000, p. 83).

Manage Time Constraints and Deadlines While time can be a source of power and leverage in many negotiations (see Chapter 7), it can also be an impediment. Gersick (1988, 1989) suggests that time and timing are critical aspects of effective group process. Not only should parties try to agree to a time schedule for moving discussions along, but they should also realize that under the time pressure of an approaching deadline, any substantive issues that remain unresolved may surface, changing one or both parties to a more competitive, less collaborative frame of mind. In addition, while people may feel that they become more creative as deadlines approach, research evidence suggests that in fact the opposite occurs (Amabile, Haelley, and Kramer, 2002). Research shows that negotiators reach better agreements when they have more time to negotiate (de Dreu, 2003). The remedies for managing time constraints and deadlines to de-escalate impasses are straightforward:

- Conduct thorough and open problem diagnosis and issue identification to clarify the motives of both parties.
- Address and identify the clearly distributive issues early enough so they are not a surprise as the deadline approaches.
- Be generous in estimating the time necessary to conclude the negotiation, allowing extra time to manage difficult or linked issues.
- Recognize tentative deadlines for what they are, consider benchmarking progress against the time allotted, and let both sides reconsider tentative settlements before closing the discussion.
- Consider the possibility of extending a deadline set early in the negotiation. If the deadline is not movable, pay additional attention to timing, pacing, and especially benchmarking progress.

Reframe the Parties' View of Each Other In Chapter 4, we discussed the power of frames to shape the way the parties view each other, the issues, and the conflict management process. Lewicki, Gray, and Elliott (2003) provided detailed examples of how frames shape and misshape the ways parties perceive difficult-to-resolve environmental disputes and the processes available for their resolution. In an examination of several ways that disputes can be reframed, Lewicki and colleagues suggest that parties must be able to gain perspective on the dispute. This perspective-taking requires standing back from the negotiation, observing it, and reflecting on it in a way that allows parties to recognize that there is more than one way to view the other party, the issues, and the process of resolving it (see Schön and Rein, 1994). Many of the processes we describe in this chapter presume that the parties are able to engage in this perspective-taking on their own. If they are unable, however, then these suggestions will be difficult to employ, and the help of a third party may be required (see Chapter 19).

Build Trust Strong, constructive bargaining relationships are typically marked by conditions of high trust (characterized by hope, faith, confidence, assurance, and initiative) and low distrust (characterized by the absence of fear, skepticism, and cynicism), and are accompanied by low vigilance and low monitoring behaviors between the parties (Lewicki, McAllister, and Bies, 1998; Lewicki and Stevenson, 1998). Healthy interdependence,



“Is every contract dispute settled by a dance-off?”

characterized by strong trust and either low distrust or the effective management of any distrust that exists will support the pursuit of mutually beneficial opportunities. The collaborative ideal of high trust/low distrust refers to each party's expectation that the other will cooperate, be predictable, and be committed to solving the problem (Ross and LaCroix, 1996). Such attitudes and behaviors are critically important to moving parties to create value in negotiations and to move beyond impasses. The trust produced by successful collaboration—based on enhanced knowledge of the other party and his or her needs—reinforces itself through multiple iterations of bargaining situations (e.g., Lewicki and Stevenson, 1998; Shapiro, Sheppard, and Cheraskin, 1992). Trust was discussed more extensively in Chapter 9.

Search for Semantic Resolutions Negotiations where the parties are negotiating over specific words and ideas—deciding on contract language, setting policy, or establishing memoranda of agreement—can lead to an impasse over key words, phrases, and expressions. Sometimes these discussions can be reduced to irrelevant linguistic hairsplitting, yet to the parties involved the wording is significant in both meaning and intent. Discovering how parties attach different meanings to some words, and exploring language that can accommodate both sides, is another approach to moving beyond impasse.

Use Analogical Reasoning Spector (1995) suggested applying creative decision-making approaches to negotiation, especially in difficult or intractable cases.⁵ Going beyond basic creativity heuristics such as brainstorming, role-playing, and role reversal, Spector proposes that the metaphorical process of analogical reasoning (the illustrative use of analogies) provides considerable power to reframe intractable conflict. *Analogical reasoning* is defined as the inferential process by which a resemblance, similarity, or correspondence, perceived between two or more things in some respect, suggests that they will probably agree in other ways as well.⁶ When using analogies, the problem is restated in terms of something very familiar. By comparison and through different lenses, new ideas and options may be generated (Spector, 1995, p. 87).

This might be a particularly fruitful remedy for impasse problems since “the way a dispute is framed can constrain the options for resolution” (p. 82). Several kinds of analogies may prove useful:

- *Direct analogies*, in which the problem is placed or examined in a totally different field of information (e.g., “This conflict is like a can of worms”).
- *Fantasy analogies*, in which the problem is restated in terms of a party's fantasized or wished-for state (e.g., “I wish I could sweep this thing away like a pile of dust”).
- *Personal analogies*, in which a party puts herself in the problem situation, attempting to identify with it or empathize with those in the situation (“You must feel like a large picture in a small frame”).
- *Symbolic analogies*, in which a different, often graphic image is conjured up to focus attention and provide a starting point for more open discussion (“This conflict reminds me of trying to land an airplane whose landing gear won't go down”) (p. 88).

The desired outcome—fresh ideas and new perspectives—becomes possible when parties use the analogy to develop a new or amended cognitive orientation to the problem.

Enhancing the Desirability of Options to the Other Party

The sixth step parties can use to de-escalate a conflict is to make their desires and preferences appear more palatable to the other. As conflict escalates, the parties may lock into a rigid position on an issue. Moreover, as this position is interpreted and reinterpreted over time, negotiators try to remain consistent with the original position. If the other party does not comply with a negotiator's position, the negotiator's tendency is to escalate tactics or increase the magnitude of threats for noncompliance. These actions make impasse more likely.

Roger Fisher (1969) suggests that most influence situations can be characterized by a demand (what you want) and offers and threats (the consequences of meeting or not meeting the demand). Fisher suggests that negotiators tend to emphasize demands and threats, and this emphasis is greatly misplaced and self-destructive. Rather, negotiators should direct their efforts to the following question: how can we get the other party to make a choice that is best for us, given that our interests diverge? This approach is largely a matter of focusing on the other's interests rather than one's own. One powerful way to do this is to focus on *why* the other party wants what they want (Malhotra and Bazerman, 2007). Understanding why the other party takes positions and holds interests allows negotiators to create new options that may get an impasse back on track. Like role reversal, it requires negotiators to focus less on their own position and more on clearly understanding and addressing the other party's needs. Moreover, once those needs are understood, negotiators should move toward the other party, instead of trying to get the other party to come to them. This can be done in most cases by making offers rather than demands and threats. Fisher suggests several alternative strategies, which are discussed below.

Give the Other Party a “Yesable” Proposal A negotiator should direct effort to understanding the other side's needs and devising a proposal that will meet those needs rather than emphasizing one's own position and letting the other party suggest alternatives that can be approved or overruled. Fisher calls this a “yesable” proposal, one to which the only answer can be “Yes, it is acceptable.” To succeed, however, this approach requires negotiators to consider what the other party wants or would agree with, rather than exclusively considering their own goals and needs.

Ask for a Different Decision Rather than making demands more general, negotiators should endeavor to make demands more specific. Negotiators must determine what specific elements of their demands are most palatable or offensive to the other party, then use this information to refine the demand. “Ask for a different decision,” asserts Fisher (1969). Reformulate, repackage, reorganize, or rephrase. Fractionate, split, divide, or make more specific. Making demands more specific is not making them more rigid; rather, specific demands can be reformulated to meet the other's needs. Fisher, Ury, and Patton (1991) recommend that successful negotiators be skilled at inventing options for mutual gain (see Chapter 3). Inventing and refining ways in which both parties can succeed, and providing a variety of these options to the other party, greatly enhances the likelihood that both parties can select a desirable option.

Sweeten the Offer Rather than Intensifying the Threat Negotiators can also make options more palatable by enhancing the attractiveness of accepting them. Again, this is a matter of placing emphasis on the positive rather than the negative. In the language of

traditional carrot-and-stick tactics for motivating workers, the approach should make the carrot more attractive rather than enlarging the stick. Promises and offers can be made more attractive in several ways: maximizing the attractive qualities and minimizing the negative ones, showing how the offer meets the other party's needs, reducing the disadvantages of accepting the offer, making offers more credible (i.e., you will do what you promise to do), or setting deadlines on offers so they expire if not accepted quickly. Many would argue that these are common sales tricks akin to time-limited rebates, discount coupons, two-for-the-price-of-one offers, "today only" sales, and extra-added-attraction elements. They are! Negotiators can and should use the same techniques that salespeople use to move their products. Some of these techniques were described more fully in Chapter 8 under the topic of influence.

Use Legitimacy or Objective Criteria to Evaluate Solutions Finally, negotiators may insist that alternative solutions be evaluated by objective criteria that meet the tests of fairness and legitimacy. Negotiators on all sides should be able to demonstrate that their demands are based on sound facts, calculations, and information and that preferred solutions are consistent with those facts and information. This procedure will frequently require disclosing and sharing those facts, rather than disguising and distorting them. "Here's how we arrived at our proposal. Here are the facts we used, the cost data we used in our estimates, the calculations we made. You can verify these by the following procedures." The more these data are open to public verification and demonstrated to be within the bounds of fairness and legitimacy, the more convincing it will be that the position is independent of the negotiator who advocates it, and the more persuasive the position will be in achieving a settlement.

Section Summary

In this section, we reviewed six major strategies that negotiators can use to get derailed negotiations back on track and return to a more productive flow of events: agreeing on the ground rules, reducing tension, improving communication, controlling issues, finding common ground, and making options more attractive for joint resolution. Taken together, these strategies create a large portfolio of alternatives that negotiators can pursue to manage derailed discussions, enhance deteriorating communications, and find ways to invent acceptable solutions. These techniques are ways that parties can work together to overcome intractability and improve the odds that successful resolution can occur.

Chapter Summary

Through several different avenues—breakdowns in communication, escalation of anger and mistrust, polarization of positions and refusal to compromise, issuing ultimatums, or even avoiding conflict—negotiations can hit an impasse. Productive dialogue stops. The parties may continue talking, but the communication is usually characterized by trying to sell or force one's own position, talking about the other's unreasonable position and un-

cooperative behavior, or both. When these breakdowns occur, the parties may simply agree to recess, cool off, and come back tomorrow. More commonly, however, the parties break off negotiation and walk away angry and upset. Although they may privately wish there was some way to get back together, they usually don't know how to start the reconciliation.

This chapter explored various reasons that conflicts become difficult to resolve and likely to reach impasse. We discussed the fundamental nature of difficult-to-resolve conflicts and discussed four dimensions that make them difficult to resolve: the characteristics of the issues, the parties, the negotiation environment, and the negotiation setting. We then examined several common mistakes that negotiators make that result in derailed negotiations and impasses. Finally, we suggested six strategies that the parties could use to attempt to resolve a dispute on their own:

- Reach agreement on the ground rules of the negotiation.
- Reduce tension by separating themselves from one another through cooling-off periods, releasing tension, talking about emotions and feelings, or attempting to synchronize de-escalation of the conflict.
- Improve the accuracy of communication by role reversal or mirroring the other's statements.
- Keep the number of issues under control so that issues are managed effectively, new issues are not carelessly added, and large issues are divided into smaller ones.
- Search for common ground through exploring superordinate goals, identifying common enemies, using effective time management, developing common expectations through a covenant, building trust, searching for semantic solutions, and using analogical reasoning.
- Enhance the desirability of the options and alternatives for both parties by providing "yesable" proposals, asking for different decisions, sweetening offers, and using objective criteria to evaluate solutions.

The tools we discussed are broad in function and in application, and they represent self-help for negotiators in dealing with stalled or problematic exchanges. None of these methods and remedies is a panacea, and each should be chosen and applied with sensitivity to the needs and limitations of the situations and of the negotiators involved. Their successful application requires a significant amount of interpersonal communication skill. A truly confrontational breakdown, especially one that involves agreements of great impact or importance, sometimes justifies the introduction of individuals or agencies who themselves are not party to the dispute. Third-party interventions are discussed in detail in Chapter 19.

Endnotes

¹ Characteristics of the conflict resolution process are discussed in more detail in Adler, Rosen, and Silverstein (1998); Blake and Mouton (1961a, 1961b, 1961c); Corwin (1969); Harvey (1953); and Keltner and Robinson (1993).

² Environmental negotiations are discussed in detail in Sauer, Dvorak, Lisa, and Fiala (2003) and Wade-Benzoni, Hoffman, et al. (2002).

³ See Gray (2003a); Hogg, Terry, and White (1995); and Smyth (1994).

⁴ For more detailed discussion, see Deutsch (1973); Deutsch and Coleman (2000); Pruitt and Rubin (1986); Susskind, McKernan, and Thomas-Larmer (1999); and Walton (1987).

⁵ For a discussion of creative thinking see De Bono (1990), Sternberg (1988), Von Oech (1992), and Whiting (1958).

⁶ Analogical reasoning and other aspects of negotiation have been examined by Loewenstein, Thompson, and Gentner (1999); and Loewenstein, Thompson, and Gentner (2002).