

# Editors' Introduction

## Multiparty Negotiation: An Emerging Field of Study and New Specialization

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Publication of this four-volume set marks an initial effort to identify how and why multiparty negotiation should be treated as a distinct field of study. Negotiation specialists in law, international relations, public administration, urban planning, business management, and organizational studies – to name just a few fields – have a strong interest in managing conflict and helping groups and individuals solve problems, regardless of the number of parties involved. Theory-building efforts focused on the unique attributes of multiparty negotiation can help professionals in these fields achieve their goals.

We consider any negotiation involving more than two parties – whether the parties are individuals, groups, organizations, or national governments – a multiparty negotiation. While such negotiations sometimes take the form of bilateral exchanges between two sides or factions, more often than not they involve much more complex interactions. So, a multiparty negotiation can involve three or more nations trying to formulate a treaty (multilateral and multiparty) or two plaintiffs suing one defendant (bilateral and multiparty). A bilateral conflict involving only two parties can also become a multiparty negotiation when one or both negotiators are represented by an agent. At a fundamental level, any entity that can make and communicate a decision is a party if that decision materially affects negotiation process and/or outcome.

From everything we have been able to discover, there are three unique features of multiparty negotiation. First, as the number of parties increase, the likelihood that coalitions will emerge also increases. Coalitional behavior can make it difficult to reach agreement in complex problem-solving situations as subgroups seek to form either “winning” or “blocking” coalitions. Second, as the number of parties at the table increases, the task of managing the conversation becomes more complicated. Coordinating a problem-solving dialogue (i.e., who gets to speak, what information is shared, how written summaries of what has been agreed to are prepared, and how those not at the table are kept informed) requires not just process management skill, but legitimacy in the eyes of all the stakeholders. Finally, as the number of parties increases, the analytical challenges facing the stakeholders – especially as they try to examine and evaluate offers and counteroffers – increase exponentially. Representatives involved in multiparty negotiation must focus not just on what they want or do not want, but also on the changing nature of “their next best option” given what others at the table might conclude without them. Such challenges are only some of the obstacles that sit between negotiators and the agreement they seek.

In Volume I of this series, we offer an overview of the multidisciplinary literature on multiparty negotiation: analyzing what is known about coalitional behavior, reviewing the contributions that mediators (i.e., professional “neutrals”) can make as managers of the problem-solving process, examining the key options for structuring multiparty

negotiation including the importance of procedural ground rules, and highlighting the key impediments to building consensus (as well as ways of getting around them). A detailed overview of Volume I follows the Editors' Introduction.

In Volume II we look more closely at the theory and practice of public dispute resolution, especially in the context of ongoing efforts to broaden and deepen our commitment to deliberative democracy. Since public disputes often revolve around deep value differences, we explore the role that mediators can play when such conflicts take this form. Then, we summarize efforts in the United States over the last several decades to "institutionalize" the most effective ways of handling multiparty negotiations concerning administrative regulations and land-use and facility siting disputes. Volume II also includes three illustrative cases: a case study involving the use of consensus-building processes, a case examining the challenges and opportunities of managing a land-use conflict through mediation, and a case study that asks if the 2001 US presidential election dispute in Florida could have achieved a more legitimate outcome through best practice-mediation processes.

In Volume III we consider complex litigation and legal transactions, highlighting the changing role of judges in multiparty civil litigation who could more effectively manage increasing numbers of parties by adopting a more activist role. We also examine negotiations surrounding efforts to settle mass personal injury litigation and class action lawsuits. Finally, we examine the role that special masters can play in complex civil cases – deputy judges or independent experts appointed by the court – to mediate or otherwise assist settlement or oversee implementation of complex multiparty agreements. Volume III includes four case studies; the first and second examine the role of court-appointed special masters in complex environmental litigation and in a school desegregation lawsuit respectively. The third case considers the private management of a public dispute and the last case examines complex multiparty litigation involving the tobacco industry.

In Volume IV, the final volume in our series, we consider multiparty negotiation within and between organizations, particularly private corporations. We also examine the specialized literature on diplomacy and multilateral conferences. Intra-organizational and inter-organizational negotiation dynamics are fundamentally different. We consider the role of the manager, the concept of coalitions, and the role of the ombudsman or mediator within organizational negotiations. We also examine internal dynamics as an organization engages other organizations in inter-organizational negotiations. Agents, alliances, and the management of complexity are fundamental in such situations. Diplomacy is one of the oldest fields of study within multiparty negotiation. We consider the challenges of contemporary diplomacy including diplomatic communication, the role of intermediaries, parallel informal or two-track negotiations, and the advantages and disadvantages of linking what would otherwise be separate negotiations. Multilateral conference negotiation is a specialized form of diplomacy that requires an understanding of complexity and its management. Volume IV concludes with three cases: an intra-organizational budget negotiation, an inter-organization and international commercial conflict, and a multilateral environmental policy negotiation.

Although each volume stands alone, we designed the four as a set. Each volume offers a mix of empirical research, theoretical studies, reflections by practitioners, and detailed case studies. We include scholarly articles, book chapters, and

excerpts from reports that constitute the foundation of this new field of study and area of practice. Please note that all selected journal articles and chapters from edited books include references usually as endnotes or footnotes, but chapters from authored (non-edited) books do not (as references are not normally found at the end of each chapter in such volumes). Nevertheless, these chapters can be understood without the reference and/or endnotes. However, if the reader wishes more precise information, then we refer them to the original source. Most of the authored books selected are widely distributed and, thus, normally available.

To bring the world of multiparty negotiation into focus, we offer the following illustrative account of an effort by a group of nations to formulate the terms of a new global treaty on renewable energy. The specific issues and parties are less important than the structure and dynamics of the negotiations including the relationships among the parties. A global treaty on renewable energy, as described below, could very well become a reality in the not-so-distant future.

Each country's delegation has just arrived at an international venue – smaller countries with delegations of only one expert, larger countries like the United States with as many as 300 technical and administrative staff. Some delegations are headed by a senior elected official, others by career civil servants with a great deal of technical expertise. A few countries expect their head of state to arrive if there is a treaty to be signed at the end of this multilateral conference. Several hundred interested NGO observers have also arrived, although they have no official role in the proceedings. In addition, the print and electronic media has turned out in force with 1000-2000 reporters, editors, and technical staff in attendance.

Six months prior to this meeting, each country received a preliminary treaty draft from the conference chair (the individual appointed by an initial group of organizing countries). After laborious internal negotiations within each national government (often involving sharp exchanges between ministries or departments with responsibility for international relations and those with expertise on energy), each country arrived at an initial position that it planned to present formally, especially as regards the bracketed sections of the chairs' draft. (These are contested elements of the draft that will be the focus of discussion.)

It took almost eight years to arrive at this point. Initial meetings of small clusters of countries led to an exploratory plenary, managed by a UN agency, more than four years ago. If a substantial number of national delegations agree, some version of the draft treaty will be ratified (by the parties present). It will not “come into force,” though, until Parliamentarians or members of Congress in a specified percentage of the ratifying countries vote to approve it.

At the current meeting, which is scheduled to run for two weeks, each national government will sign up to speak. That could entail as many as 100 speeches. Each speech will be translated and distributed in six languages. No matter what one speaker says, the next speaker will present his or her pre-prepared text. To do otherwise would undermine the delicate balance worked out at home when all sides fought to add or delete particular passages in their national statement on the chair's draft of the treaty.

At night, at the bar, some of the delegates chat informally. “Friends of the chair” gather ideas and reactions from those they consider to be key delegations. Only a handful of countries, though, are formally consulted. Most delegations or

their representatives do not have the authority or the expertise to suggest radical alternatives or argue for major changes. They just know what they are supposed to support and oppose. At the last minute – the day before everyone is scheduled to leave – the chair will circulate a revised treaty text and ask whether “there is consensus” on the new version (in which many of the bracketed paragraphs have been altered or removed). The delegates will quickly contact their national leaders back home for new instructions: should they ratify this revised version of the treaty or not?

This brief illustrative case does not offer many details regarding the bilateral and multilateral exchanges taking place behind the scenes – but this is where the final decisions are crafted, normally in consultation with the chair. For example, in this illustrative account the more powerful OECD countries, after wrestling with harsh disagreements between the EU and the US have formulated a proposal aimed at minimizing the financial cost to large multinational firms implied by the chair’s preliminary draft. This OECD-sponsored proposal outlines the reasons why developed nations will not agree to share advanced technologies with developing countries, agree to contribute funds to help developing countries purchase renewable energy technologies, and will resist establishing firm timetables or targets requiring a switch from fossil fuels to renewable energy. Developing nations are normally unable to present a united front. The newly developing nations such as India, China, and Brazil do not want to be put in the same category as the poorest members of the G-77 (an organization which actually has 133 member countries). Some developing countries argue that the developed nations should be required to implement the treaty before they are expected to follow suit since developed nations, such as the members of the OECD, have the money and these nations are voracious consumers of non renewable energy.

Everyone agrees that the scientific information available is insufficient to justify one view or another on the need for or the benefits of a switch from fossil fuels to renewable energy, to say nothing of the merits of each kind of renewable energy. There is no agreement on how follow-up scientific investigations should be conducted. (Developing countries want to be sure that there is adequate geographic representation on the science panel while some of the developing nations argue that scientific qualifications alone should determine membership.)

This illustrative account points at a series of challenges that must be addressed if a multiparty negotiation is to arrive at a successful conclusion:

(1) *The convening problem* – Initially it is not clear who should be in charge of bringing parties together to respond to a particular opportunity or challenge. When a negotiation involves two parties and only two parties, the convening problem is trivial. In a multiparty negotiation, someone has to take the lead – sending out invitations, deciding who will and will not be invited, selecting the venue, establishing an agenda, arranging to cover costs, and most important, shaping expectations regarding the objectives of the meeting. In the case of multilateral treaty negotiations, countries are sovereign and retain the right to decide whether they will participate in a negotiation. Even if they do participate, there is no way to bind them to whatever agreement emerges if they choose not to sign it. If the conference chair or convener has taken a stand on the issues under discussion, some parties may not trust that person to be even-handed or fair and choose not to participate.

(2) *The representation problem* and the problem of internal group conflict – There will always be parties who think it is in their best interest to refuse any invitation to negotiate. If they see themselves as relatively powerless, they may assume that “coming to the table” will merely lead to a decision that is imposed upon them. If all the relevant stakeholders do not agree to come to the table, some parties may use that as a reason not to participate themselves. In some instances, groups may not have a sufficiently skilled member to represent them. Or, because there are internal disagreements (or factions have emerged), a group may not be able to agree who its representative should be. In some instances, it will be clear that certain diffused or unorganized interests should be at the table, but it will not be obvious who can represent them. This problem is more apparent in disorganized or partially organized domestic disputes and less apparent in international multilateral negotiations where national governments are clearly the only entities that have traditionally been able to represent geographically defined populations. In recent years, however, civil society groups and transnational non-governmental organizations have sought a place at almost all the negotiating tables like the one described above. The multilateral treaty making “system” is still struggling to figure out what role these groups should be allowed to play.

(3) *The problem associated with the need for ad hoc procedures* to govern the parties’ interaction – Many multiparty negotiations involve bringing groups together for the first time or bringing a core group together again with new participants. When this happens, there may well be confusion or disagreement about the procedures that should be followed. Most participants want a hand in setting the agenda, framing the ground rules, specifying the timetable, etc., but it is not clear how this can happen before the group meets for the first time. It is clear that the outcome of a multiparty negotiation is dependent on the process of joint problem solving that the group chooses to follow.

(4) *The problem of selecting a chair or manager* to orchestrate conversation – In the treaty negotiation illustration above, a chair had already been selected. That begs the question of how the manager of a multiparty negotiation ought to be selected. Precedent is sometimes a guide, but not always. Obviously, process management skills are required for success. In addition, credibility in the eyes of all the parties – neutrality, or non-partisanship in some cases or substantial power in other cases – is essential. If the process manager knows enough about what is being discussed to be able to intervene effectively, he or she is likely to have personal views on the subject that could disqualify them in the eyes of some of the participants. If they know too little, they will not be of much help to the group. Finding someone with the proper balance is the key, though locating such a person is easier said than done.

(5) *The problem of how the multiparty negotiation is linked to ongoing political dialogues and other decision-making efforts* both during and after the negotiation – When people participate in multiparty negotiations, they rarely drop everything else they are doing (at least their organizations do not). So, the participants in a multiparty negotiation may find that they have parallel or entirely independent negotiations under way involving some of the same parties. Negotiation linkage or the way in which one negotiation influences the process and/or outcome of another negotiation is only beginning to be understood theoretically and practically, as significant strategic opportunities are found within linked negotiations.

For example, linkages can create opportunities to achieve significant gains at little cost but can also create problems in the eyes of those who do not want negotiations to proceed in their absence. Impromptu efforts to imagine linkages between issues being negotiated in different policy arenas can often mean that the right parties are not present. In addition, when a group of negotiators reaches a tentative agreement, they must take it back to their constituents for review and approval. While those involved in the face-to-face efforts may have developed a new level of trust for others at the table, the people to whom they report may be quite alarmed by what their representative has agreed to. Finally, negotiators who have been given strict “marching orders” may still need to improvise as the negotiations unfold. This makes it hard to explain to their “back table” (constituents and stakeholders) why a tentative agreement has taken the form that it has.

(6) *The information management problem and drafting a single text* – At some point, the conversation in any multiparty negotiation has to be transformed into a “single negotiating text.” Whenever many parties discuss complex issues, the written summary of what has been agreed can be quite controversial. Techniques for engaging large numbers of parties in drafting written agreements transcend anything required in more traditional two-party negotiations. Usually, the chair or the facilitator/mediator will produce a single document rather than allowing each party to table their own version of a proposed agreement. The use of brackets to denote areas of disagreement among parties has become a standard technique to advance complex negotiations toward agreement. While the parties can continue to revise the text, and hopefully reduce the amount of text in brackets, the person who actually does the drafting has a great deal of power to shape the negotiated outcome.

(7) *The public relations or communications problem* – It is not always obvious who should speak on behalf of an ongoing multiparty negotiation. If each party takes the initiative to speak to the media on its own, or tries to negotiate through the media, the process of joint problem solving will be undermined. If the group fails to maintain transparency during the negotiation process, some of the constituents involved will grow uneasy, worried that their interests have been compromised. On the other hand, while negotiations are under way, and no agreement has been reached, it is not helpful to have bits and pieces of the ongoing discussion revealed to the public or to other stakeholders.

(8) *The problem of precedent* – One of the reasons parties negotiate is to invent a solution to a conflict or take advantage of an opportunity. It is the chance to tailor an agreement to the unique circumstances they face, which brings negotiators to the table. Thus, the notion that the participants in one negotiation must be bound by the terms of an agreement reached in a prior (and inevitably different) negotiation, is very troublesome. On the other hand, some argue that fairness requires parties in one situation to be treated in exactly the same manner as parties in similar situations. In any multiparty negotiation, there will be those who want to apply and set precedents and those who do not.

(9) *Anticipating the problems of compliance* – In any negotiation, the goal of the participants is to generate a “nearly self-enforcing agreement.” As parties negotiate, they have to consider the prospects of ensuring compliance. When agreements meet the interests of all the parties, enforcement is relatively easy, but if a party is pressured to accept something undesirable, enforcement can be especially challenging.

In multiparty negotiation, the problems of compliance, and thus of formulating a nearly self-enforcing agreement, are multiplied.

(10) *The problem of organizational learning* – There are numerous things an organization can do to “get better” at multiparty negotiation, especially in the aftermath of a recently completed agreement. Careful reconsideration of the various moves that were made – and their impact – can indicate how normal operating procedures inside an organization might be changed to support the efforts of their negotiators. Unfortunately, most organizations devote insufficient resources to building their negotiating capabilities and inadequate time to systematically reflecting on the lessons they could have learned from past negotiating experience. Mistakes are repeated and the same lessons are learned over and over again.

The ten challenges outlined above serve as an invitation to theorists, researchers, and practitioners to reflect on the following six questions:

1. To what extent are the tools and techniques of two-party negotiation applicable in multiparty negotiating situations and to what extent are entirely different skills and strategies required?
2. What kind of mandate do representatives to a multiparty negotiation need from their constituent? If their mandate is too narrow, there will be little opportunity to create value through impromptu trades. If their mandate is too vague, the group may find that its representative has been co-opted, forcing them to reject a draft agreement (thereby creating serious credibility problems with the other negotiators).
3. How much technical background does a negotiator need to be effective? The more technical expertise required, the less likely it is that the group’s leader will be qualified to sit at the table. The lower the rank of the negotiator, however, the less likely it is that he or she will be able to commit to a tentative agreement. Other parties may not want to negotiate with someone who is not empowered to commit.
4. What kinds of ground rules are preferable in multiparty negotiations? For instance, should negotiations be open to nonparticipant observers? Should participants be allowed to send alternates if they cannot attend themselves? Will there be a firm agenda for each meeting and will it be strictly followed? Should participants be expected to sign a statement promising to negotiate in good faith? Will impromptu caucuses be allowed?
5. What criteria should be used to screen potential chairs, mediators, or process managers? What is best practice for these roles given differing environments?
6. What can and should organizations do to enhance their ability to participate effectively in multiparty negotiations? How can organizations capture learning gained through negotiation experience?

We know that the things negotiators need to be able to do in two-party negotiations are relevant in multiparty situations. But there are additional concepts, practices, and routines that we can and should teach multiparty negotiators. The materials in these four volumes provide the essential knowledge for such a curriculum. To clearly illustrate this point we are providing a detailed introduction to the reading material at the start of each volume. A detailed introduction to Volume I follows.



# Introduction

## Multiparty Negotiation: Analysis of the Literature

*Larry Crump and Lawrence E. Susskind*

The following pages provide a brief overview and analysis of the research contained in Volume I. Part I broadly considers the theory and practice of multiparty negotiation. Part II examines coalition behavior, Part III considers process management, and Part IV assesses obstacles to reaching an agreement in a multiparty negotiation. Please note that the articles in Volume I provide a foundation for the body of literature contained in Volume II, which examines the theory and practice of public dispute resolution.

### **Theory and Practice of Multiparty Negotiation**

Part I begins with an article that offers a comprehensive understanding of multiparty negotiation by building a coherent multidisciplinary framework. Crump and Glendon (2003) begin by defining fundamental multiparty negotiation concepts, dynamics, building blocks, and boundaries. Three multiparty negotiation domains are examined: international negotiation, public disputes, and organizational and group negotiations, and the article concludes by proposing a research agenda to contribute to the development of multiparty negotiation as a field of study and area of practice. A chapter taken from *Breaking Robert's Rules* – a cutting-edge book recently published by Lawrence E. Susskind and Jeffrey L. Cruikshank (2006, Oxford University Press) – follows this article. Consensus building is fundamental to the multiparty negotiation process. Susskind and Cruikshank begin by defining consensus, and then examine the foundation and practice of consensus building including five essential steps in the consensus-building approach. This chapter also distinguishes between consensus and majority rule, and considers three primary approaches to group leadership.

### **Coalition Behavior**

Part II examines the coalition literature. A theory of games of strategy or game theory was developed by John von Neumann and Oskar Morgenstern, and presented in their ground-breaking book *Theory of Games and Economic Behavior* (1944, Princeton University Press). Any discussion of modern-day coalition knowledge must begin here, as this book first outlined cooperative behavior in the n-person (more than two-person) game. A highly significant difference between two-party negotiation and negotiations involving more than two parties is the possibility and likelihood of cooperative or coalition behavior. Knowledge of coalition behavior is essential to an understanding of multiparty negotiation because of the relationship

between coalition formation, power, and negotiation outcomes. However, we also need to remember that coalition formation is not assured in an n-person game. This volume of readings on coalition behavior begins by examining such issues and their relevance to coalition formation. John Nash (1951) employed game theory to demonstrate a class of situations known as non-cooperative games. In so doing, Nash established the notion of an equilibrium point and argued that every finite game has a point of equilibrium where cooperation will not occur. Nash observed that cooperative behavior in a negotiation represents moves in a larger non-cooperative game, and so analysis of cooperative games becomes a problem of establishing a suitable non-cooperative model of negotiation. Nash presents an example of a three-person poker game to illustrate these arguments, demonstrating theoretical understanding of the relationship between independent behavior and cooperative or coalitional behavior.

L.S. Shapley and Martin Shubik (1954) apply game theory to a real-world problem: evaluating the distribution of power in a legislative body such as the United States Congress. Shapley and Shubik begin by recognizing that the power of an individual legislative member (e.g., Congressman) depends on the chance he or she has of being critical to the success of a winning coalition. Through analysis, they also demonstrate that their definition of power must include some understanding about blocking power or blocking coalitions. Shapley and Shubik thus construct a power index for bodies (both political and corporate) that use a majority voting system. These scholars apply this power index to various political systems at the local, state, national, and international levels including the United Nations Security Council, to illustrate the nature of simple games and weighted majority games.

By the latter half of the 1950s, substantial knowledge had been developed on two-party games and n-party games but much of this knowledge was only accessible to advanced students in technical fields. Duncan Luce and Howard Raiffa (1957) changed all of that by publishing *Games and Decisions*. This ground-breaking book revolutionized the field, first by making it accessible to a very broad audience, and then by presenting a comprehensive introduction to game theory. We republish Chapter 1 of this book in the present volume to encourage readers to seek out this classic work.

Game theory, grounded in mathematics and economics, inspired the development of coalitional research in psychology and sociology. Theodore Caplow (1956) is credited with initiating this new investigation with his ground-breaking study of a theory of coalitions in the triad. It has been said that this is the article that sets off a thousand studies. Here we have space for the first study only, but the serious student of coalitional behavior should investigate research inspired by Caplow from the mid-1950s to the 1970s. Essentially, Caplow was concerned with predicting the formation of coalitions between three parties, with similar or differing amounts of power defined as resources. Caplow's original theory (1956) identified six power distribution alternatives between parties. For example, Caplow hypothesized that only parties B and C will form a coalition when A is more powerful than B, when B has the same amount of power as C, and when A has less power than the combination of B and C (written as:  $A > B$ ,  $B = C$ ,  $A < B + C$ ). Such theory is ideally suited to research conducted in a laboratory setting.

The study of coalition behavior was most robust from the 1950s through to the 1980s. Illustrative of the vigor present in this field is a massive study (almost a hundred citations) conducted by Keith Murnighan (1978), who sets out to review, analyze, and compare models of coalition behavior from game theory, social psychology, and political science. [Note: Larry Crump and Ian Glendon (2003) update and extend Murnighan's work in Part I of the present volume, but structure their review by examining coalition behavior in public disputes, organizational and group studies, and international negotiation.] Within game theory, Murnighan examined three models of cooperative games: Shapley value; bargaining set; and solutions, subsolutions, and the core. In social psychology, Murnighan examined four models that predict coalition formation and/or payoffs in certain coalition types: minimum resource theory; minimum power theory; bargaining theory; and the weighted probability model. In political science, Murnighan limits his focus to coalition models that attempt to explain the formation of observable coalitions: minimum size theory; minimum range theory; and policy distance minimization theory. Murnighan concludes by observing that little overlap exists between fields and recommends that coalition study would benefit if collaboration occurred across fields – especially in an investigation of the central variables in each field: differences in coalition payoffs (game theory); player resource distribution (social psychology); and the degree of ideological similarity (political science).

The field of political science tends to focus on parliamentary coalitions rather than congressional coalitions, and the majority of this work has been conducted in European parliamentary systems. One of the most significant and recent books in this field, *Coalition Behaviour in Theory and Practice: An Inductive Model for Western Europe*, was edited by Geoffrey Pridham (1986). We have selected Chapter 2 of this book, written by Michael Laver, for publication in this volume because it provides a critique of inductive research methods (grounded in political science) and deductive research methods (grounded in game theory and social psychology) for establishing knowledge about coalition behavior. Laver (1986) argues that theoretical elegance is useful to pursue, but not if such elegance is achieved by sacrificing relevance. Laver narrows his focus to a critique of coalition studies grounded in rational choice theory, and argues that such theory is not bad at what it seeks to achieve; rather, it does not set out to do much that is interesting, as it does not explain coalition behavior in any real-world sense. Laver provides examples to support such arguments.

The field of international relations prefers the term “alliance” rather than “coalition” to describe a formal or informal arrangement for cooperation between two or more sovereign states. Much has been written on alliance, while one of the most significant works is *The Origins of Alliances*, by Stephen Walt (1987). We have included Chapter 1 in this volume. Walt explains that the ability to attract allies is a valuable asset in any competitive system. By contrast, those who cause others to align against them are at a significant disadvantage. Understanding the forces that shape international alliances should be of vital concern to anyone involved in international relations. In seeking such knowledge, Walt reformulates balance of power theory (see: Kenneth Waltz, *Theory of International Politics*, Addison-Wesley, 1979) to argue that it is not power but the perception of threat that is critical to alliance formation. Walt concludes that balance of threat and ideological similarity each contributes useful insights for understanding alliance (coalition) formation.

Except for studies from international relations and political science, almost all of the literature on coalition behavior is concerned with coalition formation through resource distribution or player payoff – which is to say that the primary focus is on outcome (formation) via two rather narrow variables. On the other hand, multiparty negotiation, as a field of study and practice, is concerned with process in all its dimensions (i.e., not just those dimensions that are easily measured in laboratory settings) and outcome. James Sebenius (1996) recognizes the importance of process and outcome in a ground-breaking study of coalition building (rather than coalition formation) in order to identify sequential (process) tactics for building winning coalitions. Sebenius identifies a number of coalition-building tactics, including patterns of deference managed through sequential action (who to approach first – for example, the most difficult but most valuable potential coalition member or the easiest but least valuable potential coalition member), adopting plans of sequential action to modify no-agreement alternatives of potential coalition members (shifting perception from uncertain gains to loss avoidance), shaping outcome expectations of potential coalition members which may join later (the bandwagon phenomenon, which is a well-developed theory in international relations), and information management through sequential moves. Sebenius concludes by asking when one should avoid sequencing and attempt a fully open collective route to consensus.

Coalition formation outcome studies are certainly useful; however, for multiparty negotiation as a field of study and area of practice, a focus on coalition process will shed more theoretical light on our practical challenges. It is a pity that so much effort was spent on studying something generally relevant but not specifically relevant to our purposes. And what became of the massive movement that began studying coalitions in the 1950s? Almost 60 years later, we find the occasional article on coalition behavior, as the entire field experienced a noticeable decline in intellectual activity beginning in the 1980s.

It is curious that such an important field of inquiry continues to remain inactive for over two decades. It may be that multiparty negotiation will bring new life back into the study of coalition behavior by focusing on process and coalition building rather than coalition formation. There is great opportunity for the student and scholar wishing to explore this uncharted territory.

### **Process Management**

Part III considers process management – clearly an area of study that is critical to an understanding of multiparty negotiation. For example, complexity, generated through the interaction of multiple parties and their interests and goals, is itself an obstacle to reaching agreement. Facilitation, mediation, and arbitration, conducted by what is generally known as a neutral party, have developed as primary methods for managing the process complexity that accompanies multiparty negotiation. Part III of this volume examines our knowledge of process management and its development by identifying path-breaking and seminal studies.

Mediation observed in nonindustrial societies indicates that facilitative assistance has been fundamental to the evolution of humanity, although systematic understanding of process management via mediation only began with the study of

modern-day industrial relations, as found in democratic societies with free-market economies. Part III begins with Clark Kerr's (1954) seminal study on industrial conflict and its mediation. Kerr outlines the nature of industrial conflict, including the types of decisions that lead to conflict and the nature of mediation at the tactical and strategic level of analysis. Kerr concludes that strategic mediation of industrial conflict can effect major change in society, while outcomes from tactical mediation are more modest. A decade later, sufficient research existed on the mediation of industrial conflict to warrant a brief literature review. Charles Rehmus (1965) organizes this literature by examining the social psychology of the mediator, the use of pressure tactics, settlement psychology, and the art and science of mediation in industrial relations. Rehmus calls for the continued analysis of mediation based on this literature review.

The roots of present-day public dispute mediation are found in industrial relations, but the practice of mediation in each domain developed in different ways because of fundamental differences in our understanding of mediator accountability in each setting. Lawrence Susskind and Connie Ozawa (1983) were the first to explore these issues in a study of three public sector-mediated negotiations, which also included a review of mediation in industrial relations and international relations. Entitled "Mediated Negotiation in the Public Sector," this analysis identifies the inherent weakness of the industrial relations model of mediation when applied to public disputes and proposes mediator accountability criteria for public disputes. Susskind and Ozawa's (1983) work represents a turning point in our understanding of process management in multiparty negotiations – although this turning point did not occur quietly, as significant debate on mediator neutrality and activist mediation followed its publication. The latter argument clearly won this debate: this was cogently presented by John Forester and David Stitzel (1989) in their article "Beyond Neutrality: The Possibilities of Activist Mediation in Public Sector Conflicts." Around the same time, a seminal book entitled *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes* was published by Lawrence Susskind and Jeffrey Cruikshank (1987). Chapter 2, included in this volume, is entitled "Theory and Practice of Dispute Resolution." It compares constitutional disputes with distributional disputes, examines the latter in detail, and concludes by identifying the characteristics of a good negotiation settlement.

In addition to these seminal process management issues, we can also identify a number of specific process-related issues. This volume considers three of these: protocol for structuring multiparty negotiations; managing group process; and the use of agents. Usually, a public dispute is so complex that it can only be conducted effectively through the establishment of a set of process-focused protocols to guide planning. Susskind and Cruikshank (1987) offered the first detailed review of this topic, but Gerald Cormick's (1989) article "Strategic Issues in Structuring Multiparty Public Policy Negotiations" provides a concise overview. Cormick's protocol framework includes an examination of negotiation purpose, negotiation structure, meeting type, issues of confidentiality, and management of the media. Cormick argues that it is critical to deal with the "how" of negotiations before proceeding to the "what." Deborah Ancona, Raymond Friedman, and Deborah Kolb (1991) recognize that most negotiations take place within and between groups, an observation that is especially relevant to multiparty negotiation. These scholars consider a

range of group-related issues in their study on “The Group and What Happens on the Way to Yes,” including relations between group members, norm development in groups, and internal and external group processes. Furthermore, this analysis compares traditional distributive bargaining with mutual gains negotiation. Groups and other types of negotiating parties often appoint agents to represent their interests in negotiations. *Negotiating on Behalf of Others*, a book edited by Robert Mnookin and Lawrence Susskind (1999), is ground-breaking in developing theory relevant to multiparty negotiation processes that include agent–principal relations. This volume includes Chapter 9, which summarizes major themes found throughout the book, and provides a discussion on roles played by agents, alignment of agent–principal interests, mandates given to agents, and prescriptive advice that agents might offer to their principals. Our review of the critical literature on process management in multiparty negotiation concludes with some candid and insightful observations from a public dispute mediator (see Susskind, 2000).

### **Obstacles to Reaching an Agreement**

Part IV examines obstacles to reaching an agreement in multiparty negotiation. For example, as dispute resolution in the public sector evolved and developed, questions began to be asked about the utility of this new method for managing public sector problems. Some writers even expressed skepticism about its value. Lawrence Susskind (1985) responded to such skepticism by establishing the relationship between mediated settlement and traditional decision-making by legislative, administrative, and judicial bodies, and by addressing questions about unequal power relations between parties, securing wise outcomes, compliance, and other matters. Susskind recognizes that disputes involving fundamental freedoms or rights cannot be solved through dispute resolution but many other types of dispute can be resolved effectively using this method. Barbara Gray (1989) observes that collaborative or dispute resolution methods are seen to be idealistic and naïve by critics, while also identifying obstacles including historical and ideological barriers, obstacles grounded in national, political, and institutional cultures, differences in power relations and/or perception of risk between parties, and technical complexity. Gray concludes by identifying factors for judging success and establishing methods for assuring success in collaborative processes. It is important to note that these ideas are derived from a chapter in *Collaborating: Finding Common Ground for Multiparty Problems* (Gray, 1989), a seminal multiparty book grounded in organizational studies.

Decision-making is fundamental to public processes, while the method of decision-making is of primary concern. Bernie Jones (1994) compares consensus and voting decision-making methods by investigating public housing policy development in Denver, Colorado. Jones examines determinants of group consensus, group formation, group ownership of process, and group member comfort with a consensus-based approach. He concludes by outlining implications for practice.

Bryan Downie (1991) considers the causes of negotiation breakdown and tactics for breaking a stalemate by examining a labor dispute between Air Canada and the International Association of Machinists. Downie focuses on factors external to the table that impede agreement by identifying the importance of introducing

a mediator, adding new negotiators (upper management) to the table, adjusting the time-frame of the final agreement, and using deadlines as pressure in breaking a stalemate. But achieving agreement is not the end of the process, as agreement implementation presents special obstacles. William Potapchuk and Jarle Crocker (1999) consider such issues in a chapter published in *The Consensus Building Handbook* (organized by The Consensus Building Institute, this 1100-page seminal book serves as an encyclopedia of multiparty dispute resolution). Potapchuk and Crocker identify the challenge of agreement implementation by recognizing that successful implementation is very much dependent on undertaking correct action prior to coming to the table during the planning or pre-negotiation stage, followed by correct action at the table during negotiations. Effective implementation flows from best practice, but can be enhanced by establishing work groups to monitor implementation, establishing partnerships between key parties, and effectively managing change in party leadership during implementation.

This section and volume concludes with a cutting-edge article on teaching multiparty negotiation that was prepared by Lawrence Susskind, Robert Mnookin, Lukasz Rozdeiczer, and Boyd Fuller (2005). Developing a critical mass of scholars and researchers committed to the study of multiparty negotiation is the real obstacle to developing knowledge to effectively manage the multiparty negotiation process. Formally teaching multiparty negotiation is a response to this challenge (as is the collection of multiparty negotiation material found in this four-volume set). The final article in Volume I identifies the theoretical framework and pedagogical assumptions for teaching a course on multiparty negotiation. What should be taught, how it should be taught, and questions about evaluation for both students and instructors are issues that are considered in this article. A workbook (available through the Program on Negotiation at Harvard Law School) grew out of this ground-breaking educational initiative.

We hope that the research that follows inspires you to contribute to the further development of the multiparty negotiation field.