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RAPPORT IN NEGOTIATION AND CONFLICT RESOLUTION

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In negotiation, rapport is a powerful determinant of the extent to which negotiators develop the trust necessary to reach integrative agreements. Rapport between negotiators is linked to negotiators' willingness to cooperate, to share crucial information, to make fewer ultimatums and threats, and to a reduction of the risk of impasse. This essay first outlines the general concept of rapport and how it develops between people in social interactions. This essay then focuses on key implications of rapport for negotiations.

I. WHAT IS RAPPORT?

Interpersonal rapport has been described as a state of mutual positivity and interest.¹ The development of rapport has been characterized by three dynamic components: (1) mutual attention and involvement; (2) positivity; and (3) coordination. These will be considered in turn.

First, mutual attention and involvement are exemplified by the simple idea that my focusing attention on you makes you feel involved in the interaction, and vice-versa. An important component of rapport is when we both simultaneously attend to one another and both feel involved in the interaction. Mutual attention and involvement are signaled by the physical orientation of participants in the interaction. For example, spontaneous formation of a circular or semi-circular configuration in a group, forward lean, uncrossed arms, and eye contact are all signals of attention, and, in turn, foster feelings of involvement in the interaction.²

Second, rapport is characterized by participants in an interaction having positive attitudes toward one another. Such mutual positivity is signaled by particular nonverbal behaviors such as forward lean, eye contact, smiling, and

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1. See Linda Tickle-Degnen & Robert Rosenthal, *The Nature of Rapport and Its Nonverbal Correlates*, 1 *PSYCHOL. INQUIRY* 285 (1990); Don A. Moore et al., *Long and Short Routes to Success in Electronically Mediated Negotiations: Group Affiliations and Good Vibrations*, 77 *ORGANIZATIONAL BEHAV. & HUM. DECISION PROCESSES* 22, 24 (1999).

2. See Linda Tickle-Degnen & Robert Rosenthal, *Group Rapport and Nonverbal Behavior*, 9 *REV. OF PERSONALITY & SOC. PSYCHOL.* 113, 118-19 (1986).

gestures.³

Third, most definitions of rapport include in their descriptions the feeling of being “in sync” with the other persons in the interaction. Rapport-related coordination includes smooth turn taking in conversation, in which the listener acknowledges understanding, agreement, or attention with forward lean, head nods, and brief verbal responses (e.g., “uh-huh”).⁴ In addition to smooth turn taking, rapport-related coordination is characterized by nonconscious mimicry, which occurs when one person imitates the behaviors of another.⁵ Without even realizing it, when people interact they tend to mirror one another in posture, facial expression, tone of voice, and mannerisms. On the surface, it might seem that mimicking would be annoying—almost like a form of mockery. The type of mimicry that is involved in everyday social encounters, however, is quite subtle—people do not usually recognize when it is happening. At the same time, powerful effects of mimicry result in greater liking and rapport in an interaction. For example, in one study, half the participants were mimicked by the other person in the interaction and half were not. Participants who were mimicked rated the interaction as more smooth and harmonious than those who were not.⁶ Additionally, when people are motivated to create an affiliation with another person, they automatically and unconsciously increase their mimicry behavior to accomplish this goal.⁷ When two people are mirroring one another, their movements become a choreographed dance. To the extent that our behaviors are synchronized with those of others, we feel more rapport, and this increases our trust in those with whom we communicate.⁸ Such rapport-based trust is particularly useful during negotiation.

II. THE ROLE OF RAPPORT IN NEGOTIATION

Frequently, negotiations involve mixed-motive conflicts in which negotiators are motivated to cooperate just enough to ensure a settlement is reached, but at the same time, each negotiator is motivated to compete with each other to claim the greatest possible bargaining surplus for themselves.⁹ In mixed-motive conflicts where the collectively optimal outcome requires

3. *Id.*

4. *Id.* at 125.

5. See Jessica L. Lakin & Tanya L. Chartrand, *Using Nonconscious Behavioral Mimicry to Create Affiliation and Rapport*, 14 PSYCH. SCI. 334 (2003).

6. Tanya L. Chartrand & John A. Bargh, *The Chameleon Effect: The Perception-Behavior Link and Social Interaction*, 76 J. PERSONALITY & SOC. PSYCHOL. 893, 900-03 (1999).

7. See Lakin & Chartrand, *supra* note 5, at 334.

8. *Id.*

9. See LEIGH THOMPSON, *THE MIND AND HEART OF THE NEGOTIATOR* 36-37 (2d ed. 2001).

cooperation, it is often the case that each party would prefer to cooperate if the other party does, but not otherwise. To reach a collectively optimal outcome in such situations, parties must coordinate on cooperation.¹⁰

There is now considerable empirical evidence suggesting that the development of rapport fosters cooperative behavior necessary for efficient negotiated outcomes in mixed-motive conflicts. Some of this evidence derives from experimental investigations in which bargainers communicate in intentionally impoverished environments (e.g., side by side, intercom, telephone, email) in order to systematically examine the extent to which stifling rapport development hinders efficient conflict resolution. Other studies examining various aspects of bargainers' social relationships (e.g., social affiliation, affect, identification with an ingroup) produce evidence consistent with the possibility that rapport facilitates conflict resolution by encouraging cooperative behavior. In this section, I will review briefly both literatures.

A. Visual Access and Rapport in Conflict Resolution

Because important components of rapport are linked with nonverbal expression and because most channels of nonverbal expression are accessible only visually,¹¹ we would expect that the efficacy of conflict resolution would be reduced by limited visual access. For example, mutual attention and involvement requires that I know that you are attending to me and vice versa; in the absence of visual cues this can be difficult. Similarly, most forms of mimicry require visual access.

How does lack of visual access affect rapport and cooperation in conflict resolution? Several studies show that visual access enhances cooperation among players in a Prisoner's Dilemma and other social dilemmas. For example, in one game, players are asked to make a decision on behalf of a small company regarding the advertising of a product sold by only one other small company. The task is structured as a Prisoner's Dilemma, and the decision to cooperate or compete is made by the two parties simultaneously and separately. Cooperation by both parties yields the highest collective outcome; however, individual incentives favor competition regardless of the other party's decision. In a study where participants played the advertising game seven times, there was one condition in which players were not permitted to communicate prior to making their decision; in the second

10. See THOMAS C. SCHELLING, *THE STRATEGY OF CONFLICT* 60 (1960).

11. Aimee L. Drolet & Michael W. Morris, *Rapport in Conflict Resolution: Accounting for How Face-to-Face Contact Fosters Mutual Cooperation in Mixed-Motive Conflicts*, 36 *J. EXPERIMENTAL SOC. PSYCHOL.* 26 (2000).

condition, players were permitted a brief face-to-face meeting prior to each round; in the third condition, players did not communicate, but instead envisioned a meeting with the opponent prior to each round and recorded in a journal what they would say to each other.¹² Results indicate that during the first six rounds, no communication resulted in the lowest rates of cooperation, and the face-to-face meeting resulted in the highest. Interestingly, imagining the face-to-face meeting boosted the cooperation rate above that of the no communication group, although not as high as the actual face-to-face group.¹³

In another study using the same advertising Prisoner's Dilemma game, participants engaged in a brief introductory conversation prior to playing the game.¹⁴ The conversation took place either face-to-face or via speakerphone. After the conversation, subjects rated the extent to which they felt rapport during the conversation. In addition, independent coders later viewed videotapes of the conversation and rated the extent to which the participants displayed mutual interest and gestural synchrony. Both the coders and the participants themselves reported higher rapport when the conversation took place face-to-face compared to speakerphone. Higher rapport in the face-to-face condition proved to be a crucial element in the decision to cooperate in the advertising game that followed: participants who had met face-to-face were significantly more likely to cooperate in the advertising conflict than were participants who talked via speakerphone. Most important, rapport ratings (both subjective and objective) mediated the relationship between visual access and cooperation: i.e., visual access led to higher rapport, which in turn led to more cooperation in the advertising conflict.

The studies just discussed demonstrate that visual access prior to decision making in a Prisoner's Dilemma game improves rapport, which encourages cooperation, leading to better collective outcomes. Other work shows that visual access during the course of a negotiation also improves collective outcomes. For example, in a simulated strike negotiation in which settling the strike quickly was mutually beneficial, union and management representatives exchanged written offers while sitting either side by side (without visual access to the other party's nonverbal behavior) or sitting face-to-face. Negotiators sitting side by side endured longer strikes and as a result less beneficial outcomes than negotiators sitting face-to-face. The side-by-side negotiators did not have the benefit of visual cues and were less able to

12. David Sally, *A General Theory of Sympathy, Mind-Reading, and Social Interaction, with an Application to the Prisoners' Dilemma*, 39 *THEORY & METHODS* 567, 616 (2000).

13. During the last round, the face-to-face group cooperated more than the other two groups; there was no difference between the no communication and imagined communication group.

14. Drolet & Morris, *supra* note 11, at 98 n.13.

engage in mutual attention and mimickry that are the building blocks of rapport, suggesting that the experience of rapport among the face-to-face negotiators facilitated coordination.¹⁵

B. Relationships and Cooperation in Conflict Resolution

Apart from visual access, cooperative behavior is also facilitated by the perceived affiliation of the participants in a conflict or negotiation. In general, people often use noticed similarities between themselves and the other person as a basis for categorizing the other as an ingroup member.¹⁶ Once we decide that we share an affiliation with another person, many consequences follow: we evaluate members of our own group more favorably; we allocate more rewards to members of our own group; and we are more cooperative when dealing with ingroup members.¹⁷ The special treatment of and affinity for ingroup members can arise from even the most superficial basis (e.g., we both like the same artist). Even the mere act of communication leads to feelings of affiliation that promotes cooperation in a social dilemma. In these circumstances cooperation arises from not simply the formation of commitments (i.e., "I promise to cooperate if you do"), but rather from emotional social aspect of communication (e.g., "I like you because we are alike, so I will cooperate with you").¹⁸ Feelings of liking toward another person can lead to an increase in perception of similarity and convergence of attitudes,¹⁹ and similarity in attitudes can, in turn, lead to more cooperation.²⁰

The greater likelihood of cooperation stemming from the perception of an affiliation or a prior relationship has been confirmed in the context of legal settlement negotiations. In a study of actual legal disputes, Johnston and Waldfoegel examined whether the existence of a prior relationship between opposing counsel would affect the likelihood of settlement in civil lawsuits.²¹ After examining thousands of cases, they found that cases were resolved more quickly and were less likely to go to trial when opposing counsel had faced each other in the past, than when the attorneys did not know each other. Johnston and Waldfoegel argue that when attorneys have repeated interactions, they learn how to communicate in a way that promotes the cooperative

15. *Id.*

16. See Moore et al., *supra* note 1, at 25.

17. *Id.*

18. *Id.* at 40 (citing Norbert L. Kerr et al., *That Still, Small Voice: Commitment to Cooperate as an Internalized Versus Social Norm*, 23 PERSONALITY & SOC. PSYCHOL. BULL. 1300 (1997)).

19. Sally, *supra* note 12, at 590.

20. *Id.* at 609.

21. Jason Scott Johnston & Joel Waldfoegel, *Does Repeat Play Elicit Cooperation? Evidence From Federal Civil Litigation*, 31 J. LEGAL STUD. 39 (2002).

sharing of crucial information. The elimination of information asymmetries allows attorneys who know each other to converge on a settlement that is perceived as acceptable to both sides. But why would attorneys be more willing to share private information simply because they have faced their opponent in the past? This question is especially puzzling in light of the adversarial context of the interactions of litigation counsel.

A laboratory study of group affiliation among negotiators provides insight.²² In this study, business students negotiated either with students from their own school or students from a different school. Consistent with Johnston and Waldfogel's theory, those who negotiated with an ingroup member revealed more about their own preferences, asked more information-seeking questions, and in the end, were more likely to achieve a negotiated agreement compared to those who negotiated with an outgroup member.²³ However, a key finding uncovered in the laboratory study is that affiliation produces rapport, which in turn, reduces the likelihood of impasse.²⁴ Thus, in the absence of a basis for a positive relationship, such as shared group affiliation, negotiators do not express much positive affect, do not develop as much rapport, and are less likely to come to an agreement.²⁵

III. DEVELOPING RAPPORT WHEN VISUAL ACCESS AND RELATIONSHIPS ARE LIMITED

In the absence of visual access or a basis for a positive relationship, negotiators are less likely to develop the kind of rapport that promotes cooperation necessary to reach efficient agreements in mixed-motive negotiations. Can negotiators working under these circumstances take steps to develop rapport on their own initiative? Even though rapport normally develops in social interactions without social actors even being aware of it, several studies have identified methods that can be used by negotiators who wish to develop rapport to enhance negotiation processes and outcomes.

Sometimes we must negotiate with people we do not know and have never met. Moreover, the advent of communication technologies, like email, means that sometimes the negotiation itself does not provide the opportunity for a face-to-face meeting with our counterpart. Negotiating with someone with whom we have no prior relationship, and using a communication medium that provides no visual access (e.g., telephone, email), makes it more likely that

22. Moore et al., *supra* note 1, at 27-38.

23. *Id.* at 35.

24. *Id.* at 39.

25. Affect-based rapport is measured by negotiators' feelings of anger, disappointment, frustrations, as well as friendliness, positivity, and warmth, among other things. *Id.* at 31.

rapport will not sufficiently develop, that cooperative information exchange will be insufficient, and that the result will be an impasse rather than a mutually beneficial agreement. How can this undesirable state of affairs be avoided in a world in which negotiation with strangers using information technology is taken as a given?

First, negotiators who make an effort to create a basis for a positive relationship by engaging in a short, get-acquainted conversation create a basis for smooth negotiation processes that follow. For example, in two studies,²⁶ some negotiators who used e-mail to negotiate a transaction with a stranger were instructed to talk on the telephone and schmooze for ten minutes in an effort to get to know one another. Other negotiators were not given this opportunity. Engaging in small talk enabled negotiators who were strangers to affiliate in a fashion that did not spontaneously occur during the process of e-mail exchange. The seemingly inert act of schmoozing facilitated cooperation during the negotiation, leading to the sharing of crucial information with the other part, and resulting in favorable impressions of the counterpart after the negotiation.

By contrast, negotiators who did not chat with their counterpart prior to negotiation either failed to exchange the kind of information that would lead to identification of mutually beneficial solutions, or failed to recognize as beneficial the solutions which arose, leading to a greater likelihood of impasse. In the absence of the preliminary chat, the two negotiation counterparts were complete strangers, never having seen one another or heard one another's voice, hindering the development of rapport. By failing to reach agreement, pairs that reached an impasse settled for a result that was economically worse than any of the many possible agreements that would have resulted in a profitable outcome for each party. The prenegotiation, getting-to-know-you chat allowed the negotiation to proceed more smoothly by creating rapport before the negotiation began. This rapport helped negotiators approach the negotiation with a more cooperative mental model, thereby trusting in each others' good intentions. This mental model, in turn, led to a successful negotiation that concluded with a contract and engendered positive feelings about one another. Adopting an attitude that was more cooperative than competitive allowed negotiators to trust the other party enough to share with them relevant private information, and to expect the other party to reciprocate by sharing their own relevant private information, which, in turn, resulted in identification of and agreement to efficient

26. See Michael Morris et al., *Schmooze or Lose: Social Friction and Lubrication in E-mail Negotiations*, 6 GROUP DYNAMICS 89, 90-95 (2002); Janice Nadler, *Rapport in Legal Negotiation: How Small Talk Can Facilitate E-mail Dealmaking*, 9 HARV. NEGOT. L. REV. (forthcoming 2004).

solutions.

If preliminary small talk is not possible, there are other means for creating the basis for a rapport-promoting positive relationship. For example, in the Moore et al. study discussed earlier,²⁷ negotiators who were students at the same school (but did not necessarily know one another) were more successful at generating rapport than students at different schools. As a result, their impasse rate was lower (especially when their email exchanges contained mutual self disclosures). In addition, other negotiators who exchanged pictures and personal biographical information (such as alma mater, interests, hobbies) generated more affect-based rapport. The absence of either of these factors (ingroup identification or mutual self-disclosure) led to a much higher impasse rate than when negotiators had a basis for a positive relationship. Thus, prior to negotiation, strangers who negotiate can try to create a basis for affiliation, through identification of shared interests, group memberships, and so forth. This shared affiliation will then create the basis for affect-based rapport that leads to cooperation, information exchange, and mutually beneficial agreements.

IV. CONCLUSION

In a face-to-face negotiation, nonverbal (e.g., body orientation, gestures, eye contact, head nodding) and paraverbal (e.g., the use of “uh-huhs”) behaviors are important building blocks of rapport. Face-to-face contact contributes to smooth negotiations because, although seldom consciously recognized, people rely heavily on nonverbal signals and mimicry to help them conduct social interactions. In face-to-face negotiation, rapport tends to develop quite naturally, resulting in the feeling of being “in sync” or “on the same wavelength” with another person. In negotiation, the rapport that results from visual access facilitates cooperation and mutually beneficial negotiation outcomes.

In the absence of face-to-face communication, negotiators can rely upon noticed similarities between themselves and their counterpart as a basis for generating affect-based rapport to facilitate a smooth negotiation process. In the absence of either visual access or a positive relationship, negotiators can create rapport synthetically by means of a prenegotiation, a getting-to-know-you-chat, or a mutual self-disclosure. These simple steps are likely to facilitate conflict resolution in mixed-motive negotiations.

27. See Moore et al., *supra* note 1, at 27-38.