

A Practical Process for Reciprocal Negotiation

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*We ought always to deal justly, not only with those who are just to us,
but likewise to those who endeavor to injure us;
and this, for fear lest by rendering them evil for evil,
we should fall into the same vice.*

Hierocles

Reciprocal negotiation is a practical process that allows each party to recognize more deeply their role in the situation, the needs of the other party and their mutual obligations. Reciprocal negotiation is based on empathy, options and reciprocity. It is a process that allows parties to explore their future in a more complete way and identify areas of agreement and areas of concern in a more focused approach. This process also allows for both a problem solving and transformative approach.

Empathy is our connection to each other, both in our perceptions and feelings. It is how well we understand the other's point of view and our emotional attachment. Empathy, as well as all personal interaction, involves an exchange. Economic exchanges are real time transactions where each party gives one another something concurrently. Social exchanges are transactions that build social capital through goodwill, with the hope of having it returned in a future transaction. Social exchange is one form of empathy and most of ethics is based on this exchange theory. Social exchange is the intermediate case between pure calculation of advantage (economic with an immediate return) and pure expression of love (spiritual with no return required). Trust is the temporal aspect of social exchange, where a current transaction becomes a future obligation. Trust is built through risk, where the other offers Resolutions involve both economic and social exchanges.

The concept of reciprocity and an fair exchange is as old as the Golden Rule, which is a part of all faith and secular traditions.

I was working through a negotiation with a young married couple, and the complexity of the issues along with the deep feelings was slowing our progress. When we were appearing to come to a standstill, out of frustration, I stopped the exchange and asked the parties to take a few minutes and write down their thoughts. I specifically asked them each to write down what they were willing

to do to help resolve the issue and then to write down what they would like the other party to consider doing. We took about 15 minutes of silent reflection with this written exercise.

When they came back, they were much more focused. Emotional intelligence tells us that it takes 15 to 30 minutes for the chemicals in our body to deplete after a very emotional situation. This calming down has the added affect of allowing us to see the situation more clearly and come up with a wider variety of possible solutions. The best solutions come when there are the most options available.

I then put a quadrant up on a flip chart, with the two parties on the left side and with two columns headed "what are you willing to do" and "what would you like to ask the other party to consider doing." Ken Cloke refers to these as promises and requests. I phrased it this way, because we can only truly control what we do. We cannot control the actions of another party, we can only make humble and sincere requests.

	<u>Willing to do</u>	<u>Ask other to consider</u>
<u>He</u>	1. Take out garbage 2. Walk dog 3. Fold clothes	1. Make dinner 2. Wash dishes 3. Do laundry
<u>She</u>	1. Go out to eat 2. Do laundry 3. Wash dishes	1. Take out garbage 2. Fold clothes 3. Be home on time

When we sat down together again I asked each party to share one thing at a time as we circled around the quadrant on the flip chart. We began in the upper left quadrant by asking the man, what is one thing he's willing to do in this situation. He said he was willing to take out the garbage. We then moved to ask the woman what's one thing she's willing to do, she's willing to go out to eat. Then moving over to the right and going in a counterclockwise motion, what would she like to ask him to consider doing. She wanted to ask him to take out the garbage. And then moving to the upper right quadrant he wanted to ask her to make dinner.

The second iteration, or circle route around the quadrant, began in the lower left quadrant, and she said she was willing to do laundry, but that as we move across she wanted to ask him to fold

clothes. In the upper right corner he wanted to ask her to wash the dishes, and in the upper left quadrant he said he was willing to walk the dog.

In the third iteration, beginning with the lower right column, she wanted to ask him to be home on time. In the upper right corner, he wanted to ask her to do laundry. In the upper left corner he said he was willing to fold the clothes. And finally in the lower left quadrant, she was willing to wash the dishes.

We continued circling the quadrant for five or six cycles and what happens as you do this is you start to notice matches. You look at the cross matches on what is a party willing to do versus what the other party is asking them to do and you start to notice where options line up. For example, he wanted to ask her to wash the dishes and she said she was willing to wash the dishes. She was asking him to take out the garbage and he was willing to take out the garbage. He was willing to fold the clothes and she had asked him to fold the clothes.

However, you also notice fairly clearly the points for discussion. She is interested in going out to eat and he wants to ask her to make dinner. So after we have all of these points of agreement, we can focus more closely on the areas where there may be different perspectives.

What you end up with is very clear points of agreement and very clear points for discussion. I tell the parties that they are free to share any of the items they have written down at any point in our discussion. And if new ideas occur during our discussion, they are free to mention those during their turn. What we end up with is a flip chart where the parties have had a chance to recognize the needs and concerns of each other and can address those through the actions they are willing to take and the requests they would like to make.

In this case, we didn't end up with a written resolution, but the parties took the flip chart home and I heard later that they posted it on the refrigerator as a reminder of their commitment. And so the flip chart itself became the agreement and a reminder of their discussion of what each was willing to do and what each one of the other to do.

There are several other notable times when I've used this process. One memorable occasion was with husbands and wives who had lived next door to each other for a number of years. They were having problems with a barking dog and I think we all understand that there won't be peace in the world until we can teach dogs to only bark at appropriate times.

These neighbors were literally yelling at one another in mediation, which was fairly unusual. In most mediations I'm used to the parties are fairly well behaved once they agree to sit down in

the mediation room. If anything, they start out being a little too reserved and quiet. These parties came in and were accosting one another verbally and I just had put an end to it. What I asked them to do was to separate into two different rooms and to sit down with their spouse and talk about what they would like to get out of the situation. I asked them what are they were willing to do to help resolve it and what they would like to ask the other party to consider doing. After 15 minutes I invited them back in the room together.

During the time apart they had a meaningful conversation with their spouse, and they were much more prepared to proceed. The first thing the one neighbor was willing to do was to apologize and would like to do so now. That changed the entire discussion obviously, but in a model like this it gave them the ability to do that and take responsibility for their own their own actions. They proceeded to apologize for all of the actions of the gone on and to sincerely say they wanted to work together to improve the situation. At that point, I'm sure both parties took a closer look at the list they had generated and very selectively went through and brought up the remaining issues. They were able to resolve the situation through recognition and empowerment.

I've also use this process between surgeons in a hospital. The one thing doctors are trained to believe is that they are the smartest person in the room. And when you get two in a room together, you have two of the smartest people in the room alone with the mediator. There was an issue over salary schedules and we able to identify the points of agreement and the points for discussion. This helps focus the discussion in areas where the most help is needed. The model works best with parties that have complex issues and an ongoing relationship.

Finally, in one negotiation a woman confided to me that she recognized that she was asking the other party to do 10 things and she hadn't written anything on her side of the sheet. This helped her see more clearly that she had obligations in helping to resolve the issue.

I have also used this model with groups and when I do so I use a two sided sheet. On one side I write "What I am willing to do" and the other side "What I would like to ask the group to do." We then fill in the sheet using only those two sides. Only the things are individuals are willing to do will be accomplished, but this helps identify what the group wants and what individuals are willing to do.

Group model with two sides

I am willing to do

I would like the group to consider doing

So in whatever process you use, when the parties have had a chance to listen to one another and the issues have been identified, ask them to take 15 minutes and in silent reflection write down what each is willing to do to resolve this issue and what each would like to ask the other party to consider doing.

I have been teaching this model in negotiation training and it is very easy for people to pick up the technique. I would encourage anyone to try it and I would appreciate feedback of any kind.

In *Social Intelligence*, Goleman reports research that has found through brain scans that an action by one person causes the same areas of the brain in the observing person to activate. Observation alone can build rapport through brain response. Reciprocity is our oldest practice as a society. Without some form of cooperation mankind would never have advanced. Like most evolutionary processes, it was built from necessity.

The Golden Rule is both an economic and social exchange model, with no requirement of an underlying belief system. By itself it serves a purpose for interpersonal relationships. All religions have a form of the Golden Rule and are based on an exchange between two or more parties. They require at least a cooperative exchange for the parties. Competition is a form of exchange when one party takes more than they give. Cooperation is when both parties give the same. Collaboration is when both parties give more than is required.

Practical Application

The book *Emotional Intelligence*, Goleman tells us that emotional entrainment is the heart of influence, that we influence others through our feelings. When our moods align we build rapport and our physical attunement is one way for our moods to align. So literally mirroring another's actions will help build rapport.

These Golden Rules refer to a cooperative exchange and are based on the perception of the giver. Golden Rules improved society because they took away an unequal distribution of justice. An eye for eye was an improvement for society because before that it was a life for an eye. Blessed are those that recognize their own needs and the needs of the other, and place the others needs ahead of their own.

When you use beliefs and principles, along with the Golden Rule, you have a guide for ethical decisions In social exchange, when trust is high, styles that empower the other can be used. These include problem solving, flexible compromising, firm compromising, conceding and yielding. When trust is low, styles that protect the individual's own power are safer - for example, forcing, contending, protecting, smoothing, and withdrawing (Folger, Poole, & Stutman, 1997). It becomes clear that the level of trust and power together determine the degree to which the parties can engage in social exchange and cooperative problem solving.

In the view of Deutsch (1958), mutual trust exists when the parties have complementary social trust with regard to each other's behavior. Mutual trust occurs when people

are positively oriented to each other's welfare. Mutual trust can occur even under circumstances in which the people involved are clearly unconcerned with each other's welfare (Deutsch, 1973). This demonstrates the reciprocal nature of relational trust. However, we end up judging another party by their actions and judging ourselves by our intentions.

Blau (1964) developed the concept of social exchange as a way to explain personal interaction. Social exchange is distinguished from strictly economic exchange by the unspecified obligations incurred in it and the trust both required for and promoted by it (Baxter, 1995). There are two conditions required for social exchange; first of all it must be oriented toward ends that can only be achieved through interaction with other person(s) and, secondly, it must seek to adapt means to further the achievement of those ends.

The rate of exchange for social exchange is the temporal aspect of reciprocity (Parker, 1991), in other words how soon the obligation is honored.

The Golden Rule, the teaching that we should treat others as we ourselves would wish to be treated, is an ethic variously repeated in all the great religions:

Buddhism: *"Hurt not others in ways that you yourself would find hurtful." Udana-Varqa, 5:18.*

Zoroastrianism: *"That nature only is good when it shall not do unto another whatever is not good for its own self." Dadistan-i Dinik, 94:5.*

Judaism: *"What is hateful to you, do not to your fellow men. That is the entire Law, all the rest is commentary." The Talmud, Shabbat, 31a.*

Hinduism: *"This is the sum of all true righteousness: deal with others as thou wouldst thyself be dealt by. Do nothing to thy neighbour which thou wouldst not have him do to thee after." The Mahabharata.*

Christianity: *"As ye would that men should do to you, do ye also to them likewise." Luke 6:31.*

Islam: *"No one of you is a believer until he desires for his brother that which he desires for himself." Sunnah.*

Taoism: *The good man "ought to pity the malignant tendencies of others; to regard their gains as if they were his own, and their losses in the same way." The Thai-Shang.*

Confucianism: *"Surely it is the maxim of loving-kindness: Do not unto others that you would not have them do unto you." Analects, XV, 23*

***Bahá'í Faith:** "He should not wish for others that which he doth not wish for himself, nor promise that which he doth not fulfill." Gleanings.*

"Blessed is he who preferreth his brother before himself."

(Tablets of Baha'u'llah, p. 71)

Golden Rule Problem Solving

Empathy is honestly being willing to consider the other party's point of view, their facts and feelings. Begin the process by allowing One way of handling this in a difficult situation with two people is to have them write down what they are willing to do and what they would ask the other party to do. This is Golden Rule negotiation; do unto others as you would have them do unto you. This process allows each to consider both themselves and the other person in a mode of silent reflection.

After silent reflection, create a simple quadrant on a flip chart, with the two parties names on the sides and "What I'm willing to do" and "What I would ask the other party to do" along the top. Ask each to share one thing at a time as you circle around the flip chart. This is usually a fairly safe way to start as parties will disclose the simplest options first. As this progresses, parties become empowered to share deeper and more meaningful solutions. I have used this with business partners and married couples. This process always results in a resolution; however it may not always go as far as it might need to go. The keys to success are looking for solutions where one party is willing to do more than they are asking the other party to do. This will engender empathy and lead to collaborative solutions.

Each party should quietly reflect and write down what they are willing to do and what they would like to ask the other party to do. After coming back together they should offer one thought at a time while going around the quadrant.

Reciprocal negotiation works best when there is a long term relationship with meaningful issues.

This could be in marriage, business,

Example for married couple

After 5 or 6 cycles, start to look for matches. For example, #1 matches where she would like him to take out garbage.

Reciprocal Negotiation

Empathy

Social Intelligence

Transformative Mediation

Options

Principled negotiation

Getting to Yes

Reciprocity

Social Exchange

Golden rule

Examples

Trust, power, communication and social exchange, and group process are considered together in the proposed investigation and provide the theoretical foundation for the case study.

Definition of Terms

Several terms and designations are unique to the proposed study. The following are defined to convey the meaning that is given to them in the dissertation and are defined as follows:

Trust: This term refers to the firm reliance on the integrity, ability, or character of a person or thing. Trust varies between the rational and the emotional. Shaw (1997) says that trust is based in part on faith. It has been suggested that trust can be divided into four basic categories: (a) as an individual attribute, (b) as a behavior, (c) as a situational feature, and (d) as an institutional arrangement. Hosmer (1995) posits that individual expectations, interpersonal relations, economic exchanges, social structures, and ethical principles represent the major approaches to trust. However, Lewicki and Bunker (1995a, 1995b) contend that could be

grouped into three primary categories, each associated with a particular disciplinary perspective: (a) personality theorists' view of trust as an individual difference, (b) sociologists' and economists' notion of trust as an institutional phenomenon, and (c) social psychologists' conceptualization of trust as an expectation of another party in a transaction. All three views direct the proposed study. Also, for the purposes of analysis, this term is operationally defined by items included in the Trust Building Questionnaire.

Social Exchange: It is important to explain that the basis of all trust is the presentation of the individual self as a social identity which builds itself up through interaction and corresponds to its environment. Trust is the basis for social order, founded in social identity and grown through social exchange. Social organizations, the broader set of relationships and processes of which organizations are a part, require high level of social exchange to remain viable. Social exchange takes place at the interpersonal, intergroup, and inter-division levels (Konovsky & Pugh, 1994).

According to an early study by Blau (1964), two conditions lead to social exchange: (a) an orientation toward ends that can only be achieved through interaction with other persons; and (b) a need to seek to adapt means to further the achievement of those ends. The process is distinguished from strictly economic exchange by the unspecified obligations incurred in it and the trust both required for and promoted by it. Social exchange requires trusting others to discharge their obligations (Blau, 1964).

PersonalSocietalEconomic