

Strategic Moves and Turns

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*Editors' Note: In her well-known book on *The Shadow Negotiation*, Kolb focused on the ways in which women are often disadvantaged by the events and patterns that take place out of sight of the negotiating table. Here she has broadened the focus to include others, of any gender and culture, who find themselves "one down" in even trying to begin a serious discussion. If you have found yourself in this situation (and who hasn't?) Kolb has practical advice for you.*

Whenever negotiators bargain over issues—a contract, a budget, a schedule for a product's release, a change in policy—a parallel negotiation unfolds below the surface of the overt negotiation. Yes, people bargain over issues and interests; but they also negotiate how they are going to negotiate. All the time they are working on the issues, they are engaged in a shadow negotiation, in which they work out the terms of their relationship and the expectations they have of each other.¹ Even though the subject seldom comes up directly, they decide between themselves whose interests and needs will hold sway, whose opinions will matter, and how cooperatively they are going to work together.

The shadow negotiation refers to the parallel and complementary dynamic that occurs as parties work on the issues that separate them. It is not that these two processes are separable, but rather that we can look at what is occurring from these two perspectives. We can focus on how parties are dealing with their issues and working (or not) toward agreement. At the same time, we can pay attention to how what they say and what they do also captures a process of positioning (or challenges/acceptance of it).² Positioning in the shadow negotiation involves how parties manage impressions of themselves, how they claim and maintain legitimacy and credibility, how they assert what power and influence they have, and how they shape perceptions of what is possible. Central to the shadow negotiation is the idea of strategic moves, and the turns that are used to respond to moves.

Strategic Moves: Power, Process and Appreciative Moves

Strategic moves are actions negotiators take to position themselves (and others) in the negotiation process. There are many situations where negotiators find it difficult to enlist another party to bargain with them. Even when they sit at the same 'table,' it can still be a challenge to get one's ideas heard. Differences in power and position can explain why it may be difficult to get another party to the 'table.' Subordinates, for example, must pay acute attention to the demands of a superior and can encounter real difficulty when the time comes to get a boss to listen to their demands. Managers who are in the minority due to their race or gender can

find themselves excluded from important networks. [Kolb & Putnam, *Gender*] They may have neither the personal clout and experience nor the organizational standing to convince others that negotiations should start. Further, assumptions about a bargainer's probable behavior can work against her demands and ideas being heard. Someone who is expected to be accommodating, for example, encounters more resistance in bringing others to the table and usually is expected to make more concessions once there.³

Strategic moves are intended to bolster perceptions of interdependence so that the other party will rethink their reluctance and start negotiations. In situations where the other party sees no compelling need to negotiate, *power moves* can help bring them to the table. We have identified two major types of power moves: the use of incentives, and raising the costs of the status quo.⁴ Incentives emphasize the value proposition—what the other side gets in return, and how negotiating works to its advantage. Raising the costs acts as a pressure lever to underscore the consequences to the other side if it continues to hold out. By enlisting the support of allies the bargainer can further reinforce these incentives or increase the pressure.

In situations where the dynamics of the decision-making process threaten to overpower a negotiator's voice, *process moves* can reshape the negotiation's structure. Process moves, while they do not directly address a bargainer's specific interests, do directly affect the hearing those interests are likely to get. Working behind the scenes, indirectly, to seed ideas or to marshal support before an agenda becomes fixed in anyone's mind can frame the discussion in ways that work to a negotiator's advantage. Process moves, in other words, can influence how receptive others will be to ideas and proposals.

Where talks stall because the other party feels pushed or misunderstandings cloud the issues, *appreciative moves* can foster participation. These moves are appreciative in the sense that they demonstrate that a negotiator accepts that people resist or reject ideas for good strategic reasons from their perspective. The challenge is to understand those reasons. By demonstrating appreciation (authentically), these moves can encourage the other party to engage in a more open dialogue on the issues. Appreciation focuses on face-saving moves, on drawing out and respecting others' perspectives, and on a commitment to keeping dialogue and chains of communication open. Appreciation conveys the importance placed on these perspectives and the opinions, ideas, and feelings that shape them.

Power, process, and appreciative moves are tools bargainers use to manage the shadow negotiation, where the perceptions of relative need and hidden agendas play out. Differences in power and position can put a bargainer in a "one-down" position in the shadow negotiation and make it difficult to engage the other side. Which moves a bargainer employs depends on the particular challenge he or she faces. Most often they are best used in combination and/or sequentially. Power moves encourage the other party to recognize the need to negotiate in the first place. They help bring a reluctant bargainer to the table. Process moves structure the negotiation in ways that create a context in which he or she can be effective—shaping the agenda and the dynamic. Appreciative moves develop openness and trust in the shadow negotiation so that all parties are more likely to want to work together.

Moves and Turns

Negotiators use strategic moves to position themselves to advantage in negotiations. In making these moves, negotiators want to position themselves as competent and legitimate, in order to be credible advocates for themselves and their interests. As such they are part of the normal by-play of negotiations. As parties advocate for themselves in order to create and claim value, their moves can have the effect of putting the other negotiator in a defensive position.⁵ From a de-

legitimated or defensive position, it is then difficult for the other party to advocate for herself in a ways that further the negotiation agenda.⁶ That is the risk of using certain strategic moves: in moving to put oneself into a good position, the effect can be to challenge some aspect of the position the other negotiator is claiming. The moves that are of interest are ones that challenge a negotiator's own presentation of self and/or puts him on the defensive so that he finds it hard to advocate credibly. Several of the most common moves—typically, power moves—include:

Challenging Competence or Expertise

With these moves, claims of experience and expertise are called into question. In a contract negotiation, for example, the move—"your fees are way out of line with what you deliver"—calls into question the value of the product/service. The implication is that asking for higher fees is not possible.

Demeaning Ideas

With these moves, the ideas themselves are attacked in ways that give the proponent little room to respond. Saying something like, "you can't be serious about this proposal," makes the idea and the proponent sound ridiculous. Obviously, these moves make it more difficult to argue for what might otherwise be a reasonable idea.

Criticizing Style

Using phrases like "don't get so upset;" "you are so greedy;" "stop being so difficult;" the person—who he/she is, and how he/she acts—becomes the subject of the move. To be challenged as overreacting or inconsiderate positions a negotiator as an irrational person who cannot be reasoned with, or who is selfish or not nice. These moves can call forth unfortunate stereotypes such as the hysterical female.⁷ They can be unsettling, as few of us think of ourselves as unreasonable, difficult or greedy.

Making Threats

Threats are used to try to force a choice on a negotiator: "Cut your rates or there is no deal." As assertions of power, these moves can back a negotiator into a corner, making it risky to propose some other solution.

Appealing for Sympathy or Flattery

The moves described thus far have been critical of the person and his/her ideas. But in everyday negotiation, operative in the workplace, appeals for sympathy and flattery also can be quite powerful. When people say, "I know you won't let me down" or "I really need your help on this," they are counting on the move to silence, to make it difficult to advocate and press one's ideas.

Strategic moves like these five (and there are likely variants), can be seen as situated exercises of power meant to put a person in his place.⁸ In the interactive by-play, these moves effectively position the recipient of the move in a one-down, defensive position. To have one's competence, motives, ideas, legitimacy, and style challenged as the other party presses for advantage not only questions the potential argument or claim a negotiator wants to make, it can also undermine the negotiator's sense of self competence and confidence. In a one-down position, the other negotiator can have the advantage.

Strategic moves present the recipient with a choice. He can make a countermove or he can turn it. Moves are most likely to be responded to with defensive countermove which are comebacks in kind. For example, when somebody says, "Don't get so upset," a countermove would be, "I am not upset." Similarly, to claim one is not difficult or greedy in response to accusations that one is, tends to reinforce the previous moves. That is, the recipient of the move stays in the origi-

nal, defensive position. One of the reasons that defensive countermoves are so common is because negotiators do not recognize that a move is being used, so they respond emotionally and defensively.

Strategic moves can also be ignored. For example, in a sales negotiation, when the buyer of advertising from a TV station mentions the poor ratings of a show under discussion, the seller can just ignore the aspersion. Of course the move has been made and it sits there. It is not clear whether the seller agrees or not. When seriously demeaning moves are made about sex or race, to ignore them is potentially to collude in that positioning.⁹ Remaining silent implicitly reinforces racist or sexist aspersions.

But moves can be resisted through the use of turns.¹⁰ Turns are intended to change the dynamics of the interactions. First, as responses to moves, turns are moments of potential resistance, where the recipient of the move refuses to take up the defensive position in which she is placed. Second, turns change meaning and so can re-position the person. Turns shift the meaning of the move: they resist the positioning and reframe it. When meanings are unstable, as they are in an unfolding negotiation where two or more interpretations exist at any given moment, these indirect methods or turns can reframe how parties are viewed. A repertoire of turns, such as interrupting the action, naming a challenge, questioning the move, correcting impressions, and diverting to the problem, are means negotiators use to resist the positioning.

Interruption. Interrupting the action disrupts the move. Even the shortest break—getting up from the table, taking a drink of water—shifts the dynamic. People are not in precisely the same position after it.

Naming. To name a move signals recognition of what is occurring. It suggests that the negotiator is not taken in. The turner, in other words, rejects the positioning. To the move, “do not get so upset,” a naming turn could be: “I am surprised you said that.”

Questioning. Questioning suggests something puzzling about a move. Rather than directly naming a move, to question it is to throw it back to the mover—implying one is not sure what prompted it. “Upset? I am not clear what you mean.” would use a question to turn the move.

Correcting. A correcting turn substitutes a different version or motivation to the one the move implied. Rather than just rejecting the positioning, a correcting turn constructs a different positioning for the turner that can neutralize the move. “I always get excited when issues matter to me” would correct the move.

Diverting. A diverting turn shifts the focus to the problem itself. It is a way of ignoring the implication of the move but also has the negotiator take control of the process. “Let’s not focus on my emotional state and figure out what we need to do” is a way to divert the move.

Just as strategic moves can be used to bolster one’s position vis-à-vis the other party and/or as a means to enlist the other to work together, there are analogous choices in the use of turns.

Equity Turns

Equity turns are used to establish some sense of parity in a negotiation. When competence, ideas, or style are challenged, the negotiator turns the move in order to try to level the playing field. Without a negotiator who is equally able to advocate for herself, there is little incentive for the other party to engage in serious negotiations, particularly the work of mutual gains negotiation. That is, the other party needs a credible advocate, not a defensive wimp, in order to engage. Power moves, which bring people to the table to seriously negotiate, and equity turns are a means to promote interdependence in negotiation. Moves that serve to disempower or put a party on the defensive can be seen as an action by the mover to assert control in the process. These moves signal that the mover sees herself in a one-up position and hence less dependent on the outcome of the negotiation.

What follows is that the target of the move is seen in a one-down position and more dependent. By turning such moves, the target resists this definition. By turning the move, the turner encourages the mover to reconsider; they are more interdependent than the mover might want to acknowledge. In this way, equity turns in the shadow negotiation are one of the ways parties negotiate power and control. Naming and correcting turns are more likely to function in this way and are more common in the earlier stages of a negotiation.¹¹

Participative Turns

Just as appreciative moves, like face-saving and drawing out the other's perspective, are used to engage the other parties, so participative turns, in response to moves, can serve a similar function. Whereas equity turns can put the other party on the defensive, participative turns position the other party more as a partner. Turns are participative when they are phrased in such a way that they leave space for the other person to talk from her own legitimate, not defensive, position. These turns acknowledge the problem, but open up the possibility that both can talk about the situation. They can shift the negotiation from blaming and defending to an exploration of what may be possible in the circumstances. Questioning and diverting turns are more likely to accomplish this end.

In an interesting example from the world stage, in trade negotiations between U.S. Trade Representative Charlene Barshefsky and her Chinese counterpart over intellectual property, Barshefsky used interruption and diverting turns *participatively* in response to a threat.

Menacingly, he (Chinese negotiator) leaned forward across the table toward Barshefsky and said flatly, "It's take it or leave it." Barshefsky, taken aback by the harsh tone, surprised her counterpart by sitting quietly. She waited 30-40 seconds—an eternity given the intensity of the negotiation—and came back with a measured reply: "If the choice is take or leave it, of course I'll leave it. But I can't imagine that's what you meant. I think what you mean is that you'd like me to think over your last offer and that we can continue tomorrow."¹²

Barshefsky's *participative turn* of the threat disrupted it and resulted in a major compromise the next morning. The *interruption* (her silence) was important; it enabled her to reassert control. Further, her *diverting turn* signaled her intention to revise the Chinese negotiator's offer, but did it in a way that gave him space to back down. In this case, her turning a threat signaled that this tactic would not work and pushed the *mover* to reconsider.

Both equity and participative turns have the potential to be critical in shifting a negotiation. Equity turns can involve each party testing the other's mettle. Such posturing can move the negotiations along. Of course, it is also possible that this kind of posturing can result in backlash and impasse. Participative turns seem to be more likely to lead to positive transitions and even the possibility that some forms of transformation might occur.¹³

There's more to negotiation than haggling over issues and working out solutions. The shadow negotiation, though often overlooked, is a critical parallel process to the work negotiators do on their substantive issues. At and away from the bargaining table, negotiators proactively use a range of strategic moves that get negotiations going and moving in a particular direction. Whether a bargainer uses power, process, or appreciative moves in the shadow negotiation depends on the demands of the situation. Power moves encourage another party to recognize the need to negotiate in the first place. [Hawkins, et al., *Access*] Process moves create a context in which a bargainer can shape the negotiation agenda and dynamic so that he or she can be a more effective advocate. Appreciative moves engage the other party in a collaborative exchange by fostering more trust and, possibly, candor in the shadow negotiation. At the same time once into the negotiations, a person can be on the receiving end of strategic moves by the other party(s) that

can put her on the defensive. It is difficult to negotiate proactively from a defensive position. Effective negotiators use a range of *turns* to shift the dynamics by leveling the playing field and/or by fostering participation. A consideration of strategic moves, and turns in response to them, opens a window into an often overlooked dimension of negotiations—how parties position themselves relative to each other. This parallel process is worthy of further investigation.

Endnotes

¹ See DEBORAH M. KOLB & JUDITH WILLIAMS, *EVERYDAY NEGOTIATION* (rev. ed. 2003); DEBORAH M. KOLB & JUDITH WILLIAMS, *THE SHADOW NEGOTIATION* (rev. ed. 2000).

² Positioning should not be confused with position. Bronwyn Davies, and Rom Harre, *Positioning: The Discursive Production of Selves*, 1 *JOURNAL OF THE THEORY OF SOCIAL BEHAVIOR* 43 (1990).

³ Carol Rose contends, for example, that it does not matter whether women are or are not more inclined to cooperation and accommodation in their negotiations. The assumption that they are makes the job of getting people to the table more difficult and the pressure to make concessions, once there, almost inevitable. Carol Rose, *Bargaining and Gender*, 18 *HARVARD JOURNAL OF LAW & PUBLIC POLICY* 547 (1995).

⁴ See Deborah M. Kolb & Judith Williams, *Breakthrough Bargaining*, 2001 *HARVARD BUSINESS REVIEW* (Feb. 2001).

⁵ This notion of strategic moves and their potential effect on negotiators needs to be distinguished from other tactics that appear similar. One type discussed widely in the literature is so called “dirty tricks” where negotiators employ some familiar tactics, such as good cop-bad cop, or blinding light in the eyes in order to throw the other negotiator off. ROGER FISHER, ET AL., *GETTING TO YES: NEGOTIATING AGREEMENT WITHOUT GIVING IN* 136 (2d ed. 1991). Strategic moves, as we use them here, are not necessarily malicious in intent, nor even intentional, in the sense that they are meant to put off the other party, although they can be. As part of the normal by-play of the negotiations, they occur as one party tries to advocate effectively for himself.

⁶ See Sara Cobb, *Empowerment and Mediation: A Narrative Perspective*, 9 *NEGOTIATION JOURNAL* 245 (1993); KOLB & WILLIAMS, *EVERYDAY NEGOTIATION*, *supra* note 1.

⁷ SILVIA GHERARDI, *GENDER, SYMBOLISM, AND ORGANIZATIONAL CULTURES* (1995).

⁸ The focus on the dispersion of power and its multiple modes of functioning has helped scholars focus on the micro processes that construct gender in the workplace. Joanne Martin & Debra Meyerson, *Women and Power: Conformity, Resistance, and Disorganized Coaction*, in *POWER AND INFLUENCE IN ORGANIZATIONS* (Roderick M. Kramer & Margaret A. Neale eds., 1998); JOYCE K. FLETCHER, *DISAPPEARING ACTS: GENDER, POWER, AND RELATIONAL PRACTICE AT WORK* (1999). It also serves to empower people in workplace interactions to resist these exercises of power. DEBRA MEYERSON, *TEMPERED RADICALS: HOW PEOPLE USE DIFFERENCE TO INSPIRE CHANGE AT WORK* (2001).

⁹ See GHERARDI, *supra* note 7; KOLB & WILLIAMS, *EVERYDAY NEGOTIATION*, *supra* note 1.

¹⁰ Turns can be seen as exercises of resistance. By recognizing the ways social structures operate through micro processes of power in commonplace interactions, individuals can act individually and collectively to change narratives that position them to disadvantage. PATRICIA EWICK AND SUSAN SILBEY, *THE COMMON PLACE OF LAW: STORIES FROM EVERYDAY LIFE* (1998).

¹¹ Deborah M. Kolb, *Staying in the Game or Changing It: An Analysis of Moves and Turns in Negotiation*, 20 *NEGOTIATION JOURNAL* 253 (2004).

¹² James K. Sebenius & Rebecca Hulse, *Harvard Business School Case: Charlene Barshefsky (B)* (2001).

¹³ It is important to note, that recognizing a move as such and acting to turn it is not always clear cut. I have observed how overtures intended to uncover interests and learn more about a party's situation can often be read as a move. For example, in a buyer-seller negotiation, one can ask about the success of the seller's product or service or what her aspirations are for how it will do in the future. This kind of inquiry can lead to the creation of contingent agreements Max H. Bazerman & James J. Gillespie, *Betting on the Future: The Virtues of Contingent Contracts*, 1999 *HARVARD BUSINESS REVIEW* 155-60 (Sept. 1999). However, it can also be read as a move to discredit the seller's service. Rather than being forthcoming about aspirations (a good thing), the seller gets into a defensive mode or tries to turn what they misread as a move (a bad thing).