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EMOTIONS IN NEGOTIATION: PERIL OR PROMISE?

DANIEL L. SHAPIRO*

We don't see things as they are. We see things as we are.

-Anais Nin¹

ABSTRACT

While emotions can be a barrier to a value-maximizing agreement, the common advice to “get rid of emotions” is infeasible and unwise. On the contrary, research suggests that negotiators can improve the efficiency and effectiveness of a negotiation by gaining an understanding of the information communicated by emotions—their own and those of others—and enlisting positive emotions into the negotiation.

I. INTRODUCTION

Two lawyers meet for the first time to negotiate a settlement. To the unaware observer, their greeting is perhaps notable for its uneventfulness. They shake hands, sit down, introduce themselves, and begin talking about the concerns of their respective clients. Each wants to negotiate this small case quickly in order to move on to big, lucrative cases waiting on the docket. And each knows that an agreement can easily be created to meet the interests of their current clients.

Under the surface, however, each lawyer experiences a world of emotions. “He’s much older than I expected,” thinks the one lawyer. She worries that he might try to control the whole negotiation process, and she calls to mind possible statements she could say to assert her professional status in the interaction. Meanwhile, the older lawyer looks at the younger negotiator and recalls an image of his ex-wife. He instantly feels repelled by this young lawyer, but feigns cordial professionalism. Not surprisingly then, neither listens very well to the other during the meeting, neither learns the other’s interests nor shares his or her own, and neither brainstorms options that might

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1. http://www.quotationspage.com/quotes/Anais_Nin/ (last visited February 13, 2004).

lead to mutual gains. They merely haggle over how much money the one client will pay the other. Each side firmly entrenches in a monetary position, and they close the meeting at impasse.

Are emotions a barrier to a wise agreement? Is it best for negotiators like these two lawyers to toss their emotions aside and to focus purely on the “important” substantive matters, like money? In this brief essay, I suggest reasons why emotions constitute a risk to negotiator efficacy. I then explain that emotions are unavoidable in a negotiation and propose ways in which emotions actually can be *helpful* in reaching a wise agreement for each party.

II. EMOTIONS CAN OBSTRUCT A NEGOTIATED AGREEMENT

There are a number of ways in which emotions can hinder the ability of negotiators to reach a wise agreement in a fair and amicable way. First, emotions may divert our attention from substantive matters. If we or others are angry or upset, both of us will have to deal with the hassle of emotions. Whether we decide to yell back, to sit quietly and ignore the outburst, or to storm out of the room, somehow we will need to respond.

Second, revelation of emotions can open us up to being manipulated. If we blush with embarrassment or flinch with surprise, these observable reactions offer the other party hints about our “true” concerns. A careful observer of our emotional reactions may learn which issues we value most and least, and could use that information to try to extract concessions from us. For example, my wife and I recently shopped for an anniversary ring. My wife pointed to a diamond ring in the back of the main display case. She looked at the ring, then at me, and then smiled with excitement. A jeweler joined us. I asked the jeweler for the price of the ring. He named the “rock bottom” price at which he could sell us the ring. I was surprised by the price because moments earlier I had overheard another salesperson offering another couple that same ring for \$1000 less than our offer. It was clear to me that the seller had bumped up the asking price on that item because he had noticed my wife’s emotional reaction to the ring.

Third, thinking may take a subordinate role to feeling. Emotions are desirable for falling in love, but they make it difficult to think precisely in a negotiation. Because we cannot easily quantify or measure emotions, talking about emotions reduces the role of hard data, facts, and logic. It makes little sense to try to negotiate quantitatively over emotions: “I’ll give you 10% more respect if you give me 20% less resentment.”

Fourth, unless we are careful, emotions will take charge of us. They may cause us to lose our temper, to stumble anxiously over our words, or to sulk uncontrollably in self-pity. We may neglect even our own substantive goals.

In anger, we may reject an agreement that is superior to our alternatives.² Or we may focus not on our substantive goals at all, but rather on hurting the negotiator whose actions triggered our anger.³

Thus, it is not surprising that a negotiator may fear the power of emotions. They are dangerous and can be destructive. However, this analysis is only a partial picture of the role that emotions play in a negotiation.

III. GET RID OF EMOTIONS?

Folk wisdom offers clear advice about how to deal with emotions in negotiation: Do not get emotional. Negotiators commonly are encouraged to “Swallow your pride,” “Do not worry,” and “Keep a straight face.” For a negotiator, emotions are seen as an impediment to avoid at all costs. However, this advice is untenable and often makes things worse.

A. Emotions Are Unavoidable

Human beings are in a state of “perpetual emotion.”⁴ Whether negotiating with another lawyer or with a friend, we constantly experience affective states of some type or another, such as anger, boredom, nostalgia, or anxiety.⁵ Emotions are stimulated by the context surrounding us (e.g., walking into another lawyer’s office), by our own actions and thoughts (e.g., worrying about one’s junior status), and by the actions of the other negotiator toward us (e.g., their demeaning behavior toward us).

Negotiators can be personally affected in many different ways—by impulses, emotions, moods, and attitudes.⁶ An *impulse* is a strong desire to do a particular behavior now, without much thought about possible consequences. If the young lawyer experiences feelings of mistreatment by the older lawyer, she may have an impulse to storm out of the room, ruining the possibility of a negotiated agreement.

2. Max H. Bazerman et al., *The Death and Rebirth of the Social Psychology of Negotiations*, in BLACKWELL HANDBOOK OF SOCIAL PSYCHOLOGY 196 (G. Fletcher & M. Clark eds., 2000); Madan M. Pillutla & J. Keith Murnighan, *Unfairness, Anger, and Spite: Emotional Rejections of Ultimatum Offers*, 68 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 208, 208-24 (1996).

3. Joseph P. Daly, *The Effects of Anger on Negotiations Over Mergers and Acquisitions*, 7 NEGOTIATIONS J. 31, 31-39 (1991).

4. Daniel L. Shapiro, *A Negotiator’s Guide to Emotion: Four “Laws” to Effective Practice*, DISP. RESOL. MAG., Winter 2001, at 3-8. Technically, human beings experience a constant state of affect, not emotion. Emotion is one of many types of affect experienced in a continuous stream. Other elements include moods and mixed emotional states.

5. D. Watson & L.A. Clark, *Emotions, Moods, Traits, and Temperaments: Conceptual Distinctions and Empirical Findings*, in THE NATURE OF EMOTIONS: FUNDAMENTAL QUESTIONS 89 (P. Ekman & R.J. Davidson eds., 1994).

6. Shapiro, *supra* note 4, at 3-8.

Negotiators often feel the more generalized pushes and pulls of *emotions*, which are short-lived reactions to thoughts and behaviors of ourselves or others. In contrast to impulses, which propel us to do a *particular* behavior now, such as to tear up the “biased” proposal drafted by the other side, emotions motivate us toward general kinds of behavior, such as to attack the other party in *some way* for their self-serving behavior. An important part of an emotion is its action tendency,⁷ which is the type of behavioral urge associated with that emotion. In anger, for example, the action tendency is to strike out or attack. In guilt, the action tendency is to repent. Of course, a person may not act upon the action tendency; that is why it is called a tendency and not an actuality.

Moods are low intensity affective states, background music to our thoughts and actions. Whether you experience a positive mood due to your pay raise or a negative mood due to the rainy weather, your mood may have an effect on your negotiating behavior.⁸

Attitudes are positive or negative evaluations of a person, institution, policy, or event.⁹ If the young lawyer learns that her counterpart is deceiving her, she may develop a negative attitude toward him.

B. Suppressing Emotions Can Make Things Worse

It is not possible to suppress one’s actual feelings. An emotion is a “lived experience.” We feel some particular emotion, and then we come to realize the emotion which we are experiencing.

It is possible, however, to suppress the expression of those feelings.¹⁰ A negotiator may feel angry toward another without expressing that anger through words, tone of voice, or body language.

Suppressing resentment, anger, or other strong emotions can debilitate a negotiator’s cognitive and behavioral functioning in several ways.¹¹ First, the negative emotional experience remains, leaving the negotiator in an internal state of tension. This agitated state may motivate us to act in ways that do not

7. NICO H. FRIJDA, *THE EMOTIONS* (1986).

8. Alice M. Isen, *Positive Affect and Decision Making*, in *HANDBOOK OF EMOTIONS* 417 (J.M. Haviland-Jones & M. Lewis eds., 2000).

9. ICEK AJZEN, *ATTITUDES, PERSONALITY, AND BEHAVIOR* (1998).

10. I do acknowledge evidence suggesting that it is not possible to suppress the expression of micro-expressions that occur immediately upon experiencing a particular emotion. See M.G. Frank & P. Ekman, *The Ability to Detect Generations Across Different Types of High-Stake Lies*, 72 *J. PERSONALITY & SOC. PSYCHOL.* 1429, 1429-39 (1997).

11. James J. Gross, *Emotion Regulation: Affective, Cognitive, and Social Consequences*, 39 *PSYCHOPHYSIOLOGY* 281, 281-91 (2002).

serve our short- or long-term interests.¹² A negotiator may hide her anger toward a colleague, then explode weeks later at a trivial behavior conducted by the colleague. Second, the effort to suppress the display of emotions consumes important cognitive energy. People are limited in their cognitive capacity to process information,¹³ so additional cognitive tasks decrease a negotiator's ability to think about important substantive or process issues. Third, a negotiator who suppresses his or her emotions may be more likely to stereotype that counterpart as an "adversary," leading to competitive behavior. There is evidence that the act of suppressing emotions increases physiological arousal both personally and in one's negotiating counterpart.¹⁴ With heightened physiological arousal, each negotiator has a reduced attentional capacity, making stereotypical thinking more likely.¹⁵

IV. EMOTIONS CAN HELP YOU REACH YOUR NEGOTIATION GOALS

Emotions affect our ability to reach negotiation goals. In most negotiations, each party has two goals: affective satisfaction and instrumental satisfaction.¹⁶ The ability to deal effectively with emotions increases the likelihood of attaining those goals.

A. Affective Satisfaction

Affective satisfaction is my general level of satisfaction with the emotions I experienced during an interaction. Affective satisfaction focuses on my feelings about my feelings—my "meta-emotions" for short.¹⁷ How do I feel about the feelings I experienced in the negotiation? In reflecting upon my interaction with the other party, do I generally feel satisfied with my emotional experience, or do I feel angry, upset, and dissatisfied?

B. Instrumental Satisfaction

The second goal focuses on instrumental satisfaction, the extent to which

12. J. Averill, *Emotions are Many Splendored Things*, in *THE NATURE OF EMOTIONS: FUNDAMENTAL QUESTIONS* 99-102 (P. Eckman & R.J. Davidson eds., 1994).

13. S.T. FISKE & S.E. TAYLOR, *SOCIAL COGNITION* (2d ed. 1991).

14. Gross, *supra* note 11.

15. Delroy L. Paulhus et al., *Some Effects of Arousal on Sex Stereotyping*, 18 *PERSONALITY & SOC. PSYCHOL. BULL.* 325, 325-30 (1992).

16. Daniel L. Shapiro, *Negotiation Residuals: The Impact of Affective Satisfaction on Long-Term Relationship Quality*, in *PROGRAM ON NEGOTIATION BOOKS* 00-3 (2000). The concepts of affective and instrumental satisfaction are similar to the concepts of procedural and distributive justice. See Nancy A. Welsh, *Perceptions of Fairness in Negotiation*, 87 *MARQ. L. REV.* 753 (2004).

17. J.M. GOFFMAN ET AL., *META-EMOTION: HOW FAMILIES COMMUNICATE EMOTIONALLY* (1997).

substantive work requirements are fulfilled. If two lawyers walk away from a week-long negotiation with plenty of good feelings but no new ideas about how to deal effectively with their differences, the meeting might be considered an affective success but an instrumental failure.

V. USING EMOTIONS TO MOVE YOU TOWARD YOUR NEGOTIATION GOALS

Negotiators are not merely victims to the dangers of emotions. In fact, interest-based negotiators can reap great benefit by understanding the information communicated via emotions and by enlisting positive emotions into their interactions.

A. Understanding the Information Communicated by Emotions

The emotion theorist Silvan Tomkins¹⁸ suggested that emotions amplify motivation. They signal the importance of issues to us and let us know about what we care. They bring personally important goals to the forefront of our attention and give them urgency. The goals may be instrumental or affective in nature.

Hence, awareness of emotions, one's own and those of others, provides a negotiator with an understanding of the importance of each person's interests and concerns. A negotiator may come to realize the extent to which she wants a particular object (instrumental satisfaction) or a particular kind of treatment and deference (affective satisfaction). With expanded information about the relative importance of interests, parties are more capable of devising options for mutual gain.

Emotions are not only internal; they may have a communicative function.¹⁹ If the other negotiator says something that offends you, the look on your face may change. Your eyebrows may furrow and your lips may pucker. Your voice may become deeper, and the rhythm of your speech may turn more abrupt. Through these behaviors, you are communicating to the other negotiator that you are angry. By expressing your emotion, you provide the other negotiator with important information about how you want to be treated.

Even if you suppress the expression of your own emotions, they are still communicating information to at least one person: you. The feeling of butterflies in your stomach signals to you that you may be anxious. The feeling of heaviness throughout your body signals that you may be

18. Silvan S. Tomkins, *Affect as the Primary Motivational System*, in FEELINGS AND EMOTIONS: THE LOYOLA SYMPOSIUM 101-10 (M.B. Arnold ed., 1970).

19. R. Levenson, *Human Emotion: A Functional View*, in THE NATURE OF EMOTIONS: FUNDAMENTAL QUESTIONS 123-26 (P. Ekman & R.J. Davidson eds., 1994).

disappointed. Although some negotiators are very good at hiding the expression of their “true” feelings from others, it is much more complicated to hide your own feelings from yourself.

Because emotions communicate information, an observant negotiator may try to exploit that information. Some negotiators try to stimulate an emotion—positive or negative—in others for strategic gain.²⁰ A car salesperson may try to build a positive affiliation with the customer to encourage the sale of a car on his car lot (“You have kids? Me, too! This car is great for taking the kids on vacation.”). Or the salesperson may feign surprise at a customer’s “outrageously low” offering price for the car.

Does emotional manipulation work? Sometimes. Negotiators may be exploited if they are unaware that their emotions are being manipulated. However, putting aside ethical and moral questions, the exploitive use of emotions is not foolproof.²¹ On the one hand, negotiators who use exploitive tactics may get caught. A customer may learn that the car salesperson does *not* actually have children and may decide to take her business elsewhere. On the other hand, the tactics of a manipulative negotiator may backfire. The salesperson’s feigned surprise at the customer’s “outrageously low” offering price may cause the customer *not* to feel ashamed at her asking price, but rather to feel annoyed at the salesperson’s comment and to shop elsewhere.

Exploiting emotions runs the additional risk of damaging long-term relationships. Many negotiations involve people who have ongoing relationships with one another and who are in close and consistent contact. Lawyers, politicians, diplomats, and organizational employees tend to interact with a small and stable network of colleagues. Emotional exploitation may work to one negotiator’s advantage in the short-term, but over the course of time others may become aware of the manipulation, become angry, and subvert the exploitation through overt or covert retaliation.²² Even in situations of asymmetric power, the less powerful person may use subtle tactics to retaliate against the exploitation (“Sorry boss, but I forgot to send out the package on time yesterday.”).

B. Negative Emotions Have Downfalls in a Negotiation

Negative emotions are not completely useless in a negotiation. Consider a simple distributive negotiation. If two boys argue over who should get the

20. B. Barry, *The Tactical Use of Emotion in Negotiation*, in 7 RESEARCH ON NEGOTIATION IN ORGANIZATION 93-123 (R.J.L. Beis et al. eds., 1999).

21. R. AXELROD, *THE EVOLUTION OF COOPERATION* (1984).

22. Keith G. Allred et al., *The Influence of Anger and Compassion on Negotiation Performance*, 70 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 175, 175-87 (1997).

last cookie in the cookie jar, the child who expresses more anger—yelling louder and making more credible threats to hurt the other—may be at an advantage. The expression of anger communicates a willingness to get demands met by going to extremes, even if that means getting in trouble or foregoing a better alternative.

Yet negative emotions have serious downfalls in a negotiation. The angry boys do not explore value-creating options, such as asking a parent if they can go to the store to buy more cookies. And once the conflict over the cookie is resolved, emotional residue may become the seeds of future conflict.²³ The boy who did not get the cookie may feel resentment, which easily may fuel future disagreement.

C. Enlisting Positive Emotions to Motivate a Collaborative Interaction

A growing body of research suggests that positive emotions increase the likelihood that negotiators will satisfy their instrumental and affective goals. Compared to those in a neutral mood, negotiators in a positive mood achieve more optimally integrative outcomes and use fewer aggressive behaviors.²⁴ Negotiators with a positive mood report higher enjoyment of their interaction.²⁵ As parties build affiliation with one another and develop fulfilling roles, they may become more engaged in their negotiation tasks. As a result, negotiators may experience a state of “flow,” a peak motivational experience that is intrinsically, personally rewarding.²⁶

Some of the motivational benefit of positive emotions can be reaped whether one is a hard bargainer or interest-based negotiator. In either case, each party needs the other to create a joint agreement. That is the essence of negotiation. Hence, the parties must co-manage the negotiation process, and the collaborative inclinations fostered by positive emotions can improve the efficiency of that process. Even parties in a single, nonrepeated negotiation must co-manage the negotiation process. The stimulation of positive emotions, as well as the consequent eliciting of collaborative behaviors, can facilitate the efficiency of the negotiation.

Positive emotions contribute to the long-term sustainability of each party's commitments. Negotiators may experience positive emotions toward one another due to joint participation in the negotiation process, joint

23. See Shapiro, *supra* note 16.

24. Peter J. Carnevale & Alice M. Isen, *The Influence of Positive Affect and Visual Access on the Discovery of Integrative Solutions in Bilateral Negotiation*, 37 ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES 1, 1-13 (1986).

25. *Id.*

26. MIHALY CSIKSZENTMIHALYI, *FLOW: THE PSYCHOLOGY OF OPTIMAL EXPERIENCE* (1990).

brainstorming on the agreement, or a positive emotional connection with one another. The power of positive emotions toward the agreement and toward the other can override the temptation for parties to dishonor their commitments.

Positive emotions also foster cognitive expansion. Positive emotions can aid negotiators' attempts to problem solve creative options to satisfy their interests.²⁷ Positive emotions apparently trigger the release of a neurochemical called dopamine, which in turn fosters improved cognitive ability for a negotiator to think creatively. These findings are consistent with the research of Barbara Fredrickson, who proposes that certain positive emotions—including joy, interest, contentment, and pride—all share the ability to broaden attentional, cognitive, and behavioral ability.²⁸ This theory is supported by a tremendous amount of research conducted by Alice Isen and colleagues.²⁹ Isen's research suggests that people experiencing positive affect demonstrate thinking that is flexible, creative, integrative, and efficient. Each of these characteristics is important for an interest-based negotiator, who is trying to brainstorm creative options that satisfy each party's interests.

VI. SUMMARY

While it is true that emotions can be a barrier to a value-maximizing agreement, the common advice to "get rid of emotions" is infeasible and unwise. On the contrary, research suggests that negotiators can improve the efficiency and effectiveness of a negotiation by gaining an understanding of the information communicated by emotions, their own and those of others, and enlisting positive emotions into the negotiation.

27. J.P. Forgas, *On Feeling Good and Getting Your Way: Mood Effects on Negotiator Cognition and Bargaining Strategies*, 74 J. PERSONALITY & SOC. PSYCHOL. 565, 565-77 (1998); Isen, *supra* note 8.

28. Barbara L. Frederickson, *The Role of Positive Emotions in Positive Psychology: The Burden-and-Build Theory of Positive Emotions*, 56 AM. PSYCHOLOGIST 218, 218-26 (2001).

29. *See generally* Isen, *supra* note 8.

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