

Negotiation Science: Part II – Motivation, Why do I care?

The lawyer and her client arrive. They are shown to a room with a rather large table, a pitcher of water and glasses, an example or two of tasteful yet nondescript art, equally tasteful and nondescript chairs, and a telephone. Today they will try to reach an agreement with the client's husband and his attorney, in whose conference room they wait.

Eventually, the husband and his lawyer arrive. Husband and wife are meeting the other's attorney for the first time. Greetings are exchanged, chairs adjusted, and the moment arrives just prior to the real discussion.

What are these people thinking?

Wife's lawyer: "I need to make the first offer to get the discussion moving in the direction I want. I don't want his lawyer to think I am just going to meekly listen to his view of the case"

Wife: "I hope we can agree on things today. This divorce is hurting both of us."

Husband's lawyer: "I know her lawyer will make the first offer, like always. Good thing I told my client, so we can pretty much ignore it and move on to what's reasonable. I can't walk out of here without getting an agreement that my client gets at least \$2,500 a month in maintenance"

Husband: "I can't believe this is happening to me. I'll be broke forever after this. She wanted this divorce, not me. I should get more property than she does."

Such thoughts may or may not show up as words in each person's head. More likely, they manifest as reactions to the other people in the room. No matter, for each of the four players in this scene is approaching the negotiation with a different motivation. If they're smart, they are also trying to learn the others' motivations.

Motivation has been called the negotiator's *raison d'être*.¹ There are as many motivations to negotiate as there are people to negotiate, but certain types of motivation have been identified.

- Aspirational: These are preferences for a particular outcome or goal or level of benefit. Husband's lawyer has an aspirational motivation of a particular dollar amount in maintenance. Because higher aspirations tend to produce higher demands and smaller concessions, along with closer scrutiny of issues and the negotiation process, he is likely to negotiate a better deal for husband than if he had simply come in with an open mind intending to negotiate the issue of maintenance. More surprising, his motivation makes it more likely that the parties will have higher joint gain

as well.² This is because while his motivation will lead him to make higher demands and concede more slowly, it also is likely to result in greater scrutiny of the issues and problems in the negotiation.³

- Social Motives. There are three basic types of negotiators in this respect:
 - Cooperative: This person has a positive interest in the welfare of the other, as well as in his own welfare. Wife is cooperatively motivated. Her motivation makes it more likely that she will make an agreement which considers her husband's needs, but also puts her at risk of making concessions she might later regret.
 - Individualistic: This person has an interest in doing well for himself, without regard for the other.
 - Competitive: This person has an interest in his own welfare, and in doing better than the other. Husband shows this motivation, making him more likely to dig in his heels if he thinks wife is getting more than him. This puts the negotiation at higher risk of failure.

The negotiator's social motive is subject to some manipulation. If asked to approach negotiation cooperatively, there is a greater likelihood of negotiator creativity and perception of relationships.⁴

Information about the other's outcome does not necessarily increase cooperation or the likelihood of agreement. Sometimes this sparks the competitive motivation of the negotiator, and the preference for a "fair" outcome regardless of whether it decreases the joint gain.

- Epistemic: This is the desire for understanding. The higher this motivation, the greater the likelihood of problem-solving and integrative agreements.⁵
- Identity: There are two kinds of identity motivation:
 - Individual: The desire to appear as a strong or competent individual. Wife's attorney is motivated in this way, and needs to be seen as a strong person. This will likely help prevent her from feeling she is being walked over by the other side, but how well does it dovetail with wife's desire to cooperate?
 - Group: The desire to be part of a group. Creating a common identity at the negotiating table increases the probability of agreement.⁶ If the negotiators believe that they have a common interest, for instance avoiding a trial, they have at least a perception that they are in some sense on the same "team." That makes it easier to work together than when they focus on their differences, an exercise that can categorize the other negotiator as an enemy.

It's easy to see that the players' mixed motivations can lead to any number of results. The important point is that knowledge of the others' motivations is what assists the negotiator. For instance, husband's attorney knows that wife's attorney will make the first offer, but does he know why? If he is unaware of the motivation he diminishes her action as simply being pushy. He might respond with peevishness, which could then lead to an exchange which highlights the attorneys' personal problems, rather than focusing on the clients' interests. If, on the other hand, he understands that she needs to be acknowledged as a strong person, a competent negotiator, he might offer that acknowledgement when everyone first gets together. That eases wife's attorney's mind, and the negotiation can proceed with the outcome of that issue already decided for her, at little or no cost to husband's interests.

Similarly, if wife understands that husband is out to best her, regardless of what the actual financial situation is, she can make an informed choice. Perhaps she can plan her negotiation in a way that allows him the last word, or even make an offer that allows him more of something especially important to him.⁷ That allows him to negotiate with a feeling that his needs are being met, and makes it more likely that he will concede something that wife especially wants.⁸

The aspirational motivation of husband's attorney regarding maintenance might be determined early in the negotiation through the expedient of asking him to disclose what issues he believes are most important, and to rank them in priority. Should he not be willing to say,⁹ or if he gives a misleading answer, then continued observation of his approach to the negotiation should give some clues. For instance, he might lead off the discussion with facts and opinions related to his client's need for support, he might display emotion when discussing the issue, or his body language might convey his concern regarding the issue.

These considerations can be made independent of judgment about whether the motivations are appropriate or fair. They just are, and once their existence is acknowledged, action can be taken accordingly. Use this to negotiate from a position of knowledge, and get the good agreement.

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¹ Carnevale, P.J. and De Dreu, C., Motive: The negotiator's *raison d'etre*. In *Negotiation Theory and Research*. Thompson, L. (ed) 2006. New York: Psychology Press pp. 55-76.

² *Id.*

³ Zetik, C.C. and Stuhlmacher, A.F. (2002) Goal setting and negotiation performance: A meta-analysis. *Group Processes and Intergroup Relations*, 5, 35-52.

⁴ Carnevale, P.J. and Probst, T. (1998) Social values and social conflict in creative problem solving and categorization. *Journal of Personality and Social Psychology*, 74, 1300-09.

⁵ (Carnevale & De Dreu, 2006)

⁶ Carnevale, P.J., Pruitt, D.G. and Seilheimer, S. (1981) Looking and competing: Accountability and visual access in integrative bargaining. *Journal of Personality and Social Psychology*, 40, 111-20.

⁷ Of course, she could choose to cut the negotiation short and ignore the situation or let a judge decide, but that is a matter for another column.

⁸ Trading outcomes on issues of differing importance to each party is called logrolling.

⁹ This would in general be a mistake, since research has shown that stating your needs up front increases the likelihood that those needs will be met. For instance, see Carnevale, P.J. (2005) An experimental analysis of needs in ultimatum bargaining. Presented at the IACM 18th Annual Conference. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=724231.