

Cross Cultural Negotiation for U.S. Negotiators

Edited by Kristen Blankley



Summary of Contents

<i>Summary of Contents</i>	<i>i</i>
<i>Table of Contents</i>	<i>ii</i>
<i>Acknowledgments</i>	<i>vii</i>
<i>Foreword</i>	<i>viii</i>
PART ONE: <i>Introduction: Changing the Approach When Negotiating Across Cultures</i>	1
1. Tuning the Harmony Between Negotiation and Culture	3
<i>Sara A. Stahley</i>	
2. Varied Negotiation Approaches	11
<i>Carrie Luria Cooper</i>	
3. Tit for Tat in the Global Perspective	21
<i>Xi Scott Wang</i>	
PART TWO: <i>General Tools for Cross-Cultural Negotiators</i>	33
4. Effectively Using Interested-Based Negotiation in the Cross-Cultural Context	35
<i>Steven Robert Roach</i>	
5. In Each Other We Trust: The Importance of Relationship Building in Cross-Cultural Negotiations	47
<i>Michael T. Lennane & Laura E. Weidner</i>	
6. The View from Abroad: How the International Community Perceives Americans . .	71
<i>Ronald R. Petroff & Leslie E. Siegel</i>	
7. Managing Assumptions About the Negotiation Process	95
<i>Vinay Reddy</i>	
8. Power and Authority	105
<i>Tamara D. Johnson</i>	
9. Ethics in Cross-Cultural Negotiations	117
<i>Carly A. Hammond & Sarah C. McCarty</i>	
PART THREE: <i>Specific Tools for Cross-Cultural Negotiators</i>	135
10. Collision Course: Avoiding Clashes on Agenda in Cross-Cultural Negotiations . . .	137
<i>Elizabeth M. Worthing</i>	
11. Channels of Information Exchange: Indirect and Non-Verbal Communication . . .	145
<i>Elizabeth Stanfield</i>	
12. Using an Interpreter During Negotiations: Ensuring that Everyone has the Chance to Hear and Be Heard	153
<i>Cherish L. Cronmiller</i>	
13. Cross-Cultural Negotiation in a Multi-Party Setting	163
<i>Jennifer Hetzel Hallman</i>	
14. Mediation	177
<i>Andrea Cozza-Lawless</i>	
15. Post-Agreement Issues	187
<i>Matthew Monda</i>	
PART FOUR: <i>Cross-Cultural Negotiation in the Classroom</i>	195
16. Teaching Opens the Toolbox for Others	197
<i>Christina N. Nardacci</i>	
Recommended Reading	207

Table of Contents

<i>Acknowledgments</i>	<i>ii</i>
<i>Foreword</i>	<i>iii</i>
PART ONE: <i>Introduction: Changing the Approach When Negotiating Across Cultures</i>	1
1. Tuning the Harmony Between Negotiation and Culture — <i>Sara A. Stabley</i>	3
I. Introduction	4
II. Appreciation of Culture	4
III. Miscalculating Culture	5
IV. Looking Inward and Outward – An Emotional Journey	6
V. Goal Assessment	7
VI. Toolbox	8
2. Varied Negotiation Approaches — <i>Carrie Luria Cooper</i>	11
I. Introduction	12
II. Thinking About Negotiation Approaches	12
III. Presumptions Prevalent in U.S. Culture	12
IV. Presumptions Prevalent in Other Cultures	13
V. Elements of Negotiation Styles Contrasting with the Predominant U.S. Style	14
VI. Conclusion	16
3. Tit for Tat in the Global Perspective — <i>Xi Scott Wang</i>	21
I. Introduction: What is Reciprocity and How Do We Use It?	22
II. What is Reciprocity or How Not to Do It Like Michael Keaton?	22
A. How Reciprocation Works	23
B. Times Not to Reciprocate	23
III. Reciprocating When Negotiating With Non-Westerner Negotiators	24
A. Autonomous Authority/Delegated Authority	24
B. The Element of Time	25
C. Results vs. Methods Based Negotiations	25
D. Individualist vs. Collectivist	26
E. Unilateral vs. Compartmentalized	27
F. Goal vs. Relationship-Based Negotiation	27
G. Verbal vs. Non-Verbal, Straight Forward vs. Issue Avoidance, Singular vs. Collective	28
IV. Conclusion	29
PART TWO: <i>General Tools for Cross-Cultural Negotiators</i>	33
4. Effectively Using Interested-Based Negotiation in the Cross-Cultural Context	35
<i>Steven Robert Roach</i>	
I. Introduction	36
II. Some Limitations of Interest-Based Negotiating	36
III. Problems in Distributional Bargaining	36
A. Hagglng: An Example	37
B. Effective Hagglng with Interest-Based Preparation	37
IV. A Framework to Meet Interests	38
V. The Concern of Erroneous Assumptions	38
A. Challenging Basic Interests	39
B. Identifying Self-Interests	39
C. Exploring the Interests of a Negotiating Counterpart	39
VI. The Possibility of No Agreement	40
VII. Conclusion	41

5. In Each Other We Trust: The Importance of Relationship Building in Cross-Cultural Negotiations — <i>Michael T. Lennane & Laura E. Weidner</i>	47
I. Introduction	48
II. Trust Generally	49
A. What is Trust?	49
1. Trust in the Cross-Cultural Negotiation Context	49
2. Trust vs. Distrust	49
B. Levels of Trust	50
1. Calculus-Based Trust	50
2. Knowledge-Based Trust	50
3. Identification-Based Trust	51
C. Culture and Trust	51
III. Toolbox for Building Trust in Cross-Cultural Negotiations	51
A. Step 1: Evaluate Expected Longevity and Intimacy of the Interaction Reassess as Needed and Alter Approach Accordingly	52
B. Step 2: Determine which Negotiation Strategy to Pursue Based on the Assessment performed in Step 1.	53
1. Low Longevity-Low Intimacy	53
2. High Longevity-High Intimacy	55
3. High Longevity-Low Intimacy	57
4. Low Longevity-High Intimacy	59
C. Rebuilding Trust	60
IV. Conclusion	61
6. The View from Abroad: How the International Community Perceives Americans — <i>Ronald R. Petroff & Leslie E. Siegel</i>	71
I. Introduction	72
II. Perceptions, Stereotypes, and Images	73
A. Definition of Stereotype	73
B. How Stereotypes are Employed in Everyday Life	73
1. Cognitive Approach to Stereotypes	73
a. Why Stereotype?	74
i. Convenience	74
ii. Psychological Benefits	74
b. The Dangers of Stereotyping in the Negotiation Context	74
III. International Misperceptions of Americans	74
A. Where and How Misperceptions of the U.S. Originate	74
1. The Media	75
2. American Products and Marketing	75
3. History and Politics as Shaping International Perceptions	75
a. The War in Iraq	76
b. U.S. Relationship with Other Nations	76
B. Examples of Common (General) International Perceptions of Americans	76
1. Perception of U.S. People as “Ugly Americans”	77
2. Perceptions of the United States as a Country for Sex, Drugs, and Rock and Roll	77
3. Perceptions of the “Uncle Sam” Image	77
4. Perceptions of U.S. Celebrity Culture	77
5. Perceptions of U.S. Wealth and Materialism	77
6. Perceptions of the United States as the Police Force, Protector, or Aggressor	78
IV. International Perceptions of Defined U.S. Groups	78
A. The Gender Divide Epitomized in a Cross-Cultural Negotiation Setting	78
B. Racial and Religious Overtones in Cross-Cultural Negotiation Processes	79
C. Individualistic Capitalists vs. Socialistic Collectivists	80

D. Anecdotes of Foreign Misperceptions of the U.S. Armed Forces	80
V. Toolbox for Students: How to Debunk Misperceptions: R.E.A.D.	81
A. Research	81
B. Enquire	83
C. Assess	83
D. Debunk Misperceptions	85
VI. Conclusion	85
7. Managing Assumptions About the Negotiation Process— <i>Vinay Reddy</i>	95
I. Introduction: Why the Need to Manage Assumptions During Cross-Cultural Negotiations?	96
II. Background on the Challenge of Culture and Assumptions	96
III. A Toolbox for Managing Assumptions: A Framework for Self-Assessment and Informed Negotiating	97
IV. Part 1- Self-Assessment Leads to Preparation and Comparative Questioning	97
A. Specific U.S.-based Assumptions about Dispute Resolution Shaped by Broader	97
Historical, Legal, and Social Assumptions	
1. Specific U.S.-based Assumptions on Neutrality, Legal Enforcement, and Time.	97
2. Broader Historical, Legal, and Social Assumptions: Concept of Peace, Acceptability of Conflict, and Stable Political Processes	98
B. From Self-Assessment to Prospective and Comparative Questioning	99
V. Part 2- Informed Negotiating: Managing Assumptions During Cross-Cultural Negotiations	101
VI. The Danger of Relying on Comparative Assumptions	101
VII. Conclusion.	101
8. Power and Authority— <i>Tamara D. Johnson</i>	105
I. Introduction	106
II. What is Power?	106
III. Power Structures	107
IV. Authority	107
A. The Principal and the Agent	108
B. Extent of Authority	108
C. Common Problems of Authority	108
V. Perceptions of Power	109
A. Assessing the Stronger and Weaker Parties	109
B. Traditional Theories of Perceptions of Power	110
9. Ethics in Cross-Cultural Negotiations — <i>Carly A. Hammond & Sarah C. McCarty</i>	117
I. Introduction	118
II. Specific Situations Dealing With Ethics in Cross-Cultural Negotiations	119
A. Identifying Ethical Dilemmas in Negotiation	119
B. Differing Standards for Those Within and Those Outside a Culture	119
C. Corruption	120
1. United States Foreign Corrupt Practices Act	120
2. Local Corruption Laws	121
3. Additional Corruption Concerns	121
D. Potential Human Rights Violations	121
III. Customs Affecting Ethics	122
A. Legal Customs	122
1. Purpose of the Law	122
2. Perceptions of Justice	123
3. Current and Historical Legal System	124
B. Religious Customs	124
1. Religion’s Role in Shaping a Negotiator’s Approach to Conflict	124
2. Religion’s Effect on Ethics through its Interaction with Law	125
3. Historical Aspect of Religion’s Effect on Ethics	125
4. Other Considerations	126
5. Conclusion	126

IV. Practical Applications	126
A. Preparation	127
1. Self-Evaluation	127
2. Evaluations of Counterpart	127
B. Strategies During Negotiation	128
V. Conclusion	129
PART THREE: <i>Specific Tools for Cross-Cultural Negotiators</i>	135
10. Collision Course: Avoiding Clashes on Agenda in Cross-Cultural Negotiations	137
<i>Elizabeth M. Worthing</i>	
I. Introduction	138
II. Prevalent U.S. Approaches to Agendas	138
III. Letting Go	139
IV. Potential Clashes & How to Address Them	139
A. Community Based	139
B. Ritual: Haggling	140
C. Full Proposal	140
D. Hierarchical	140
E. Saving Face	141
V. Conclusion	141
11. Channels of Information Exchange: Indirect and Non-Verbal Communication	145
<i>Elizabeth Stanfield</i>	
I. Introduction	146
II. Practical Issues of Communication	146
A. Properties of Communication	146
B. High-Context vs. Low-Context Cultures	147
C. Non-Verbal Communication	147
D. E-Mail and Other Forms of Written Communication	148
E. Telephone and Other Verbal Communication	148
III. Societal Effects and the Mode of Communication	148
IV. Conclusion	148
12. Using an Interpreter During Negotiations: Ensuring that Everyone has the Chance to Hear and Be Heard – <i>Cherish L. Cronmiller</i>	153
I. Introduction	154
II. Interpreting vs. Translating	154
A. Modes of Interpretation	154
1. Simultaneous	154
2. Consecutive	155
III. What Does it Mean to be Skilled? and Where to Find a Skilled Interpreter?	155
A. Where to Look	156
B. Testing a Potential Interpreter	156
IV. During Negotiation: Best Practices	156
A. Preparation	156
B. Building Rapport with the Interpreter	157
C. During the Negotiations	157
D. Cultural Interpreters	158
E. A Final Consideration	159
13. Cross-Cultural Negotiation in a Multi-Party Setting— <i>Jennifer Hetzel Hallman</i>	163
I. Introduction	164
II. The Problem	164
III. Gaining Perspective on the Problem	164
IV. “Finding Neutral”	165
A. Adding to Increase Settlement Options	165
1. Use of Multiple Sessions/Locations	165
2. Negotiation Assistants	166
a. Additional Team Members	166
b. Negotiation Consultant	166

3. Inviting More Parties to the Negotiation	167
a. The Engagement of an Interested Third Party	167
b. Using an Additional Party as a Neutral Facilitator	168
B. Subtracting to Minimize Complexity	168
1. Fewer Positions: The Use of Coalitions	168
2. Fewer Parties: Re-assessing Necessary Participants	169
a. Convening Only the Necessary Parties	169
b. Conducting a Series of Bilateral Negotiations	170
V. Conclusion	170
14. Mediation — <i>Andrea Cozza-Lawless</i>	177
I. Introduction	178
II. Cultural Norms of Mediation	178
III. Considerations for Choosing a Mediator in Cross-Cultural Disputes	179
A. The Choice of Mediation Style	179
B. Characteristics of the Mediator	180
C. Mediation Teams	181
IV. Additional Concerns Regarding Mediation	181
A. Putting Culture on the Table	181
B. Mediation Structure	181
V. Conclusion	182
15. Post-Agreement Issues — <i>Matthew Monda</i>	187
I. Introduction	188
II. Replacement Negotiators	188
A. Active Steps for Dealing with New Negotiators	188
B. Reactive Steps for Dealing with New Negotiators	189
C. Dealing with New Counterparts	190
III. Breach of an Agreement or Impossibility to Complete an Agreement	190
A. Active Ways to Deal with Breach	191
B. Reactive Ways to Deal with Breach	191
IV. Conclusion	192
PART FOUR: <i>Cross-Cultural Negotiation in the Classroom</i>	195
16. Teaching Opens the Toolbox for Others — <i>Christina N. Nardacci</i>	197
I. Introduction: How Is Cross-Cultural Negotiation Instruction an “Animal Unto Itself”?	198
II. The Problem	198
III. Experiential Learning	199
A. Promoting Students’ Learning Generally	199
B. Promoting Learning in the Context of Conflict Resolution Training	199
C. Promoting Effectiveness of Cross-Cultural Training	199
D. Promoting Effectiveness in Teaching Negotiation	200
IV. Assessment	200
V. Using Assessment and Feedback to Promote Students’ Confidence	201
VI. Conclusion	202
Recommended Reading	207

Acknowledgments

Students in my Advanced Issues in Dispute Resolution class at the Ohio State University Moritz College of Law wrote this book, with the goal that it would help those who represent the United States in the challenging, but potentially rewarding, negotiations occurring across cultures. Professors Amy Cohen, Sarah Cole, Ellen Deason, Chris Fairman, Carole Hinchcliff, Josh Stulberg, and Charlie Wilson of the Moritz College of Law taught other courses in the Dispute Resolution Certificate Program that the authors took, and they provided wonderful help to these students. Professor Deason's Comparative Dispute Resolution class, in particular, provided a strong framework for a portion of the student authors. The authors also had sound counsel from a talented and dedicated group from the U.S. Air Force, including Colonel Stefan Eisen Jr. of the War College and Lynda O'Sullivan and Kenneth Lechter of the "Office of the General Counsel, Dispute Resolution Division. The introduction drew on ideas presented in a lecture to the War College by Professor Gary R. Weaver of American University. Kristen Blankley, a Moritz graduate, holder of the Moritz Certificate in Dispute Resolution, and law clerk in the U.S. Court of Appeals for the Eighth Circuit, improved the text significantly with her able editing. Christopher Cramer, a Moritz student, and Maritsa Zervos, a 2006 Moritz graduate, provided excellent research assistance to prepare the final manuscript. We are grateful to Barbara Swartz for formatting the manuscript and Rich Lillash for his cover illustration. Many others helped with suggestions, participation in roleplays to test the concepts, interviews, and other assistance or support for the authors as they worked. We thank particularly Tom Silberman, Klodiana Basko, James Burrer, Peter Faerber, Jordan Gibson, Jeffrey Mussman, Roy Lewicki, Anthony J. Mondy, Cathy Thompson, Peter Demerath, P.T.K. Daniel, Antoinette Errante, M.D. Ferguson, Alan Kalish, Laura Miller, Bill Morgan, Ryan Poirier, Bob Rodgers, Becky Simmons, Shelby Jones, the authors' families, the authors' friends in the Moritz Class of 2006, the Ohio State University Housing Clinic, Kim Zerby, Nafhat Nasr, Robika Garner, Brad Hallman, Le Guang Yu, Fei Zhen Bin, Daryl and Wanda Stanfield, Dan Ye, and Mariam El-Shamas.

Nancy H. Rogers

Dean and Michael E. Moritz Chair in Alternative Dispute Resolution
The Ohio State University Moritz College of Law

Foreword

Sara A. Stahley

“Cross-Cultural Negotiation” is a collaboration of efforts designed to synthesize ideas derived from multiple fields including, but not limited to, sociology, anthropology, law, and business. Drawing on the works of Jeanne Brett, Gary Weaver, Roger Fisher, Frank Sander, Kevin Avruch, Roy Lewicki, William Fox, Pat Chew, and others, this book seeks to combine existing ideas while offering fresh new perspectives. “Cross Cultural Negotiation” is a pioneer because it merges multiple fields of study in order to arm negotiators with a toolbox of ideas. Aimed at the U.S. negotiator, this book seeks to guide negotiators on the path to more successful cross-cultural negotiations.

The reader will find several themes while reading this book. The first is preparation. The beginning chapters of this book will alert the negotiator to important verbal and visual cues. Cross-cultural negotiations will likely present issues that are new to the negotiator; accounting for these differences will help the U.S. negotiator navigate smoothly through the negotiation. The second theme of this book is reciprocity. Once a negotiator is prepared to face potential differences in the cross-cultural setting, the negotiator will be better able to reciprocate with the counterpart. The U.S. negotiator is better able to understand what changes in style may be needed and how to seamlessly make those transitions.

The reader will discover through the third theme the importance of trust building in cross-cultural negotiations. The relationships being formed with cross-cultural counterparts are extremely fragile and this section offers tips allowing negotiators to better establish long-lasting trust. Fourth, the reader will find the theme of self-evaluation running throughout this work. This book focuses on people as individuals and suggests that a negotiator must first know himself in order to know his counterpart. By knowing himself, a negotiator is better equipped to address the next theme — reevaluation of the situation. Often in cross-cultural negotiations, unexpected issues will arise such as ethical dilemmas or language barriers. Being able to reevaluate the situation allows the negotiator to understand what has happened and what still needs to be accomplished during the negotiation. Finally, the authors suggest that a cross-cultural negotiator should keep an open mind and strive to be optimistic.

Cross-cultural negotiations present situations full of uncertainty and risk. The goal of this book is to furnish U.S. negotiators with a toolbox of ideas to use in cross-cultural negotiations. These suggestions are based on existing research and are offered as a guide to U.S. negotiators as they negotiate cross-culturally.

